

**CITY OF COLERAINE, MINNESOTA**  
**ORDINANCE 12: LAND USE CONTROLS**  
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## 12.00 TITLE

This ordinance shall be known as the LAND USE CONTROLS ORDINANCE FOR THE CITY OF COLERAINE, MINNESOTA, and otherwise be referred to as Ordinance Number 12.

## 12.01 AUTHORITY AND PURPOSE

### 12.011 Authority and Jurisdiction

This ordinance establishes zoning, land subdivision and on-site sanitation regulations for and within the City of Coleraine, Minnesota in pursuance of the authority granted by Chapters 462 and 105, Minnesota Statutes, to promote the health, safety, morals and general welfare of the inhabitants by dividing the City into zones and regulating the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open space, the density and distribution of population, the uses of buildings, and structures for trade, industry, recreation, public activities, agriculture, forestry, soil conservation, water supply conservation, conservation of shore lands, access to direct sunlight for solar energy systems, and flood control.

### 12.012 City Comprehensive Plan

The Coleraine City Comprehensive Plan shall be the document known as the "Coleraine Comprehensive Plan 2010 Updated 2015" adopted January 12, 2015. The City Comprehensive Plan may be amended by the City Council from time to time in accordance with the procedures set forth in Chapter 462, Minnesota Statutes.

### 12.013 Intent and Purpose

This ordinance is adopted for the purpose of:

- a. Protecting the health, safety, morals, comfort, convenience and general welfare.
- b. Regulating land use in accordance with the City Comprehensive Plan.
- c. Dividing the city into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of structures and land.
- d. Promoting orderly development of the residential, business, industrial, recreational and public areas.
- e. Providing adequate light, air, access to direct sunlight, and convenience of access to property.
- f. Limiting congestion in the public rights-of-way.
- g. Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings around them.
- h. Providing for the compatibility of different land uses and the most appropriate use of land throughout the city.
- i. Insuring the responsible, technically correct and appropriate legal division of land.
- j. Maintaining and enhancing the quality and condition of natural resources within the city.
- k. Providing for the administration of this ordinance and amendments thereto.

## 12.02 GENERAL

### 12.021 Rules of Construction

- A. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. Words used in the present tense include the future tense and the singular includes the plural unless the context clearly indicates the contrary.
- C. The word building includes the word structure.
- D. The word shall is mandatory and the word may is permissive.
- E. The word lot includes the words parcel or plot.
- F. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
- G. Any word or term not interpreted or defined shall be used with a meaning of common or standard utilization.

**12.022 Scope, Application and Interpretation**

- A. Interpretation. 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, morals and general welfare.
- B. Conflicting regulations. Whenever any provision of this ordinance is found to be in conflict with the provisions of any other city ordinance, the ordinance containing the most restrictive requirements shall govern.
- C. Scope.
  - 1. No structure, or part thereof, shall be erected, converted, enlarged, reconstructed, altered or moved and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this ordinance.
  - 2. No site or lot or part thereof shall be converted, enlarged, reconstructed, altered or used for any purpose or in any manner which is not in conformity with the provisions of this ordinance.
  - 3. No Zoning Permit shall be required for: local public utility distribution lines, farming, recreational trails, forest management activities except as stipulated in shoreland areas, lawn ornamentation, remodeling of existing structures, accessory structure of 100 square feet or less that meets all setbacks, and satellite receiving antennas and apparatus of a diameter of 12 feet or less that meet all setbacks except as stipulated in shoreland areas.
  - 4. Whenever in any zone district a use is neither specifically permitted nor denied, the use may be considered as a Conditional Use. The applicant shall make a showing that the proposed use is similar to a listed Permitted or Conditional Use, consistent with the purpose of the zoning district in which the proposed use will be located, compatible with surrounding uses, and conforms to the City Comprehensive Plan. The Zoning Officer shall determine if the Conditional Use application is complete and then submit the application for consideration in accord with Section 12.11 of this Ordinance.

**12.023 Vested Rights**

Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment change or modifications as may be necessary to the preservation or protection of the public health, safety and general welfare.

#### 12.024 Separability

- A. **Validity, general application.** If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgement shall not affect any other provisions of this ordinance not specifically in said judgement.
- B. **Validity, specific application.** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgement shall not affect the application of said provision to any other property, building or structure not specifically included in said judgement.

#### 12.025 Lot Provisions

- A. **Reduction in lot area.** No lot of record shall be reduced in size below the district requirements of this ordinance.
- B. **Use.** A lot of record for which a deed has been recorded in the office of Recorder for Itasca County prior to the effective date of this ordinance shall be deemed a buildable lot even the lot area and/or dimensions are less than those required for the district in which the lot is located provided.
  - 1. It fronts on a public right-of-way;
  - 2. All other requirements of the district are met;
  - 3. No adjacent land or lot is now owned by an owner of the lot in question at any time since date of enactment of this ordinance. Where adjacent land is owned, lots shall be combined so as to create a lot meeting the requirements of this ordinance; and
  - 4. That any lot so excepted shall be no less than 50 feet in width.
- C. **Contiguous lots.** Two (2) lots of record when contiguous and when held in common ownership may be treated together as a single lot for purpose of this ordinance, provided such lots are located in the same district or if in different districts, the use proposed for either is allowed in both districts.
- D. **One principal building per lot.** Except for a Planned Unit Development or a multiple-family project as provided herein, not more than one principal building shall be located on a lot in any residential district.
- E. **Exceptions.** The minimum lot width, lot area, and setback requirements established herein shall be maintained for the placement of all structures and additions unless otherwise provided. Greater lot area per unit may be required if necessary to provide for proper sewage treatment. Any structure in any zone district may have an extended roof line which encroaches upon the minimum side and rear yard setbacks, provided such encroachment shall not interfere with the adjacent property owner's solar access or create a drainage problem.

#### 12.026 Other Provisions

- A. **Sewage treatment.** Structures which require sewage treatment facilities and which locate on a lot serviced by public sewage collection shall be required to connect to such system. Any premises intended for human occupancy must be provided with an approved method of sewage treatment designed in accord with all regulations of the Minnesota Department of Health or as otherwise specified in this or pertinent ordinances of the City of Coleraine. No certificate of occupancy shall be issued prior to such permit or approval.

- B. **Construction schedule.** Construction of a building or structure or commencement of a use shall be substantially begun within 12 months of the date of issue of a permit or said permit shall become void. Permit extensions may be granted by the Zoning Officer, provided that the proposed extension meets requirements of this ordinance; said extensions shall be in writing. Commercial and industrial structures and uses shall be completed within the time period specified on the permit or 12 months, whichever is shorter, or said permit shall become void. Extensions may be granted by the Zoning Officer, provided that the proposed extension meets requirements of this ordinance; said extensions shall be in writing.
- C. **Temporary dwellings.** The use and occupancy of a tent, recreational vehicle or other temporary dwelling for the purpose of living quarters is not permitted in any district.
- D. **Access to a street or road required.** Every building hereafter erected shall be on a lot having permanent legal access to a public street or road.
- E. **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.
- F. **Unplatted cemetery.** No structure may be placed closer than 50 feet of an unplatted cemetery.

**12.027 Environmental Review**

- A. **General.** The Planning Commission shall review and act upon all environmental review petitions, worksheets, and impact statements that involve conditional uses, subdivision plats, or other development proposals. It shall be the responsibility of the applicant to supply all required information and to pay all fees that may be charged by the City.
- B. **Review required.** The Planning Commission on any development proposal may require the applicant to provide information regarding the environmental effects of a proposal. This review may take the form of a discretionary Environmental Assessment Worksheet (EAW) or as specific information and analysis sought as part of the permit review process.

**12.028 Repeals**

Ordinance 9 enacted by the Coleraine City Council on September 27, 1993 and which established the City of Coleraine Planning Commission is hereby repealed.

**12.03 DEFINITIONS**

For the purposes of this ordinance, certain words contained herein shall be defined as follows:

**Accessory structure or use** – Any subordinate building or improvement on the same lot with the principal structure or use that is customarily incidental and subordinate to the principal structure or use.

**Agriculture** – The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storage of produce, provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture and provided further that the above uses shall not include the commercial feeding or garbage or offal to swine or other animals.

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

**Alley** – A public right-of-way which affords a secondary means of access to abutting property.

**Animal unit (see also “livestock”)** – As a unit of measure for use in this ordinance to determine the number of animals allowed on a given property and as defined in Section 12.101 of this Ordinance.

**Apartment** – A room or suite of rooms, including bath and kitchen facilities, in a multiple-family building designed for occupancy by a single family.

**Basement** – Any area of a structure, including crawl spaces, having its floor or base subgrade (i.e., below ground level) on all four sides, regardless of the depth of excavation below ground level.

**Block** – A single lot or series of contiguous lots enclosed within the perimeter of roads, property lines, or boundaries of a subdivision.

**Bluff** – A topographic feature such as a hill, cliff, or embankment having the following characteristics (except that an area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of a bluff):

1. Part or all of the feature is located in a shoreland area;
2. The slope rises at least 25 feet above the ordinary high water level of the water body;
3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
4. The slope must drain toward the water body.

**Bluff impact zone** – A bluff and land located within 20 feet from the top of a bluff.

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

**Borrow area (temporary or over one acre)** -- Land use involving the excavation or digging of material for use as fill exclusively at a road construction or road maintenance project. The borrow area designation would terminate once the particular road construction or maintenance project is completed, but shall in no case exceed two years.

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

**Buffer** – The use of land topography, spaces and screening to separate uses or structures from other uses or structures. The term may include the term “bufferyard”.

**Building drain** – That part of the lowest horizontal piping of a building drainage system which receives the discharge from the soil and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

**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.

**Building, principal** – A building in which is conducted the main or primary use of the lot on which it is located.

**Campground** – An open-air recreation area where temporary shelters, such as tents, recreational vehicles, and travel trailers, are intended to provide short-term occupancy.

**Cellar** – An unfinished room or set of rooms below the ground level floor capable of being used for storage but not appropriate for use as living space.

**Church (also referred to as “place of worship”)** – 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 clerk** – The city clerk of Coleraine or his or her designated agent.

**City council** – The city council of Coleraine, Minnesota.

**City engineer** – The individual, firm or their agent as designated by resolution of the City Council to perform the duties of City Engineer as defined herein.

**Club, lodge** – A non-profit organization catering exclusively to members and their guests.

**Commercial use** – The principal use of land or buildings for the sale, lease, rental or trade of products, goods, and services.

**Commissioner** – The commissioner of the Minnesota Department of Natural Resources.

**Community center facility** – A building, group of buildings, or use of land intended to serve a community's educational, recreational, religious, or service activities.

**Comprehensive plan** – The document officially adopted by the City Council and known as the comprehensive plan for the City of Coleraine as it may be amended or updated from time to time.

**Conditional use** – A land use or developed as defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in this Ordinance exist, the use or development conforms to the comprehensive plan, and the use is compatible with the existing neighborhood.

**County surveyor** – The County Surveyor of Itasca County or the authorized representative.

**Cul-de-sac** – A permanent street terminating at one end without connecting with another street and designed so that it cannot be further extended without condemnation or taking property not dedicated as a street.

**Day care center** – A use defined by Chapter 462, Minnesota Statutes, which is operated for profit for the daytime only care of children and/or adults.

**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.

**Density** – The number of dwelling units residing upon, or to be developed upon, an acre of land.

**Duplex, triplex and quad(plex)** – A dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

**Dwelling** – Any structure designed or used as the living quarters for one or more households.

**Dwelling site** – A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

**Dwelling, seasonal (cabin)** – A residence occupied on a part-time basis, not to exceed 8 months of the calendar year, and not requiring public services such as school bus transport or snow plowing of roads by a unit of government.

**Dwelling, single-family** – A detached residence, including a manufactured home, designed for one family only, constructed with a permanent foundation, and having an approved sewage treatment system.

**Dwelling, multi-family** – A residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each with an approved sewage treatment system.

**Dwelling, two-family (duplex)** – A residence designed for or occupied by two families, including a manufactured home, with separate housekeeping and cooking facilities for each with an approved sewage treatment system.

**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.

**Equal degree of encroachment** – A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**Essential services** – Above ground or underground electrical, gas, communication, steam, liquid or sewer systems for collection, distributing or transmission purposes, used by governmental departments or commissions or by public or private utilities (including cooperatives). Such systems shall include, but not be limited to, towers, poles, pole mounted appurtenances, wires, cables, conduits, pipes, sewers, drains, manholes, fire alarm boxes, police call boxes, public telephone booths and accessories thereto, all of which shall be considered as Special Structures. Electrical substations, communication repeater stations, pipe line pumping or metering stations, sewer lift stations, water wells and accessories thereto, including buildings that are an integral and protective part thereof, shall be considered as structures, which are parts of such essential service systems.

**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. Extractive use includes gravel pits but excludes Temporary Borrow areas.

**Final plat** – Official plat to be filed in the office of the Itasca County Recorder according to Minnesota Statutes and the subdivision regulations of the City of Coleraine.

**Flood** – A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

**Flood frequency** – The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

**Flood fringe** – That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Itasca County.

**Flood plain** – The beds proper and the area adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood.

**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 bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

**Floor area** – The sum of the gross horizontal areas of the floors of a building or a dwelling unit, measured from the exterior walls, or from the centerline of party walls separating buildings, excluding cellars but including basements.

**Forest land conversion** – The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

**Garage/yard/rummage sale** – The temporary display and sale of goods within the garage, driveway and/or premises of a residence.

**Government subdivision** – A full government subdivision is a government lot, or a quarter-quarter section ad infinitum; or a simple fractional part of a full government subdivision as one-half, one-fourth and similar fractions; or a simple quantity part of a full government subdivisions such as twenty acres, two hundred feet and similar measures.

**Group, foster home** – A residential use defined by Chapter 462, Minnesota Statutes, which provides housing for the developmentally retarded, physically disabled and those in need of rehabilitation, excepting mental rehabilitation.

**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.

**Height of building** – The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

**Home business** – A commercial or light industrial business use conducted on the same property on which the owner's home is situated, which is of a character or type consistent residential living, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area. A home business may be conducted within the dwelling and/or in an accessory building. Examples of acceptable light industrial uses include ice manufacture, pottery, bakery, food processing, small boat manufacturing, sheet metal products, machine shop, furniture making and woodworking, contractor's shop and yard, greenhouse and nursery, livery stable or riding center, printing and publishing, and wholesale distributor. A junk, salvage or wrecking yard is not considered a home business.

**Home occupation-1** – Any uses customarily incidental and subordinate to the principal residential use conducted within a dwelling and not in any accessory building, provided that: ~~no retail customers make purchases on the premises~~ ~~business of any sort is involved~~; ~~no stock in trade is kept or commodities sold, except as such as are made on the premises~~; no person not a member of the family residing on the premises is employed therein; ~~no mechanical equipment is used except such as may be customarily used for domestic or household purposes~~; and not more than one-fourth of the floor area of one story of the dwelling is devoted to such home occupation. Provided, however, that such home occupation shall not require external alterations or involve special construction of features; that the occupation shall be conducted entirely within the dwelling; that no display pertaining to such occupation be visible from the street; and that only one sign or device not exceeding one square foot in area may contain the name of the occupation and shall be attached to the dwelling and not be illuminated. No equipment shall be used which creates offensive noise, vibration, smoke, dust, sound, heat, glare, electrical disruption to radio, telephone or television. In particular, but not exclusively, a home occupation includes the following: artist's or craftsman's studio; licensed family day care; making clothes; office for a professional practice such as engineer, architect, lawyer or accountant; teaching, with musical instruction limited to not more than two pupils at the same time; home crafts; carpentry work; office facility of a sales person, sales or manufacturer's representative; or other uses deemed similar to the above by the Zoning Officer.

**Home occupation-2** – All uses and restrictions as defined in "Home Occupation-1" and including the following: beauty parlor, barbershop or similar personal service business provided that no more than one customer can be served at a time, and, off-street parking is provided in accordance with this Ordinance. Retail products directly related to the service business may be sold to customers of the service.

**Improved public road** – Any constructed road maintained by a unit of government as an official portion of that government's road system.

**Individual sewage disposal system (also, onsite sewage treatment system)** – A sewage disposal system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated, the word "system" as it appears in this Ordinance means individual sewage disposal system.

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

**Intensive vegetative clearing** – The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

**Invert** – The lowermost part of the inside circumference of a sewer pipe.

**Junk, salvage or wrecking yard** – Any place where one or more motor vehicles not containing current license plates, or not in operable condition, are stored in the open. Also, an area where used, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area of building shall not be included.

**Kennel** – Any structure or premises, intended for commercial activity where 4 or more dogs over 4 months of age are kept or raised for compensation. A person's home where less than 10 dogs are kept as pets is not a kennel. The keeping of 10 or more dogs as pets, for use as sled dogs or other personal or business uses is considered a kennel.

**Livestock (see also "animal unit")** – Farm animals such as horses, cows, sheep, goats, poultry, etc. kept for use or profit, excluding poultry and rabbits kept as pets or raised for personal use.

**Lot** – A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.

**Lot area** – The area of a lot in square feet or acres as bounded by the lot lines.

**Lot coverage** – Lot coverage shall include all structures, driving surfaces including gravel surfaces and parking areas regardless of type of surface.

**Lot of record** – A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation which has been recorded in the office of Recorder of Itasca County.

**Lot water frontage** – Shall be the minimum distance between the points of intersection of the side lot lines and the ordinary high water level.

**Lot width** – The shortest distance between lot lines measured at the midpoint of the building line.

**Manufactured home (includes "mobile home")** – A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification with the State of Minnesota as provide by statute.

**Metes and bounds** – A description of a tract or parcel of land by course and distance, by reference to natural or artificial monuments, or any other method of means except by a full government subdivision, fractional amount of a full government subdivision, or by reference to a survey filed with the Itasca County Recorder.

**Minor utility structure** – An above ground structure of less than 400 square feet in area housing facilities such as water or wastewater pumps, telephone switching systems, electrical transformers or substations, and the like.

**Nonconformity** – The legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded, or authorized.

**Obstruction** -- Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water.

**Offices, business** – A building in which business of a non-retail low traffic generating nature and clerical services and duties are carried out, including corporate offices, banks, credit unions, insurance and real estate offices and similar uses.

**Offices, professional** – A building in which professional and management duties and services are carried out, including medical and dental clinics and offices, psychiatrists and psychologists offices, architectural, engineering, planning and legal offices, and similar uses.

**Onsite sewage treatment system** – See “individual sewage disposal system.”

**Ordinary high water level** – The boundary of public waters and wetlands, and shall be an elevation delineating the highest 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.

**Outdoor storage** – The practice and keeping of materials, supplies, and/or equipment on a lot but not within the confines of a structure.

**Permanent foundation** – The structural supports of a building that allow the building to be physically attached to the ground.

**Permanent mobile home** – [term to be deleted – see “manufactured home”]

**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, cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

**Planned unit development, commercial** – Typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

**Planned unit development, residential** – A use where the nature of residency is nontransient 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 residential planned unit development, a development must contain at least 5 dwelling units or sites.

**Planning director** – The individual, firm or their agent as designated by resolution of the City Council to perform the duties of Planning Director as defined herein.

**Plat** – The diagram, map, drawing, or chart drawn to scale and showing all the essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey, that is required for a complete and accurate description of the land which it delineates. This is the document on which the subdivider’s plan or subdivision is presented to the Planning Commission for consideration.

**Practical difficulties** – As used in used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

**Principal use or structure** – The main use to which the premises are devoted and the principal purpose for which the premises exist.

**Private road** – A purported roadway or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publically dedicated road.

**Public water** – A body of water capable of substantial public use. For the purpose of this Ordinance this shall be construed to mean any lake, pond, or flowage of 10 acres or more in size, or any river or stream with a total drainage area of 2 square miles or more which has the potential to support any type of recreational pursuit or water supply purpose. 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 Minnesota Commissioner of Natural Resources shall be exempt from the provisions of this Ordinance as they apply to shoreland management.

**Public waters** – Any waters as defined in Minnesota Statutes, section 103G.005 subdivision 15.

**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.

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

**Regulatory flood protection elevation** – The elevation no lower than 1 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.

**Remodel** – An alteration of the interior or exterior portion of a structure that does not involve the replacement of the main structural frame, changes in the exterior dimensions of the structure, replacement of more than 50% of the physical structure, or, in the case of structures using on-site sewage treatment systems, changes in the occupancy greater than the rating of the on-site sewage treatment system.

**Resort** – A planned development waterfront commercial use whose primary purpose is to provide lodging and recreational opportunities.

**Retail, general sales and services** – Refers to a broad range of commercial activities operating out of a permanent structure catering to the general public.

**Road** – A public right-of-way which affords the primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, or however otherwise names or designated.

**Screening** – The use of fences, permanent landscape plantings, berms or other methods that reduce visual impact of a structure or use upon adjacent structures or uses.

**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.

**Sensitive resource management** – The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

**Septic tank** – A tank of watertight construction, provided with an inlet and outlet, whose capacity shall be such to provide an adequate detention time for sedimentation and initial decomposition and purification by anaerobic bacteria.

**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.

**Sewage** – Any water-carried domestic waste, exclusive of footing and roof drainage, of any residence, industry or commercial establishment, whether treated or untreated, and includes the liquid wastes produced by bathing, laundry and culinary operations, and from toilets and flood drains. Raw sewage is sewage which has not been subjected to any treatment process.

**Sewage treatment system** – A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated by the State of Minnesota.

**Sewer system** – The 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.

**Sexually oriented business** – An adult book store, adult body painting studio, adult companionship establishment, adult motion picture theater, adult entertainment facility, adult modeling studio, adult mini-motion picture theater, adult car wash, adult oriented cabaret, or adult sauna as defined in Ordinance 11.

**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.

**Shoreland** – Land located within the following distances from public waters: 1000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

**Sign** – Any letter, work, symbol, model, printed, projected, or affixed device, poster, picture, reading matter, or other representation in the nature of advertisement, announcement, direction of informative device including structural and component parts, that is located outdoors and is larger than 1 square foot in area.

\_\_\_\_\_, **abandoned** – A sign which becomes vacant or unoccupied for a period of 6 months or more, or a sign which pertains to an event, time or purpose which no longer applies, or a sign which no longer correctly directs a person or advertises a product or activity that is no longer active. A sign which applies to a business temporarily suspended because of changes of ownership or management of such business shall not be considered an abandoned sign unless the property on which the sign is located remains vacant for a period of more than 6 months.

\_\_\_\_\_, **address** – A sign identifying street address only, either written or numerical.

\_\_\_\_\_, **animated** – Any sign that has a moving or rotating part; or gives the illusion of movement by means of illumination, provided that a changing sign shall not be considered an animated sign.

\_\_\_\_\_, **area identification** – A free standing, on-premises sign which identifies a residential complex of 5 or more units, a shopping center or complex consisting of 3 or more separate business concerns, an industrial complex or park, or an office building consisting of 3 or more separate business concerns and located on the contiguous property.

\_\_\_\_\_, **banners and pennants** – Advertising or attention getting devices which resemble flags, streamers or similar devices and are made of paper, cloth, plastic or similar materials.

\_\_\_\_\_, **business** – A sign which identifies a business, product, service or commodity sold or conducted on the premises where such sign is located.

\_\_\_\_\_, **changing** – Any electronically controlled and/or lighted sign such as a message center or reader board that displays messages of an informative nature that flashes on and off or travels across the area on which the message is displayed without the lighting of such message changing in intensity.

\_\_\_\_\_, **flashing** – Any illuminated sign which, when operated, does not maintain a uniform light intensity or color at all times provided that a changing sign shall not be considered a flashing sign.

\_\_\_\_\_, **free standing** – A sign which is either attached directly to the ground or is on pylons, posts or walls and is completely independent of any building or other structures on the property on which it is located.

\_\_\_\_\_, **governmental** – A sign erected by a local or other unit of government which is used to identify a public building or area, to direct traffic or to otherwise inform the public.

\_\_\_\_\_, **illuminated** – Any sign which depends upon any artificial light source either directed at the sign or as an integral component of the sign.

\_\_\_\_\_, **multiple-faced or back-to-back** – Any sign that has one or more faces as a result of being constructed back-to-back or of a “V” type construction.

\_\_\_\_\_, **name plate** – A sign which contains only the name and address of the occupant or the name and address of the building.

\_\_\_\_\_, **non-conforming** – Any sign lawfully in existence of the effective date of this ordinance or any sign lawfully in existence on the date of any amendment to this ordinance which does not conform to the regulations affecting signs for the district in which the sign is located.

\_\_\_\_\_, **portable** – Any sign which is not affixed permanently to the premises on which it is located and which is constructed so as to permit it to be moved from place to place whether on wheels or otherwise.

\_\_\_\_\_, **projecting** – Any sign which is affixed to the outside of an exterior wall of a building and which extends more than 18 inches from the building wall face.

\_\_\_\_\_, **public service message** – A public service message refers to short term, infrequent events not promoting a single commercial venture and occurring for the benefit of the public.

\_\_\_\_\_, **roof** – Any sign which is permanently attached to the roof of a building that extends above the roof of the building to which it is attached.

\_\_\_\_\_, **wall** – Any sign that is affixed to the outside of an exterior wall or other part of any building.

**Sign area** – The area of a sign includes the space inside a continuous line drawn around and enclosing all letters, designs and background materials exclusive of structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.



**Significant historic site** – Any archeological 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 unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

**Slaughterhouse** – An establishment where poultry or animals are butchered on a commercial basis.

**Soil absorption system** – A system of trenches, beds, or pits which accepts the effluent discharge from the septic tank. A leaching system whereby the effluent is leached through the soil providing for effective filtration and aerobic treatment of the effluent.

**Solid fuel-fired heat device** – Any device designed for solid fuel combustion so that usable heat is derived for the interior of a building or structure, and includes solid fuel-fired stoves, fireplaces, cooking stoves, furnaces, boilers, water heaters and combination fuel devices which burn solid fuel. Specifically included are outdoor wood fuel heating devices. Not included are natural gas-fired fireplace logs.

**Steep slope** – Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

**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.

**Subdivider** – Any individual, firm, association, partnership, corporation or other legal entity initiating a subdivision or plat.

**Subdivision** – Land that is divided for the purpose of sale, rent, or lease, including planning unit developments.

**Surface water oriented commercial use** – (see "Waterfront commercial")

**Temporary Second Dwelling Unit** – A temporary second dwelling unit is intended to allow an elderly family member that has a medical condition or a special need to live independently. It is further intended that the use is clearly temporary and not to exceed a period of five years. For this section, the term family member would include a parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece. This relationship may be by blood or marriage.

**Toe of the bluff** – The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the toe of the bluff shall be the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

**Top of the bluff** – The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

**Towers** – Any pole, telescoping mast, tower, tripods, or any other structure that supports a secondary device. Also See Section 12.105.

**Tract** – Any parcel, lot, or area of land which is individually assessed for tax purposes.

**Transfer station** – A facility in which solid waste from collection vehicles or individuals is concentrated for subsequent transport. A transfer station may be fixed or mobile.

**Use** – The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this Ordinance.

**Variance** – Any modification, or relief from, this Ordinance where it is determined by the Planning Commission acting as the Board of Zoning Appeals that, by reason of exceptional circumstances which have not been brought about by the actions of the property owner, the strict enforcement of the provisions of this ordinance would cause practical difficulties as defined herein and, which variance is granted, will be in keeping with the spirit and intent of this ordinance and will not alter the essential character of the locality.

**Waterfront commercial** – The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

**Water-oriented accessory structure or facility** – A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

**Wetland** – Shall be defined by the Minnesota Wetland Conservation Act of 1991, Chapter 354 and all subsequent amendments.

**Wood processing activities** – A use involving mechanical equipment for the purpose of altering timber and timber by-products, such as debarking, chipping, and/or milling.

**Yard** – A required open space unoccupied and unobstructed by any structures.

**Yard, front** – A yard extending across a lot between the side yard setback lines and lying between the right-of-way of a road and the road setback or, in the case of water frontage only, lying between the ordinary high water level and the shoreline setback.

**Yard, rear** – A yard extending across a lot between the inner side yard lines, and extending from the rear lot line or shoreline to the minimum rear yard or shoreline setback.

**Yard, side** – A yard extending from the front lot line to the rear lot line, and extending from the side lot line a distance equal to the minimum side yard setback for accessory structures.

**Zoning Officer** – The individual, firm or their agent designated by resolution of the City Council to perform the duties of Zoning Officer as defined herein.

12.04 (Reserved)

12.05 ADMINISTRATION

**12.051 Zoning Officer**

- A. **Authority.** The provisions of this ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the City Council.
- B. **Duties and Responsibilities.** The Zoning Officer shall have the following duties and responsibilities:
  - 1. Determine that all zoning permits comply with the terms of this Ordinance.

2. Conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.
3. Maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, fee schedules, and permits.
4. Receive, file, and forward all applications for appeals, variances, conditional uses and other matters to the designated official bodies.
5. Initiate, in the name of the City of Coleraine, any appropriate actions or proceedings against a violator of this Ordinance as provided by law.
6. Interpret and administrate this Ordinance subject to appeals to the Planning Commission acting as the Board of Appeals.

#### **12.052 Zoning Permit**

- A. **Permit Required.** A Zoning Permit shall be obtained before any person may:
1. Occupy or use any vacant land; or
  2. Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged; or
  3. Change the use of a structure or land to a different use; or
  4. Change a non-conforming use; or
  5. Place any fill or excavate in any area designated as a shoreland, wetland or which is identified on the Flood Hazard Map.
- B. **Information Required.** Applications for a Zoning Permit shall be accompanied by a plot plan showing clearly and completely the location, dimensions and nature of any structure involved and such other information as the Zoning Officer may require for the administration of this Ordinance, together with a filing fee in accordance with as schedule established by resolution of the City Council.

#### **12.053 Certificates and Compliance**

No building or structure hereafter erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Compliance has been issued by the Zoning Officer. Said certificate shall state that the structure or building complies with all provisions of this Ordinance, other applicable regulations of the City, and that all conditions or safeguards established in connection with the grant of any variance or issuance of any permit under this Ordinance have been satisfied. Application for said certificate shall be made at the same time as application is made for a Zoning Permit.

#### **12.054 Planning Commission**

- A. **Establishment.** A City Planning Commission for the City of Coleraine is hereby established.
- B. **Membership.**
1. The Planning Commission shall consist of no more than five members who shall be appointed by resolution of the City Council. One member shall be selected by the City Council from its own members. The City Clerk and City Engineer shall be ex officio members of the Planning Commission.
  2. Initial terms shall have staggered lengths with two members having a 1 year term and three members having a 2 year term. Thereafter, all appointments shall be for terms of 3 years.

3. Members may be reappointed upon resolution of the City Council.
4. Any vacancy occurring in the membership of the Planning Commission shall be filled, for the unexpired term only, by resolution of the City Council.
5. Members of the Planning Commission shall reside in and be registered voters of the City of Coleraine.
6. The Planning Commission shall adopt by-laws and elect from among the appointed members a chair and vice-chair.
7. Members shall serve without pay but may be reimbursed for expenses pertaining to Planning Commission business upon receiving prior authorization and approval by resolution of the City Council.
8. The City Council may remove any member of the Planning Commission for good cause. For the purpose of this Ordinance "good cause" shall include failure to regularly attend meetings of the Planning Commission.
9. The City Attorney shall act as the legal advisor to the Planning Commission.

**C. Duties and Responsibilities.** The Planning Commission shall exercise the following duties and responsibilities:

1. Oversee the preparation of the Coleraine zoning and subdivision ordinances.
2. Hear and review original applications and renewal applications and submit reports and offer recommendations thereon to the City Council for special use permits, grading and filling permits, subdivision plat approval, planned unit developments, mobile/manufactured home subdivisions, commercial and industrial development permits, variances, and any other matters to be considered by it under the City zoning and subdivision codes.
3. Initiate procedures for changes and amendments to the City zoning and subdivision ordinances.
4. Hear, review and make recommendations to the City Council on amendments to the City zoning and subdivision ordinances proposed by the City Council.
5. Recommend to the City Council changes to the Coleraine Comprehensive Plan.
6. Prepare and recommend to the City Council plans for specific projects pursuant to the Coleraine Comprehensive Plan and to aid the City Council in the development and completion of such projects.
7. Exercise all powers and perform all duties granted to a planning commission by Sections 462.351 to 462.364 of the Minnesota Statutes.
8. Establish applications, checklists and procedures, including the conduct of public hearings, to assist it in handling matters considered by it.
9. Review Environmental Assessment Worksheets and other environmental documents and submit reports and offer recommendations thereon to the City Council.
10. Act with the authority of a Board of Zoning Appeals.
11. Perform such other functions as may be resolution of the City Council be delegated to it.

**D. Meetings and Reporting.**

1. The Planning Commission shall meet at stated regular intervals fixed by the by-laws of the Planning Commission or at the call of the chair or Planning Commission as determined by the by-laws.
  2. All meetings of the Planning Commission shall be open to the public unless involving matters for which meetings may be closed to the public under the Minnesota Open Meeting Laws.
  3. The Planning Commission shall make and keep minutes of its meetings and records of its hearings and other official actions.
  4. The Planning Commission shall adopt by-laws providing reasonable rules and regulations for the conduct of its business.
  5. The Planning Commission shall render any decisions and findings in writing to the City Council as soon as possible after its decision on any matter considered by it.
  6. No action of the Planning Commission shall be taken without a quorum consisting of 3 appointed members being present.
  7. The concurring vote of a majority of the members voting on any matter shall be necessary for any action to be taken by the Planning Commission.
- E. **General.** In exercising the authority granted it under this Ordinance, the Planning Commission shall be guided by the pertinent laws of the State of Minnesota and the ordinances and procedures of the City of Coleraine.

#### **12.055 Board of Zoning Appeals**

- A. **Designation.** The Planning Commission is hereby designated to act as the Board of Zoning Appeals in accordance with Chapter 462 of Minnesota Statutes, as amended. The rules governing meetings, voting and other pertinent aspect of the operations of a Board of Zoning Appeals shall be the same as those established for the Planning Commission.
- B. **Duties and Powers.** When acting as the Board of Zoning Appeals, the Planning Commission shall not have the power to alter or change the zoning district classification of any property nor to make any change in the terms of intent of this Ordinance. Subject to appeals to the City Council, the Planning Commission acting as the Board of Zoning Appeals shall have the authority to act on the following matters:
1. 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 officer in the interpretation or enforcement of this Ordinance.
  2. To hear requests for variances from the literal provisions of this Ordinance.

#### **12.056 Variances**

- A. **Applications.** The owner(s) of land may file a signed application with the Zoning Officer on forms provided by the City. The application shall be accompanied by plans drawn to scale and illustrations which accurately reflect existing conditions and the improvements to be made if the variance is granted. The application shall clearly articulate the nature of the circumstances surrounding the request for a variance.
- B. **Appeals.** A person(s) may appeal a decision made by the Zoning Officer or other administrative officers by filing a written appeal within 30 days of the decision of said officer.
- C. **Hearing and Notice.** The Zoning Officer shall cause to be published a notice of public hearing before the Planning Commission acting as the Board of Zoning Appeals in the

official newspaper not less than 10 days prior to the hearing date. Notices shall also be mailed to all owners of property within 300 feet of the parcel included in the request not less than 10 days prior to the hearing.

- D. **Commission Decisions.** Within 60 days after receipt of the application, the Planning Commission acting as the Board of Zoning Appeals shall conduct a public hearing and decide on the variance or appeal. If the Commission grants the variance, the Commission may impose such conditions as it deems necessary to insure compliance with the intent of this Ordinance.
- E. **Findings for Variances.** The Planning Commission acting as the Board of Zoning Appeals shall not grant a petition for a variance unless it determines that the strict enforcement of this Ordinance would cause practical difficulties, as defined herein, because of circumstances unique to the individual property under consideration and that the granting of such variance(s) will be in keeping with the spirit and intent of this Ordinance.
1. Required findings. Specifically, in order to grant a petition for a variance, the Planning Commission acting as the Board of Zoning Appeals must find that each of the following conditions are met:
    - i. The applicant has established that there are practical difficulties in complying with the conditions allowed by the official controls; and
    - ii. The property in question cannot be put to reasonable use if used under conditions allowed by the official controls; economic considerations alone shall not constitute a practical difficulty if reasonable use for the property exists under the terms of this ordinance; practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems; and
    - iii. The plight of the landowner is due to circumstances unique to the property and not created by the landowner; and
    - iv. The proposed use is allowed under the zoning ordinance for property in the zone where the subject property is located; and
    - v. The variance is consistent with the comprehensive plan; and
    - vi. If granted, the variance will not alter the essential character of the locality; and
    - vii. If granted, the variance will be in keeping with the spirit and intent of this Ordinance; and
    - viii. The variance being requested is not prohibited by Minnesota law.
  2. Temporary dwelling. Variances may be granted for temporary use of a one family dwelling as a two family dwelling if a two family dwelling is permitted in the zone district in which the subject property is located.
  3. Earth sheltered construction. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
  4. Conditions. The Planning Commission acting as the Board of Zoning Appeals may impose conditions in the granting of variance(s). A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

- F. **Burden of Proof.** It shall be the burden of the applicant to demonstrate sufficient practical difficulties to sustain the need for a variance. Absent a showing of practical difficulties as provided in Minnesota Statutes and this Ordinance, the Planning Commission acting as the Board of Zoning Appeals shall not approve any variance.
- G. **Written Findings.** Decisions by the Planning Commission acting as the Board of Zoning Appeals shall be rendered in writing stating the reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing and according to the criteria contained in this Ordinance.
- H. **Appeals of Decisions.** Any person(s) who deems themselves aggrieved by the Commission's decision including, but not limited to, the petitioner, an affected property owner or and administrative officer of the City, may appeal the decision of the Commission to the City Council within 15 days after the decision by the Commission.
- I. **City Council Public Hearing.** Following the notice procedures prescribed in 12.056 C of this Ordinance, the City Council shall decide the appeal upon the record and findings of the Planning Commission acting as the Board of Zoning Appeals within 60 days after the appeal date, unless the City Council's decision is continued for a period not to exceed 45 days. The City Council may affirm the decision by the Commission, reverse the decision, or remand the matter back to the Commission for additional findings. If the action of the Council results in the variance being granted, the Council may impose such conditions as it deems necessary to insure compliance with the intent of this Ordinance.
- J. **Resubmissions.** No application which has been denied by the Commission, or, on appeal, by the City Council, shall be resubmitted for a period of 1 year from the date of denial.
- K. **Lapse and Extension.** If, within 1 year after the date of the variance was granted, a zoning permit was not obtained, the variance shall become null and void. If the applicant requests an extension in writing within 1 year of issuance, the City Council shall conduct a public hearing and consider the extension utilizing the same notice procedures as required by the original application. The City Council may extend the variance for up to 1 years upon finding that: 1) a good faith effort has been made to use the variance; 2) there is reasonable expectation that the variance will be used; and 3) the facts upon which the original variance was issued are essentially unchanged.

#### **12.057 Enforcement, Penalties and Remedies**

- A. **Investigation and Notice.** The Zoning Officer shall investigate all alleged violations of this Ordinance, notify the property owner in writing of the violations, and direct the property owner to correct violations within a reasonable period of time. If compliance is not granted within a reasonable period of time, the Zoning Officer shall report such violation to the City Attorney and proceed to take appropriate and immediate legal action on the matter.
- B. **Violations and Penalties.** Any person(s), firm(s), corporation(s), or voluntary association(s) which violates or refuses to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. **Remedies.** In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, moved, maintained or used in violation of this Ordinance, the City Council, in addition to other remedies herein stated, may institute in the name of the City any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or use constituting a violation.

#### **12.058 Amendments and Rezoning Procedures**

- A. **Authority.** The City Council upon the recommendation of the Planning Commission shall have the authority to amend this Ordinance.
- B. **Initiation.** The City Council or the Planning Commission may, upon their own motion, initiate a request to amend the text or the zoning map of this Ordinance. Any person(s), firm(s), corporation(s) or other entity owning real estate in Coleraine may initiate a request to amend the district boundaries or the text of this Ordinance. No application for an amendment which has been denied wholly or in part shall be resubmitted to the City Council within 60 days after the date of application. If no recommendation is transmitted by the Planning Commission within 60 days as prescribed, the City Council may take action without further awaiting such recommendation.
- C. **Notice and Hearing.** The City Council upon receiving the recommendation of the Planning Commission or after 60 days from the submission thereof to the Planning Commission without a recommendation, shall review the application, and if a majority of the City Council is in favor, set a public hearing. Notice of a regular or special meeting, at which a public hearing will be held shall be given publication at least once in the official newspaper, not less than then 10 days prior to said hearing, stating the time and place. Notice shall also be mailed to all owners of property within 300 feet of the parcel included in the request not less than 10 days prior to the meeting. Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with notice requirements was made.
- D. **Amendment of Shoreland and Flood Hazard Maps.** The shoreland designation on the official shoreland map and the flood plain designation on the official flood hazard map shall not be removed or changed for any parcel unless it can be shown that the designation is in error or, in the case of flood hazard areas, that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted only with the written authorization of the Commissioner of the Minnesota Department of Natural Resources.

**12.059 Fees**

- A. **Schedule.** The City Council shall establish, by resolution, a schedule of fees applicable to all permits, applications, petitions, appeals and penalties required for the administration and enforcement of this Ordinance. The fee schedule resolution shall be attached to all copies of this Ordinance which are distributed to the public.
- B. **Payment.** No application for a zoning permit, conditional use permit, planned unit development permit, subdivision plat, nor any other required permit, petition to amend the Zoning, Flood Hazard or Shoreland Maps, nor any appeal shall be recognized, acted upon, issued or granted unless and until all required fees have been submitted in full by means of cash, check or money order to the City Clerk. Receipt of all fees shall be subject to their collection by the City. If a fee is submitted by check or money order, no permit granted or action taken shall be of any force of effect until the check or money so submitted shall prove collectible.
- C. **Refunds.** Should a permit, petition, or appeal be denied, the fee shall not be refunded.

**12.06 ZONING MAP AND DISTRICTS**

**12.061 Establishment of Zoning Districts**

The City of Coleraine is hereby divided into the following zoning districts:

- a. R1 Residential District
- b. R2 Residential District
- c. FR Farm Residential District



- d. RR Rural Residential District
- e. MU Mixed Use District
- f. GC General Commercial District
- g. LC Limited Commercial District
- h. LIC Light Industrial Commercial District
- i. LI Light Industrial District
- j. HI Heavy Industrial District
- k. P Public Land District
- l. TR Tourism / Recreation District
- m. IM Iron Mining Overlay District

### 12.062 Purpose and Intent of Zoning Districts

The zoning districts established herein for the City of Coleraine further the general intent of this ordinance and, in addition, are established for the specific purposes stated herein.

- A. **RI Residential District.** The purpose of this district is to promote and protect areas which are the traditional residential development areas of the city in which there are smaller lots.
- B. **R2 Residential District.** The purpose of this district is to promote and protect areas for current and future residential development on larger lots some of which may not be served by public water and sanitary sewer. Mobile home parks may be allowed within this district if served by public water and sanitary sewer.
- C. **FR Farm Residential District.** The purpose of this district is to: protect and promote the continuation of rural living, farming, and forestry in areas that have historically contained these uses and have developed compatible residential patterns and transportation infrastructure; permit primarily agriculture and forestry land uses and activities; separate agricultural and forestry land uses and activities from incompatible other uses; and maintain agricultural and forest lands in sufficient size tracts for economic operations.
- D. **RR Rural Residential District.** The purpose of this district is to provide a residential district that is predominantly shoreland and rural in character and allows activities that do not degrade the rural residential character. This district is to be used to promote a high quality residential living environment.
- E. **MU Mixed Use District.** The purpose of this district is to promote and protect the Roosevelt Avenue "main street" portion of Coleraine as an area in which a mixture of commercial retail and service businesses are interspersed, and sometimes sharing the same building, with various forms of residential development including single family homes and multiple-family units.
- F. **GC General Commercial District.** The purpose of this district is to promote and protect areas to accommodate a broad range of retail goods and services land uses and generally serve the entire community. Though not exclusively so, businesses in this district are relatively free standing and tend to occupy independent building sites.
- G. **LC Limited Commercial District.** The purpose of this district is to permit a restricted range of commercial retail and service businesses to operate in close conjunction with

new recreational or mixed use developments. These businesses will serve the community at large but are also directly aimed at serving visitors to Coleraine.

- H. **LIC Light Industrial Commercial District.** The purpose of this district is to promote and protect the continuation of light commercial areas that have historically contained these uses and therefore have developed compatible commercial patterns and transportation infrastructure, and, to make land available to meet the needs of commercial establishments and light industrial plants in the form of compact business development to avoid problems of mixed land use and traffic congestion.
- I. **LI Light Industrial District.** The purpose of this district is to promote and protect areas for new, modern, high performance, low impact industrial uses. They allow a full range of light industrial fabricating and manufacturing operations plus support services but allow only limited sales of goods and services directly to the public on the premises. These businesses have minimum adverse impacts such as noise, odor, vibration, electrical emissions and the like on adjacent areas. Industrial research operations are especially desired in this district.
- J. **HI Heavy Industrial District.** The purpose of this district is to promote and protect areas for the full range of industrial enterprises specifically those which might have significant impacts on off-site properties and uses.
- K. **P Public Land District.** The purpose of this district is to recognize the unique ownership, control, and use characteristics of land owned by government agencies.
- L. **TR Tourism/Recreation District.** The purpose of this district is to promote and protect areas for a variety of public and private parks, recreation areas, tourist attractions, and recreational facilities.
- M. **IM Iron Mining Overlay District.** The purpose of this district is to provide for current or future heavy mining activities that may be governed by Minn. Stats. 93.44-93.51 and separate those uses from incompatible uses, and, support the City Comprehensive Plan by designating Iron Mining Overlay District subdistricts with mining as the priority use. Applying this district will allow: continuation and expansion of the mining industry, encourage value-added processing and use of mining products, ensure availability of mineral resources for mining while mitigating the impact on surrounding areas, and designate adjacent lands necessary for processing minerals and storing overburden, lean ore, tailings, and other mining activities.

#### **12.063 Zoning Districts Map**

The location and boundaries of the districts herein established are shown upon the Official Zoning Map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described therein. The Official Zoning Map shall be kept on file in the office of the City Clerk.

#### **12.064 Shoreland Management Areas and Map**

- A. **Water body classification.** The Minnesota Department of Natural Resources has classified the bodies of water lying within or affecting the City of Coleraine as follows:
  - 1. Natural Environment Lakes: Pear Lake (31067500).
  - 2. Recreational Development Lakes: Trout Lake (31041000).
  - 3. General Development Lakes: None.
  - 4. Forested Streams: Prairie River.
  - 5. Urban and Tributary Streams: None.

- B. **Mine pit lake classification.** Mine pit lakes in Coleraine have not been classified as public waters by the Minnesota Department of Natural Resources. For the purposes of this ordinance the City of Coleraine classifies all mine pit lakes as recreational development bodies of water and shall apply all pertinent regulations appropriate to such bodies of water.
- C. **Shoreland map.** The location and boundaries of the lands under the jurisdiction of the Shoreland Overlay regulations herein established are shown upon the Official Shoreland Management Area Map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described therein. The Shoreland Management Area Map, which be described separately or jointly with the Official Zoning Map, shall be kept on file in the office of the City Clerk

#### **12.065 Flood Hazard Areas and Map**

The location and boundaries of the lands under the jurisdiction of the Flood Hazard regulations herein established are shown upon the Official Flood Hazard Area Map, together with all notations, references and other information shown thereon, and all amendments thereto, and shall be as much a part of this Ordinance as if fully set forth and described therein. The Official Flood Hazard Map shall by, reference, be the Flood Boundary and Floodway Map and Flood Insurance Rate Map dated 1 November 1978 prepared by the Federal Insurance Administration as part of the Flood Insurance Study for Itasca County dated May 1978 The Flood Hazard Area Map, which may be described separately or jointly with the Zoning Map, shall be kept on file in the office of the City Clerk.

#### **12.066 Interpretation of Zoning Districts, Shoreland Management and Flood Hazard Maps**

##### **A. Zoning Map.**

1. District boundary lines on the Zoning Map are intended to follow lot lines, the center lines of streets, alleys, highways and rights-of-way projected, the Ordinary High Water Level of lakes, ponds and water courses or the corporate limits, all as they exist upon the effective date of this Ordinance or changed by a specific amendment thereto.
2. Where district boundaries are so indicated that they are approximately parallel to the center line of a street, alley, highway or right-of-way, such district boundary shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map, If no distance is given, such dimension shall be determined by the use of the scale of said zoning Map. The location of such boundaries shall not be affected by an future widening or realignment of the adjacent streets or highways unless provisions are made therefor by amendment to this Ordinance.
3. Where district boundaries cross property that is not subdivided into lots, and other provisions herein are not applicable, the location of the district line shall be determined by use of the scale on said Zoning Map.
4. Where a zoning district boundary line divides a parcel of land or lot which was of record into two or more districts, any portion of such a divided lot lying within 50 feet of either side of the dividing district boundary line may be used for any use permitted in either district. If, however, the distance exceeds 50 feet, the entire area of the separated portions shall only be used for the uses allowed within their respective zoning districts.
5. Whenever any street, alley or other public right-of-way is vacated by official action of the City, the zoning district on each side of such street, alley or public way shall automatically be extended to the center line.

6. Appeals from the Zoning Officer's determination concerning the exact location of district boundary lines shall be determined by the Planning Commission as the Board of Zoning Appeals.

**B. Shoreland and Flood Hazard Maps.**

1. The boundary lines for shoreland management areas shall first be attempted to be determined by use of the scale of the Shoreland Management Area Map. If such attempt proves unacceptable to either the Zoning Officer or the landowner, the landowner shall conduct, at his or her expense, a survey to accurately determine the location of the shoreland management boundary line for said parcel.
2. The boundary lines for flood hazard areas shall be determined by the use of the scale of the Flood Hazard Area Map.
3. Appeals from the Zoning Officer's determination concerning the exact location of shoreland management or flood hazard area boundary lines shall be determined by the Planning Commission acting as the Board of Zoning Appeals.

**12.067 Zoning of Annexed Lands**

Lands hereafter annexed to the City of Coleraine shall automatically be reclassified TR Tourism Recreation District upon the effective date of said annexation. Within 90 days thereafter, the City may elect to study the subject annexation area and, based upon the City Comprehensive Plan, surrounding land use, timing of development, availability of public services, existing land use patterns and other similar factors, may rezone said annexation area to one or more other classifications. If the land owner(s) wishes to have the subject property reclassified, it shall be their responsibility to petition the City for rezoning.

**12.07 ZONE DISTRICT DIMENSIONAL STANDARDS**

**12.071 Dimensions**

Table 12.071 establishes the set of dimensional standards that shall be applied within the appropriate zone districts in the City of Coleraine. These standards shall be interpreted as the minimum requirements for each pertinent subject.

Additional standards for properties located within shoreland areas are provided in 12.073.

Table 12.071. Zone District Dimensional Standards								
Zone District	Minimum Lot Area	Min. Lot Width	Maximum Lot Coverage	Side Yard (1)		Rear Yard (1)		Maximum Building Height
				Princ. (2)	Acc. (3)	Princ.	Acc.	
R1	11,250 sf	75'	30%	10'	10'	15'	5'	35'
R2	18,750 sf	125'	30%	15'	15'	15'	5'	35'
FR w/ livestock								
Single dwelling	5.0 ac	200'	30%	15'	10'	30'	10' (4)	35'
Duplex	5.5 ac	200'	30%	15'	10'	30'	10' (4)	35'
Triplex	6.0 ac	250'	30%	15'	10'	30'	10' (4)	35'
Quad	6.5 ac	300'	30%	15'	10'	30'	10' (4)	35'
FR w/o livestock								
Single dwelling	2.5 ac	200'	30%	15'	10'	30'	10'	35'
Duplex	3.0 ac	200'	30%	15'	10'	30'	10'	35'
Triplex	3.5 ac	250'	30%	15'	10'	30'	10'	35'
Quad	4.0 ac	300'	30%	15'	10'	30'	10'	35'
RR								
Single dwelling	1.5 ac	200'	30%	15'	10'	30'	10'	35'
Duplex	2.0 ac	200'	30%	15'	10'	30'	10'	35'
Triplex	2.5 ac	250'	30%	15'	10'	30'	10'	35'
Quad	3.0 ac	300'	30%	15'	10'	30'	10'	35'
MU	6,250 sf	50'	30% (5)	10' (6)	10' (6)	15' (6)	5' (6)	45'
GC	10,890 sf	75'	90%	30'	15'	30'	15'	35'
LC	10,890 sf	75'	90%	30'	15'	30'	15'	35'
LIC								
Non-residential	1.0 ac	200'	65%	15'	10'	30'	10'	35'
Single dwelling	1.0 ac	200'	30%	15'	10'	30'	10'	35'
Duplex	1.5 ac	200'	30%	15'	10'	30'	10'	35'
Triplex	2.0 ac	250'	30%	15'	10'	30'	10'	35'
Quad	2.5 ac	300'	30%	15'	10'	30'	10'	35'
LI	1.0 ac	150'	90%	25'	15'	25'	15'	45'
HI	2.5 ac	300'	65%	50'	15'	50'	15'	60'
P	2.5 ac	200'	30%	50'	50'	50'	50'	35'
TR	5.0 ac	300'	25%	75'	50'	75'	50'	35'

Notes to Table 12.071:

- (1) All setbacks are measured from the property line.
- (2) "Princ" = principal structure on property.
- (3) "Acc" = any accessory structures.
- (4) Livestock buildings must be setback 50' from any property line, and, at least 250' from a residential structure on an adjoining parcel.
- (5) For commercial buildings, including apartments, the maximum lot coverage may be increased to 90%.
- (6) For commercial buildings, including apartments, which abut other commercial uses, side yard setbacks may be set at zero (0) feet and rear yard setbacks for principal and accessory structures may be set at 5 feet.

### 12.072 Front Yard, Road right-of-way Setbacks

All buildings and structures shall be setback 35 feet from the road right-of-way or the following setbacks from the centerline of roads excluding alleys, whichever is greater:

- a. Principal and major arterials or thoroughfares, defined as all State and Federal highways (135 feet);
- b. Major collectors, defined as all County State Aid Highways (110 feet);
- c. Minor collectors, local roads, and any private road having a dedicated right-of-way of 33 feet or greater and serving 3 or more dwellings, defined as all other public roads (68 feet);
- d. Alleys, 5 feet from right-of-way.

### 12.073 Shoreland Dimensions

For structures located on lots within the shoreland management areas the following standards apply. Where these standards conflict with those listed elsewhere in this Ordinance, the more restrictive shall apply.

- A. **Placement of Structures on Lots.** The following table establishes the set of dimensional that shall be applied to all structures placed on or proposed to be placed within the shoreland areas in the City of Coleraine. These standards shall be interpreted as the minimum requirements.

Table 12.073-1. Structural Setbacks within Shoreland Areas			
Classes of Public Waters	Setbacks from OWHL in Feet		
	Structures		Sewage Treatment Systems
	Unsewered	Sewered	
<b>LAKES</b>			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50
<b>RIVERS</b>			
Remote	200	200	150
Forested and Transition	150	150	100
Agriculture, Urban and Tributary	100	50	75

Table 12.073-2. Minimum Lot Dimensions in Shorelands						
Classes of Public Waters	Unsewered			Sewered		
	Area (1)	Width	MLC (2)	Area (1)	Width	MLC (2)
<b>LAKES</b>						
Natural Environment – Rip. (3)	108,900	250'	15%	108,900	250'	15%
- Non-rip.	108,900	250'	15%	108,900	250'	15%
Recreational Development – Rip.	43,560	200'	25%	20,000	75'	25%
- Non-rip.	43,560	200'	25%	15,000	75'	25%
General Development – Rip.	40,000	150'	25%	15,000	75'	25%
- Non-rip.	40,000	150'	25%	10,000	75'	25%
<b>STREAMS</b>						
Remote	N.A.	300'	5%	N.A.	300'	5%
Forested and Transition	N.A.	250'	25%	N.A.	100'	25%
Agriculture, Urban and Tributary	N.A.	100'	25%	N.A.	100'	25%

(1) Areas are in square feet.

(2) "MLC" = maximum lot coverage.

(3) "Rip." = riparian lots; "non-rip." = non-riparian lots

- B. **Setback from Bluff.** No structure no structure may be placed closer than 30 feet from the top of a bluff. In areas with severe or rapid erosion, this distance may be increased at the judgement of the Zoning Officer or the City Engineer.
- C. **Bluff Impact Zones.** Structures and accessory facilities, except stairways, landings, and lifts, must not be placed within bluff impact zones.
- D. **Uses without Water-oriented Needs.** Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback and/or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
- E. **High Water Elevations.** Structures must be placed in accordance with floodplain regulations applicable to the site. Where none are applicable, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
1. For lakes, by placing the lowest floor at a level at least 3 feet above the highest known water level, or 3 feet above the ordinary high water level, whichever is higher;
  2. For rivers and streams, by placing the lowest floor at least 3 feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least 3 feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist; and
  3. Water-oriented structures may have the lowest floor placed lower than the elevation determined in this section 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.
- F. **Steep Slopes.** The Zoning Officer must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.
- G. **Height of Structures.** All structures in residential districts, except places of worship and non-residential agricultural structures, must not exceed 25 feet in height.

#### 12.075 Sanitary System and Water Well Standards

Any premises used for human occupancy in the City of Coleraine shall be provided with an adequate method of sewage treatment to be constructed and maintained in accordance with acceptable practices. The purpose these regulations is to provide safe and adequate methods of sanitation standards in order to:

- a. Avoid creation of a public nuisance;
- b. Prevent contamination of future and existing water supplies;

- c. Prevent pollution of lakes, streams, wetlands and ditches.

These regulations control all individual sewage treatment systems in the City of Coleraine.

**A. Licensing.**

1. Required. No person, firm or corporation shall engage in the business of installing, constructing, extending, repairing and maintaining sewage treatment systems within the City of Coleraine without first obtaining a license to carry on such an occupation from the Zoning Officer and procuring and posting with the Zoning Officer a bond in the amount of \$3,000 in favor of the City and the public, conditioned upon the faithful performance of contracts and compliance with this Ordinance. Such license shall be renewable annually on or before January 1 and may be revoked or refused renewal by the City Council for cause. Any installation, construction, alteration, maintenance or repair of a sewage treatment system by a licensee in violation of the provisions of this Ordinance or refusal on the part of the licensee to correct such defective work performed by such licensee shall be cause for revocation of or refusal to renew a license. Such annual license and a bond in the amount of \$1,000 shall be required for any person, firm or corporation providing septic tank pumping services in Coleraine.
2. Revocation hearing. Before any license issued under the provisions of this Section may be revoked or its renewal refused, the licensee shall be given a hearing by the City Council to show cause why such license should not be revoked or refused.
3. Exemption. These requirements for licenses shall not apply to the property owner who is personally installing, constructing, extending, repairing, or maintaining his or her own sewage treatment system. Such individual work, however, will be required to comply with all other sections of this Ordinance.

- B. Permits.** No person, firm or corporation shall install, construct, extend, or alter any individual sewage treatment system without first obtaining a permit therefor from the Zoning Officer for the specific installation, construction, extension or alteration; and, at the time of applying for said permit, pay the fee as established by resolution by the City Council. Such permit shall be valid for a period of 12 months from date of issue. If the work authorized by the permit has not been completed with the 12 month period, the applicant may be granted an extension of up to 1 year, in writing by the Zoning Officer, provided that the basic conditions of the original permit have not been substantially changed.

Each application for a permit shall provide:

1. The correct legal description of the property on which the proposed installation, construction, extension, or alteration is to take place;
2. Plot plan of the land showing the location of any existing or proposed buildings and roadways located on the property with respect to the property lines of the parcel;
3. Complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with minimum standards of all parts of the system to be installed, substantially altered or extended;
4. Present or proposed location of water supply facilities and water supply piping;
5. The name of the person, firm or corporation who is to install, construct, extend or alter the system;
6. Soil percolation test data when required. The percolation test results shall be the responsibility of the individual or installer; and



7. Any further information as may be required by the Zoning Officer, City Engineer, or the Planning Commission.
- C. **Construction Requirements.** Every individual sewage treatment system installed or constructed after the effective date of this Ordinance, and every alteration and extension to any system after that date shall conform to the provisions of this Ordinance.
1. Reconstruction required. Any individual sewage treatment system, regardless of the date of original installation, which creates a nuisance, endangers a water supply, or is the source of pollution to the ground water or to any surface water shall be reconstructed within 1 year after notification by the Zoning Officer.
  2. Alternative systems. Alternative methods of sewage treatment or disposal such as holding tanks, electric or gas incinerators, biological and/or tertiary waste treatment plants, land treatment systems, or new or special design shall be subject to the standards, criteria, rules and regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency. It shall be the responsibility of the applicant to prove such conformance.
- D. **Administration.** The Zoning Officer, or his or her authorized representative designated by the City Council, shall enforce the provisions of this Ordinance.
- E. **Inspection and Compliance.** It shall be the duty of the Zoning Officer to make any indicated inspections or reinspections within 48 hours after such notice has been given. No part of the system shall be covered until the inspection has been made or the certificate of compliance approved. It shall be the duty of the owner or occupant of the property to notify the Zoning Officer of his or her authorized representative, prior to the covering of the sewage treatment system, and to grant the inspector free access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system, the inspector shall issue to the applicant a certificate of compliance. If upon inspection the inspector discovers any part of the system is not constructed in accordance with the minimum standards of this Ordinance, the inspector shall give the applicant written notification describing the defects. The applicant shall be responsible for the correction or elimination of all defects and no system shall be placed or replaced in service until all defects have been corrected or eliminated; the applicant shall pay an additional fee for each reinspection that is necessary. The inspection and approval of the sanitation system does not constitute a guarantee by the City of Coleraine of the operation of the system.
- F. **Water Supply Standards.** Any public or private supply of water for domestic purposes must conform to the Minnesota Department of Health standards for water quality. Private wells shall be placed in areas not subject to flooding and upslope from any source of contamination. Wells already existing in areas subject to flooding shall be flood-proofed, in accordance with the provisions of this Ordinance.
- G. **Standards.** The following standards shall be applied to all individual sewage treatment systems constructed, installed, extended or altered after the effective date of this Ordinance.
1. General.
    - i. All individual sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document entitled "Individual Sewage Treatment Standards, Chapter 7080" a copy of which is hereby adopted by reference and declared to be a part of this Ordinance.
    - ii. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria below. If the determination of the

site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation test from on-site field investigations. The evaluation criteria area: depth to the highest known or calculated ground water table or bedrock; soil conditions, properties and permeability; slope; the existence of lowlands, local surface depressions, and rock outcrops; and any special site conditions which may affect the design or effectiveness of the system.

- iii. No part of the system shall be located so that it is nearer to any water supply than required by this Ordinance or so that surface drainage from its location may reach any domestic water supply.
  - iv. Raw sewage, septic tank effluent, or seepage from a system shall not be discharged to the ground surface, abandoned wells, or bodies of surface water, or into any rock formation, the structure of which is not conducive to purification of water by infiltration, or into any well or other excavation in the ground which does not conform to the standards of this Ordinance.
  - v. Installations of individual sewage treatment systems shall not be in wetlands or areas which may be subject to flooding.
  - vi. Heavy machinery shall not be driven over the system after installation.
  - vii. The system or systems shall be designed to receive all sewage from the dwelling or other establishment served, including laundry waste and basement floor drainage. Footing or roof drainage shall not enter any part of the system. Where the construction of additional bedrooms, the installation of mechanical equipment, or other factors likely to affect the operation of the system occurs or can be reasonably anticipated, the installation or extension of a system adequate for such actual or anticipated need shall be required.
2. Shoreland areas. In addition to all other regulations set forth in this Ordinance, the installation, construction, extension, replacement or alteration of individual sewage treatment systems in shoreland areas shall meet the following requirements:
- i. Systems must be setback from the ordinary high water level by at least the minimum distances set forth in Table 12.073-1 of this Ordinance.
  - ii. There shall be identified an area on the lot suitable for the location of a replacement individual sewage treatment system in the event that the initial system fails at some time in the future.
3. Privies. Privies shall be considered an adequate method of sewage treatment, provided they are constructed and maintained in a clean condition and do not constitute a public nuisance. Privies shall be located at least 35 feet from a dwelling or lot line and they shall comply with the structural setbacks stipulated for individual sewage treatment systems set forth in this Ordinance.

## 12.08 ZONE DISTRICT LAND USE REGULATIONS

### 12.081 Uses Permitted in Zone Districts

Table 12.081 establishes the uses Permitted, Permitted with Performance Standards, or permitted as Conditional Uses in the zoning districts of the City of Coleraine. Uses listed as "P" are Permitted. Uses listed as "PS" are Permitted with performance standards. Uses listed as "CU" are permitted as Conditional Uses. Uses that are blank are not permitted.

Table 12.081 Uses Permitted in Zones: Residential Uses												
R1	R2	FR	RR	MU	GC	LC	LIC	LI	HI	P	TR	Residential Use
P	P	P	P	P			P					Single-family
P				P								Duplex
	CU						CU					Mobile home park
P				P			P					Accessory apartment
PS		P	P	P								Multiple family
P	P			P								Congregate housing
P	P											Seasonal residence
PS				PS								Roomers
PS		PS	PS	PS			PS					Bed and breakfast
												Group and foster home
PS	PS	P	P	PS			P					1-6 persons
		CU	CU	PS			CU					7-16 persons
		CU	CU	PS			CU					16+ persons
												Day care center
P		P	P	P			P					1-14 persons
		CU	CU	P			CU					15+ persons
	PS	P	P	PS	PS	PS	P	PS	PS		PS	Accessory buildings
P	P			P								Garage, yard, rummage sales
PS	PS			PS	P	P		P	P		PS	Outdoor storage
											PS	Private recreation
PS	PS			PS	PS	PS		P	P		PS	Satellite dishes / wind energy / solar systems
P	P	P	P	P			P					Home occupation – 1
P	P	P	CU	P			P					Home occupation – 2
		P	P									Agricultural roadside stands
PS	PS			PS	PS	PS		PS	PS		PS	Water-oriented accessory structures
		CU	CU				CU					Temporary Dwellings

P= Permitted; PS = Permitted with Performance Standards  
 CU = Conditional Use Permit required; "blank" = not permitted.

Table 12.081 Uses Permitted in Zones: Commercial Uses												
R1	R2	FR	RR	MU	GC	LC	LIC	LI	HI	P	TR	Commercial Use
												Agricultural sales and services
	CU	CU	CU				CU					Kennel (1)
				P	P	P						Pet shop
				P	P	P						Veterinary clinic
					P							Farm equipment
					P							Feed, grain and supplies
												Automotive
		CU <sup>1</sup>			P							Sales, new or used
				P	P							Repair
					P							Car/truck wash
				P	P		P					Gasoline station
					P			P	P			Auto/truck fleet storage
												Construction
					P							Building, plumbing, heating, electrical supplies
							P					Carpenter shop / power Woodworking shop
							P	P	P			Contractor's yard / storage
								P				Equipment/truck sales/service
				P	P							Tool/equipment rental
				P	P	P						Financial institutions
												Food service
CU <sup>2</sup>				P	P	P	P					Café or restaurant
				P	P	P						Carry-out and/or drive-in restaurant
		CU										Fur farm
		CU										Game farm
												Health care
				P	P							Clinic (outpatient treatment)
				P	P							Licensed residential treatment center
	CU			CU								Hospital
												Lodging
CU				P								Boarding house
											P	Campground / RV park
				P	P	P					CU	Motel
				P	P	P					CU	Hotel
				P	P	P						Office, business
				P	P	P	P					Office, professional
												Recreation or entertainment
		CU		P	P		CU					Indoor (including movie theaters, theaters, taverns, sports centers, and the like)
				P	P							Fraternal clubs and lodges
	CU										CU	Outdoor recreation
								P	P		CU	Communication Services

P= Permitted; PS = Permitted with Performance Standards  
 CU = Conditional Use Permit required; "blank" = not permitted.

(1) Minimum lot size for kennels is 5 acres.

Table 12.081 Uses Permitted in Zones: Commercial Uses												
R1	R2	FR	RR	MU	GC	LC	LIC	LI	HI	P	TR	Commercial Use
												Retail
				P	P	P	P					Convenience store
		CU		P	P	P	P					General sales and services
					P		P					Greenhouse, nursery and sales
				P	P							Pharmacy / drugstore
				PS	PS	PS						Temporary outdoor sales
							P					Auto, trailer, manufactured home, RV, and camper sales
							CU					Target shooting facilities
				PS	PS	PS						Vending machines
				PS							PS	Video arcades
												Warehouse
							P	P	P			General
					CU		P	P				Mini-storage
				CU	CU	CU					CU	Waterfront commercial

P= Permitted; PS = Permitted with Performance Standards  
 CU = Conditional Use Permit required; "blank" = not permitted

Table 12.081 Uses Permitted in Zones: Public* Uses												
R1	R2	FR	RR	MU	GC	LC	LIC	LI	HI	P	TR	Public Use
CU	P			P							P	Athletic facilities
	P										P	Cemeteries
PS	PS	CU		PS								Churches (places of worship)
P	P			P						P		Community facility (city hall, post office, fire hall, police station, etc.)
				P	P							Cultural facilities
		P	P				P			P		Essential services
	CU										CU	Golf/country club
P	P	P	P	P	P					P	P	Parks (neighborhood, community or regional including boat accesses)
											CU	Parks (state or national)
P	P	P	P	P						P	P	Open space
PS	PS	PS	PS	P	P	P				P	P	Recreational trails including motorized
PS	PS			PS								Schools
								CU	CU			Solid waste facilities including transfer stations
PS	PS	PS		PS	PS	PS		PS	PS		PS	Minor utility structures
								P	P		P	Water or sewage treatment, power substations, and similar or related facilities

\*Term "public" includes uses and structures that may be owned privately, publicly or in some combination thereof.

P= Permitted; PS = Permitted with Performance Standards  
 CU = Conditional Use Permit required; "blank" = not permitted

Table 12.081 Uses Permitted in Zones: Industrial Uses												
R1	R2	FR	RR	MU	GC	LC	LIC	LI	HI	P	TR	Industrial Use
								P	P			Accessory uses and structures
								P	P			Custom manufacturing (production and sale of hand-made goods)
							CU					Electric, light, and power company yards
								P	P			Food processing
												General
								P	P			Research / testing
								P	P			Training center
												Extractive uses
		CU	CU				P	CU		PS	CU	Extractive uses / gravel pits
									P	PS		Mining
								P	P			Industrial equipment sales and services
												Heavy industry
									P			Electrical power generation
									P			Fabricating, processing, assembly from raw or semi-finished products
									P			Secondary wood products
							P	P	P			Machine and welding shops
								PS	PS			Outdoor storage
		CU					P	P	P			Recycling center
		PS	PS				PS		PS	PS		Temporary borrow pit
							CU		P			Sawmill
		CU							PS			Wrecking, junk or salvage yard

P= Permitted; PS = Permitted with Performance Standards  
 CU = Conditional Use Permit required; "blank" = not permitted

Table 12.081 Uses Permitted in Zones: Transportation and Other Uses												
R1	R2	FR	RR	MU	GC	LC	LIC	LI	HI	P	TR	Transportation Use
								P	P			Major transportation (terminals, hangers, switching yards, sidings, runways, heliports, etc.)
P	P			P	P	P	P	P	P	P	P	Minor transportation (streets, highways, railroad right-of-way, transit shelters, bicycle and pedestrian paths)
												Other Uses
		P					CU			P		Agriculture
		P	P				P					Forestry
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Fences
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Land alteration
												Signs
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Class A
					PS							Class B
					PS	PS	PS	PS	PS			Class C
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Class D
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Solid fuel-fired heating devices
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Stairways/landings in shorelands
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	Temporary buildings
		PS					PS		PS	PS		Towers
P	P			P							P	Planned Unit Development (residential, commercial, mixed)

P= Permitted; PS = Permitted with Performance Standards

CU = Conditional Use Permit required; "blank" = not permitted

### 12.082 Off-Street Parking and Loading Space Requirements

- A. **Purpose.** It is the intent these regulations that off-street parking be provided and maintained by each property owners for the use of occupants, employees and patrons. These regulations are further intended to promote the safe and efficient storage and circulation of motor vehicles on-site to avoid undue congestion of the public streets and roadways.
- B. **Street Access.** Each parcel shall be granted at least 1 curb cut per street which abuts that parcel. However, up to 2 curb cuts may be permitted on any 1 street provided that 1 of the accesses is designated as an entrance and the other as an exit. The location and design of curb cuts shall be restricted as follows:
1. No closer than 25 feet to any existing curb cut;
  2. No closer than 25 feet to the nearest point of any street or alley intersection provided that on State and County roads or highways this may be extended to a minimum of 100 feet upon the recommendation of the appropriate governing unit having jurisdiction over the roadway.
  3. No curb cut shall exceed 33 feet in width;
  4. One-way curb cuts shall not exceed 16 feet in width; and
  5. Wherever possible and practicable, common driveways shall be used to limit the number of access points to any road.
- C. **Parking Lot Design.** The following design standards for parking areas apply to all parking areas except of those for one and two family dwellings. However, certain of the standards shall apply, as noted herein, to those residential dwellings which have home occupations or home businesses.
1. **Setback.** Parking areas shall be separated from the right-of-way of any road by means of a sod or landscaped strip not less than 3 feet in width or other barrier that clearly delineates the parking lot from the road. This requirement shall apply to home businesses and home occupations.
  2. **Drainage.** All parking lots shall have surface water drainage system, including, if necessary, stormwater detention and retention ponds, which is approved by the City Engineer. This requirement may be applied to home businesses and home occupations in the judgement of the Zoning Officer and the City Engineer.
  3. **Lighting.** All lighting shall be arranged so as to deflect the light away from residential districts so that the source is not visible. All lighting cable shall be placed underground and shall be installed in compliance with the State Electrical Codes. The average minimum illumination of 2 foot candles at the parking surface shall be required. This requirement shall apply to home businesses or home occupations which regularly serve customers on-site after dark.
  4. **Surface.** All parking lots shall be paved with a concrete, bituminous or other similar surface in accordance with standards as established by the City. All parking surfaces shall be striped with suitable paint in accordance with approved plans. This requirement shall be applied to home occupations and may be applied to home businesses in the judgement of the Zoning Officer and City Engineer.
  5. **Bumper overhang.** The minimum parking space length may be decreased by up to 3 feet for spaces which allow the bumper of the auto to project beyond the terminus of the parking space without obstructing other parking spaces, vehicle circulation or a designated pedestrian way.

6. Handicapped parking. Parking spaces for people with handicaps shall be provided as required by State Statute and shall be located as near the main entrance of the principal use as possible. Each space shall be at least 4 feet wider than the minimum design standard for conventional spaces. Each handicap space shall be clearly designated.
7. Exceptions for compact cars. Up to 33 percent of the parking required for a given use may be designed specifically for compact cars, provided:
  - i. Signage is erected at appropriate locations indicating "For Compacts Only"; and
  - ii. The minimum design and construction standards of this Ordinance apply.
8. Drive-up windows and car wash stacking requirements. No stacking space shall encroach into any drive aisle necessary for the circulation of vehicles on the lot. All stacking shall comply with the setbacks required for parking spaces. The minimum size of stack space shall be 9 feet by 18 feet.
9. Backing into a street. Except for one and two family dwellings, backing from a parking lot directly into a street, road or alley shall be prohibited. This requirement may be applied to home businesses and home occupations in the judgement of the Zoning Officer and City Engineer.
10. Screening. Parking areas for more than 5 vehicles shall be screened from residential uses.
11. Maintenance. It shall be the joint responsibility of the operator and owner(s) of any principal use to maintain, in a neat and aesthetic manner, the parking space, accessway, landscaping and required screening.

D. **Parking Stall and Driving Lane Standards.** The standards in Table 12.082-1 shall apply to the design, construction and maintenance of parking areas.

Table 12.082-1. Parking Stall and Driving Lane Standards						
FULL SIZE CARS						
Dimensions in Feet	Parking Angle					
	0°	30°	45°	60°	75°	90°
Driving land width	12	12	14	18	21	24
Parking space width	8	8.5	8.5	8.5	8.5	8.5
Parking space length	22	17	18	18	18	19
COMPACT CARS						
Dimensions in Feet	Parking Angle					
	0°	30°	45°	60°	75°	90°
Driving land width	12	12	14	18	21	24
Parking space width	7.5	8	8	8	8	8
Parking space length	20	16	16	16	16	17

E. **Off-street Loading Standards.** It is the intent of these standards to provide needed on-site facilities for the loading and unloading of motor vehicles in addition to and in a manner that does not interfere with required off-street parking areas and the capacity and function of city streets.

1. Location. No loading zone shall be located on the side of a building which faces a residential district nor shall a loading zone be located less than 25 feet from a residential district unless within a building.



2. Size. A large loading zone shall be: 50 feet long, 12 feet wide, and have 14 feet of clear height. A small loading zone shall be: 25 feet long, 12 feet wide, and have 14 feet of clear height.
3. Access. Each required loading zone shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.
4. Construction. All loading zones shall be improved with a durable material to control the dust and drainage according to a plan approved by the City Engineer.
5. Accessory use. Any space allocated as a loading zone or access drive so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles, or be included as a part of the space necessary to meet off-street parking requirements.

**F. Off-street Parking Requirements.**

1. Parking spaces required. The minimum number of off-street parking spaces by type of use shall be required in accordance with Table 12.082-2.

<b>Table 12.082-2: Residential Uses</b>	
<b>Use</b>	<b>Required Parking Spaces</b>
One and two family units	2/DU (1)
Multiple family units	2/DU
Permanent manufactured/mobile homes	2/DU
Mobile homes	2/DU
Senior citizens housing	0.5/DU
Boarding and rooming houses	1/sleeping room
Accessory apartments	1/unit
Bed and breakfast	1/room
Day care/nursery schools	2/DU or 1/employee
Group and foster homes	2/DU or 1/employee

(1) "DU" = dwelling unit.

<b>Table 12.082-2: Public and Quasi Public Uses</b>	
<b>Use</b>	<b>Required Parking Spaces</b>
Places of worship	1 / 4 seats in largest room
Elementary school	2/classroom
Junior high/middle school	2/classroom
Senior high school	6/classroom + 1 / 6 seats in main auditorium
Post high school	10/classroom
Stadiums, arenas, and auditoriums (accessory)	1 / 6 seats
Museums, libraries, and art galleries	1/500 sf GFA (2)
Golf and country clubs	6/hole
Government offices	1/200 sf GFA
Hospitals	1/3 beds plus 1/employee on largest shift
Nursing homes	1/3 beds
Clubs and lodges	1 / 2 persons based on occupancy rating

(2) "sf GFA" = square feet of gross floor area

<b>Table 12.082-2: Commercial Uses</b>	
<b>Use</b>	<b>Required Parking Spaces</b>
Business/general office	1/250 sf GFA
Medical, dental offices and clinics	1/200 sf GFA
Agricultural/animal sales	1/400 sf GFA
Automotive sales/repair	1/300 sf GFA
Beauty/barber shop	3/chair
Banks/S&L/loan agency	1/250 sf GFA plus 4 stacking spaces/drive up window
Car washes (principal use)	3 plus see footnote (3)
Car washes (accessory use)	4 stacking spaces per bay
Restaurants, cafes, bars	1/75 sf GFA
Drive-up restaurants	1/50 sf GFA plus 6 stacking spaces/drive up window
Athletic facilities	1/200 sf GFA
Movie theaters	1/3 seats
Gasoline stations/convenience stores	3 plus 2/service stall plus 1/100 sf GFA of retail space
Bowling alleys	5/lane
Hotels, motels, lodging	7/5 guest rooms
Funeral homes/chapels	1/3 seats in largest parlor or chapel
Home furnishings stores	1/500 sf GFA
Hardware/home improvement	1/300 sf GFA
Daycare/group home	1/5 persons enrolled
Pool halls, roller and ice rinks, exhibition hall	1 / 2 persons based on occupancy rating
Mini-warehouse	1/10 units
General retail sales (not listed)	1/200 sf GFA (minimum 5)
Retail services (not listed)	1/200 sf GFA (minimum 3)

(3) 4 stacking spaces/manual self-serve bay; 6 stacking spaces/automatic bay; and 1/140 sf GFA; and 1 space/each vacuum machine if machines are not located within stacking spaces.

<b>Table 12.082-2: Industrial Uses</b>	
<b>Use</b>	<b>Required Parking Spaces</b>
Custom manufacturing	1/300 sf GFA or retail area plus 1/employee per shift
Other manufacturing	2/3 employees or 1/2000 sf GFA whichever is greater

2. Joint use of parking areas. Two or more buildings or uses may collectively provide off-street parking in which case the number of required parking spaces shall not be less than the sum of the requirements for the individual uses computed separately. In the case of the joint use of off-street parking spaces where operating hours do not overlap, the Planning Commission acting as the Board of Zoning Appeals may grant a variance to allow the total number of required spaces to be reduced below the sum of the individual uses provided a copy of a signed agreement between the joint users is filed with the application.
3. Fractional spaces. When determining the number of parking spaces results in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

4. Additional requirements. The City may require additional spaces if, in the opinion of the Zoning Officer or City Engineer, a specific proposed use will generate parking demand greater than that specified for that use in this Ordinance.

**G. Off-street Loading Requirements.** The minimum number of off-street loading spaces by type of use shall be required in accordance with Table 12.082-3. The city may require additional loading spaces if, in the opinion of the Zoning Officer or City Engineer, a specific proposed use will generate loading facility demand greater than that specified for that use in this Ordinance.

<b>Use</b>	<b>Square Feet of Gross Floor Area</b>	<b>Berths Required</b>
Auditoriums, armories, sports arenas, convention halls, exhibition halls	0-3,000	0
	3,001-15,000	1 small
	15,001-50,000	1 large
	50,001-100,000	1 large + 1 small
	>100,000	1 small for each 25,000 sf GFA
Retail sales, offices, public administration buildings, schools, hotels, hospitals	0-5,000	1 small
	5,001-50,000	1 large
	>50,000	1 small for each 50,000 sf GFA
Manufacturing, warehousing, fabricating, assembly	0-10,000	1 small
	10,001-50,000	1 large
	>50,000	1 large for each 50,000 sf GFA

**H. Permit and Administration.**

1. Permit required. Except for residential uses in any district, a zoning permit is required for all new off-street or off-street loading spaces which are being developed separately from an accompanying building, structure or proposed use for which a zoning permit is being sought. A separate permit is not required if the proposed parking or loading spaces are part of a proposed project or use.
2. Compliance required. In all districts off-street parking and loading shall be provided as follows:
  - i. Full off-street parking and loading for all newly constructed buildings, structures or uses.
  - ii. Whenever a use of a building, structure or lot requiring off-street parking or loading is increased in floor area or when interior building modifications or structural alterations result in an increase in effective capacity for any use, additional parking and loading shall be provided in proper ratio to the increase in floor area or capacity.
  - iii. Whenever a building or use or part thereof is changed in usage, such that the new use requires more parking or loading than the old, the extent to which the use is changed shall be required to comply fully with the provisions of this ordinance.
3. Site plan information required. For any application for uses, structures or buildings to be constructed, extended, enlarged, moved or altered, with the exception of residential properties but including home occupations and home businesses, the

Zoning Officer may require the following information to accompany the zoning permit application:

- i. Legal description, property lines, setback lines, and property dimensions;
  - ii. A topographic survey of the property with a contour interval of not greater than 2 feet, showing existing and proposed grades;
  - iii. The location of: principal and accessory buildings; easements of rights-of-way for utilities or service lines; access drives, parking, and loading areas with stalls clearly delineated; sidewalks and pedestrian ways; required screens, fences or buffers; proposed and required landscaping; signs, with information about height and size; nearest existing or proposed fire hydrant; and streets adjacent to site;
  - iv. Specifications for all improvements including but not limited to underground utilities, pavement, sidewalks, curb and gutter, and driveway aprons;
  - v. Name(s) and address(es) of the property owner(s), applicant(s), and, if pertinent, preparer(s) of the application.
4. Limit on use.
- i. No commercial repair work or service of any kind, or sale or display thereof, or the storage of new or used vehicles which are not for the use of the occupant, employees and patrons shall be conducted in such parking area.
  - ii. Any area once designated as required off-street parking or loading shall not be changed to any other use until equal facilities as required by this code are provided elsewhere.
  - iii. Off-street parking existing at the date of adoption of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

### **12.083 Shoreland Area District and Standards**

#### **A. General.**

1. Authority. These shoreland regulations are pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105 and Minnesota Regulations, Parts 6120.2500-6120.3900.
2. Policy. The uncontrolled use of shoreland within the City of Coleraine affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is the best interests of the public health, safety and general welfare to provide for the wise use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters, conserve the economic and natural environmental values of shorelands, and provide for the proper use of waters and related land resources. This responsibility is hereby recognized by the City of Coleraine.
3. Jurisdiction. The provisions of this section shall apply to the shorelands of the public water bodies as classified in Section 12.064 of this Ordinance. It shall also apply to all non-classified bodies of water greater than 5 acres in size. It shall not apply to any body of water created by a private user where there was no previous shoreland except those greater than 10 acres in size.

4. Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations.
- B. **Notification to the Department of Natural Resources.** Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under these shoreland management controls shall be sent to the Commissioner of Natural Resources or the commissioner's designated representative and postmarked at least 10 days before the hearings. Notices of hearings to consider proposed subdivisions shall include copies of the subdivision. A copy of approved amendments, subdivisions and final decisions granting variances or conditional uses under these shoreland regulations shall be sent to the commissioner or the commissioner's designated representative and postmarked within 10 days of the final action.
- C. **General Land Use Criteria.** The land use districts, delineation of land use district boundaries, and decisions regarding shorelands shall be consistent with the comprehensive plan and the following criteria, considerations and objectives:
1. Preservation of natural areas;
  2. Present ownership and development of shoreland areas;
  3. Shoreland soil types and their engineering capabilities;
  4. Topographic characteristics;
  5. Vegetative cover;
  6. In-water physical characteristics, values and constraints;
  7. Recreational use of the surface water;
  8. Road and service center accessibility;
  9. Socio-economic development needs and plans as they involve water and related land resources;
  10. The land requirements of industry, which, by its nature, requires location in shoreland area; and
  11. The necessity to preserve and restore certain areas having significant historical or ecological value.
- D. **Uses Allowed.** For uses allowed by this Ordinance in accord with the tables in Section 12.081 and located in the shorelands of the City of Coleraine, additional use restrictions may apply. Regardless of the status (permitted, permitted as conditional use, or permitted with performance standards) granted to specific uses in Section 12.081, the following designations shall be enforced in shorelands for the uses listed.

Table 12.083-1. Additional Restrictions for Shorelands Uses						
Lakes (1)			Streams (2)			Uses
GD	RD	NE	FOR	URB	TRIB	
CU	CU	CU	CU	CU	CU	Agricultural feedlots
		CU	CU		CU	Duplex, triplex or quad
CU	CU	CU	CU	CU	CU	Residential planned unit development
			CU		CU	Commercial
CU	CU	CU	CU	CU	CU	Commercial planned unit development
CU	CU	CU	CU	CU	CU	Surface water-oriented commercial
CU	CU	N	CU	CU	CU	Industrial
CU	CU	CU	CU	CU	CU	Extractive use
		CU	CU		CU	Public
CU	CU	CU	CU	CU	CU	Semi-public
CU	CU	CU	CU	CU	CU	Parks and historic sites

P = Permitted; CU = Conditional Use Permit required; N = not permitted

(1) GD = General Development; RD = Residential Development; NE = Natural Environment.

(2) FOR = Forested; URB = Urban; TRIB = Tributary.

E. **Special Provisions.** The following regulations and standards shall apply for specific circumstances within shorelands.

1. Residential Subdivisions. Residential subdivisions with dwelling unit densities exceeding those allowed as specified in Section 12.071 can only be allowed if designed and approved as a residential planned unit development under the terms of this Ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.
2. Subdivisions on Natural Environment lakes. Subdivisions of duplexes, triplexes and quads on Natural Environment lakes must also meet the following standards:
  - i. Each building must be set back at least 200 feet from the ordinary high water level;
  - ii. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
  - iii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - iv. No more than 25 percent of a lake's shoreline can be in duplex, triplex or quad developments.
3. Controlled accesses. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots with subdivisions area permissible and must meet or exceed the following standards:
  - i. They must meet the width and size requirements for residential lots and be suitable for the intended uses of controlled access lots;
  - ii. If docking, mooring, or over-water storage or more than 6 watercraft is to be allowed at a controlled access lot, then the width of the lot must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond 6, consistent with the following standards:

Ratio of lake size to shore length (acres / mile)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Over 400	5

- iii. They 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
  - iv. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring or docking. They may also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetative alterations. They must also require all parking areas, storage buildings, and other facilities to be screened from view from the public water, assuming summer, leaf-on conditions.
4. Factors and criteria for planned unit developments. Planned unit developments in shorelands shall consider and follow these factors and criteria:
- i. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
  - ii. Physical and aesthetic impacts of increased density;
  - iii. Suitability of lands for the planned unit development approach;
  - iv. Level of current development in the area; and
  - v. Amounts and types of ownership of undeveloped lands.
5. Standards for water-oriented commercial, industrial, public and semi-public uses. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
- i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
  - ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
  - iii. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey need information to the public, subject to the following general standards:

1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Itasca County Sheriff.
  2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods and services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than 10 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial light(s), the light(s) must be shielded or directed to prevent illumination out across public waters; and
  3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude the use of navigational lights.
6. Standards for agricultural uses. 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 permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the Itasca County Soil and Water Conservation District as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level. Animal feedlots must meet the following standards:
- i. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins; and
  - ii. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
7. Standards for forest management. The harvesting of timber and associated reforestation must be conducted with the provisions of the Minnesota Nonpoint Source Pollution Assessment – Forestry and the provisions of the Sustaining Minnesota Forest Resources Voluntary Site-Level Forest Management Guidelines of the Minnesota Forest Resources Council. Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
- i. Shore and bluff impact zones must not be intensively cleared of vegetation; and
  - ii. An erosion and sediment control plan must be developed and approved by the Itasca County Soil and Water Conservation District before issuance of a conditional use permit for the conversion.
- F. **Shoreland Alterations: Vegetation Alterations.** Alterations of vegetation will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Vegetation alteration necessary for the construction of structures and sewage



treatment systems and the construction of roads and parking areas regulated by this section of this Ordinance are exempt from the vegetation alteration standards that follow. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this Ordinance is allowed subject to the following standards:

1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Itasca County Soil and Water Conservation District.
2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and lands, picnic areas, access paths, livestock water areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that: (a) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; (b) along rivers, existing shading of water surfaces is preserved; and (c) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

**G. Shoreland Alterations: Topographic Alterations, Grading and Filling.** Alterations of vegetation will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issue construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways. Public roads and parking areas are regulated by Section 12.083H of this Ordinance.

1. Permits required. Notwithstanding the previous statements, a grading and filling permit will be required for:
  - i. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
  - ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
2. Considerations and conditions. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
  - i. Grading or filling any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following qualities of the wetland: (a) sediment and pollutant trapping and retention; (b) storage of surface runoff to prevent or reduce flood damage; (c) fish and wildlife habitat; (d) recreational use; (e) shoreline or bank stabilization; (f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

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

- ii. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
  - iii. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
  - iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
  - v. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Itasca County Soil and Water Conservation District and the United States Natural Resources Conservation Service.
  - vi. Fill or excavated material must not be placed in a manner that creates an unstable slope.
  - vii. 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.
  - viii. Fill or excavated material must not be placed in bluff impact zones.
  - ix. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes 103G.245.
  - x. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
  - xi. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to 1 foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed 3 feet.
3. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

**H. Shoreland Alterations: Placement and Design of Roads, Driveways, and Parking Areas.**

- 1. General. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the Itasca County Soil and Water Conservation District, or other applicable technical materials.
- 2. Setbacks. 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.

3. Public accesses, roads and parking areas. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this section are met. For private facilities, the grading and filling provisions of Section 12.083G of this Ordinance must be met.

I. **Shoreland Alterations: Stormwater Management.** The following general and specific standards shall apply to stormwater management activities in shorelands.

1. General standards.

- i. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- ii. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- iii. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific standards.

- i. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
- ii. When constructed facilities are used for stormwater management, document must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Itasca County Soil and Water Conservation District.
- iii. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

J. **Water Supply and Sewage.** The provision of water supply and sanitary sewage treatment within shorelands shall meet the requirements of this section and other pertinent regulations of this and other applicable ordinances.

1. Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Pollution Control Agency and the Minnesota Department of Health.
2. Sewage treatment. Any premises used for human occupancy in shorelands must be provided with an adequate method of sewage treatment, as follows:
  - i. Publicly-owned sewer systems must be used where available.
  - ii. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be part of this Ordinance.

- iii. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks established in this Ordinance.
- iv. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the following criteria: (a) depth to the highest known or calculated ground water table or bedrock; (b) soil conditions, properties and permeability; (c) slope; (d) the existence of lowlands, local surface depressions and rock outcrops.

If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

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

#### **12.084 Flood Hazard Area District and Standards**

- A. **Statutory Authorization.** The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City of Coleraine does find:

1. The flood hazard areas of the City of Coleraine are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These regulations are based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

- B. **Statement of Purpose.** It is the purpose of these regulations to promote the public health, safety, and general welfare and to minimize those losses described in Section 12.084A of this Ordinance.

C. **General Provisions.**

1. Lands to which regulations apply. These regulations shall apply to all lands within the jurisdiction of the City of Coleraine shown on the Official Flood Hazard Map as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Areas.
2. Flood-proofing regulations. The publication entitled "Flood Proofing Regulations", Office of the Chief of Engineers, United States Army Corps of Engineers, Washington, D.C., dated June 1972, or its official replacements, is hereby adopted by reference and incorporated into this Ordinance.
3. Permit required. A permit issued by the Zoning Officer in conformity with the provisions of these regulations shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a non-conforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
4. State and Federal permits. Prior to granting or processing an application for Conditional Use, Variance, or subdivision, the Zoning Officer shall determine that the applicant has obtained all necessary State and Federal permits.

5. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
6. Variances. Variances to these flood plain provisions may be granted in accordance with the procedures set forth in Section 12.056 of this Ordinance.
7. Conditional uses. The granting of conditional uses within the flood plain district shall be in accordance with the procedures set forth in Section 12.11 of this Ordinance.

D. **Areas of Application.** The flood plain regulations of this Ordinance apply to the following three types of areas in the City of Coleraine:

1. Floodway areas. The Floodway area shall include those areas designated as floodway on the Official Flood Hazard Map.
2. Flood fringe areas. The Flood Fringe area shall include those areas designated as floodway fringe on the Official Flood Hazard Map.
3. General flood plain areas. The General Flood Plain area shall include those areas designated as unnumbered 'A Zones' on the Official Flood Hazard Map.

E. **Permitted and Conditional Uses.**

1. Floodway areas.
  - i. In Floodway Areas only the following uses shall be permitted provided that the uses are also permitted in the underlying zone district:
    1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
    2. Industrial-commercial loading areas, parking areas, and airport landing strips.
    3. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and recreational trails.
  - ii. In Floodway Areas the following uses shall require conditional use permits provided that the uses are also permitted in the underlying zone district:
    1. Structures accessory to those listed above.
    2. Extraction and storage of sand, gravel, and other materials.
    3. Marinas, boat rentals, docks, piers, wharves, and water control structures.
    4. Railroads, streets, bridges, utility transmission lines, and pipelines.
    5. Storage yards for equipment, machinery, or materials.
    6. Placement of fill.

7. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds.
  8. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
2. Flood fringe areas. Permitted uses shall be those uses of land or structures as permitted uses in the underlying zone district. Any structure that is not elevated on fill or flood-proofed in accordance with this Ordinance or any use of land that does not comply with the standards provided in Section 12.084 of this Ordinance shall only be allowable as a conditional use.
  3. General flood plain areas. The uses and conditions listed in Section 12.084E.1 of this Ordinance shall apply in the General Flood Plain Area. All other uses shall require conditional use permits and be subject to the floodway/flood fringe evaluation criteria pursuant to Section 12.084F of this Ordinance and, according to the findings of that evaluation, be governed by the Floodway or Flood Fringe regulations, whichever is appropriate.

**F. Procedures to Determine Floodway and Flood Fringe Areas within the General Flood Plain.**

1. Required information. Upon receipt of an application for a conditional use permit for a use within the General Flood Plain Area, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Officer for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe area.
  - i. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
  - ii. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevation of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
  - iii. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
2. Technical determination. The applicant shall be responsible to submit 1 copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota regulations NR 6120.5600 – 6120.5700 shall be followed in this expert evaluation. The designated engineer or expert shall: estimate the peak discharge of the regional flood; calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas; and compute the floodway necessary to convey the regional flood without increasing flood stages more 0.5 feet. An equal degree encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

3. Acceptance of technical determination. The Zoning Officer shall present the technical evaluation and findings of the designated engineer or expert to the City Council. The City Council must formally accept the technical evaluation and the recommended floodway and/or flood fringe boundary or deny the permit application. Prior to official actions, the City Council may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the floodway and flood fringe boundaries have been determined, the City Council shall refer the matter to the Zoning Officer who shall process the permit application consistent with the applicable provisions of this Ordinance.

**G. Standards for Floodway Uses.** The following standards apply to all uses or conditional uses in the Floodway Areas of Coleraine.

1. Permitted uses.
  - i. The use shall have a low flood damage potential.
  - ii. The use shall be permissible in the underlying zoning district.
  - iii. 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.
2. Conditional uses.
  - i. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses maybe allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
  - ii. The conditional use shall be permissible in the underlying zoning district.
  - iii. Fill:
    1. 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.
    2. 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 and sedimentation prevention component.
  - iv. Accessory structures:
    1. Accessory structures shall not be designed for human habitation.
    2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
    3. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 classifications of the United States Army Corps of Engineers Flood Proofing Regulations, June 1972 edition. As an alternative, an accessory structure may be

flood proofed to the FP-3 or FP-4 classifications of the regulations provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and if a detached garage, must be used solely for parking of vehicles and limited storage.

4. All flood proofed accessory structures must meet the following additional standards as appropriate: 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 any mechanical and utility equipment in the structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.
- v. Storage of materials and equipment:
1. 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.
  2. 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 Planning Commission and City Council
- vi. Structural works for flood control that will change the course, current, or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103B. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
- vii. A levee, dike or floodwall constructed in the floodway shall not cause an increase in the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

**H. Standards for Flood Fringe Uses.** The following standards apply to all uses or conditional uses in the Flood Fringe Areas of Coleraine.

1. Permitted uses.
  - i. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than 1 foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.
  - ii. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with this Ordinance.
  - iii. The cumulative placement of fill where at any one time excess 1000 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 this Ordinance.
  - iv. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
2. Conditional uses.



- i. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc. or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:
  1. The enclosed area is above-grade on at least one side of the structure;
  2. It is designed to internally flood and is constructed with flood resistant materials;
  3. It is used solely for parking of vehicles, building access or storage;
  4. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the United States Army Corps of Engineers flood proofing regulations 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;
  5. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than 1 foot above grade. 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; and
  6. That the enclosed area will be designed of flood resistant materials in accordance with current United States Army Corps of Engineers flood proofing standards.
- ii. Basements shall: not be allowed below the Regulatory Flood Protection Elevation, but non-residential basements may be allowed below this elevation provided the basement is structurally dry flood proofed in accordance with this Ordinance.
- iii. All areas of non-residential structures to be placed below the Regulatory Flood Protection Elevation shall be flood-proofed in accordance with this Ordinance and this shall require making the structure watertight and 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 classifications shall not be permitted.
- iv. When at any time more than 1000 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 and sedimentation control plan must be submitted. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to Coleraine.
- v. The storage or processing of materials that are, in times of flooding, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited, and, 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 Planning Commission.

3. All flood fringe uses.

- i. All new principal structures must have vehicular access at or above an elevation not more than 2 feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, limitations must be specified on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
- ii. Accessory land uses such as yards, railroad tracks and parking lots for commercial uses may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by 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 greater than 2 feet or be subject to flood velocities greater than 4 feet per second upon occurrence of the regional flood.
- iii. For manufacturing and industrial uses measures shall be taken to minimize interference with normal plant operations especially along streams with protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set forth in subsection "ii" above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- iv. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable methods.
- v. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse of drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

I. **Public Utilities, Railroads, Roads and Bridges.**

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 this Ordinance or elevated to a height 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 the use standards set forth in this Ordinance. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
3. On-site sewage treatment and water supply systems. On-site water systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and, new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in

accordance with the State of Minnesota's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

**J. Mobile (Manufactured) Homes and Placement of Travel Trailers and Travel Vehicles (RVs).**

1. Placement of new or replacement mobile (manufactured) homes. The placement of new or replacement mobile homes on individual lots of record or in existing mobile home parks that are located in the flood plain will be treated as a new structure and may be placed only if elevated in compliance with this Ordinance.
2. Anchoring required. All mobile or manufactured homes located in the flood plain shall be securely anchored to a foundation system that resists flotation, collapse or lateral movement. This requirement is in addition to applicable state anchoring requirements for resisting wind forces.
3. Exempted travel trailers and travel vehicles. Travel trailers and travel vehicles are exempt from the provisions of this section if they are placed on individual lots of record, in existing commercial recreational vehicle parks or campgrounds, or in existing condominium type associations and, provided they meet the following criteria: (a) have current licenses required for highway use; (b) are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect utilities commonly used in campgrounds and the vehicle has no permanent structural type additions attached to it; and (c) the travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district. Travel trailers and travel vehicles lose this exemption when development occurs on the parcel for a structural addition to the travel trailer or vehicle or an accessory structure such as a garage or storage building.
4. Requirements for non-exempt travel trailers and travel vehicles. Travel trailers and travel vehicles which are not exempted from the above section, new commercial travel trailer or travel vehicle parks or campgrounds, new residential type subdivisions and condominium associations, and the expansion of any existing similar use exceeding 5 units or dwelling sites shall be subject to the following:
  - i. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe areas provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with this Ordinance. No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood event.
  - ii. All new or replacement travel trailers or travel vehicles not meeting the criteria of "i" above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the underlying zoning district requirements. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must conform to the provisions of this Ordinance.

**12.085 Wetland Standards**

**A. Policy.** It is in the public interest of the City of Coleraine:

1. Achieve no net loss in quantity, quality and biological diversity of existing wetlands.

2. Restore or enhance diminished or drained wetlands.
3. Avoid direct or indirect impacts on wetlands.
4. Replace wetland values when avoidance is not feasible or prudent.

B. **Wetlands Jurisdiction.** In accord with Minnesota Statutes 103G.005, the City of Coleraine recognizes two types of wetlands, public waters wetlands and wetlands, as defined herein:

1. Public waters wetlands are those wetlands which have been and continue to be regulated by the Minnesota Department of Natural Resources. These are Type 3, 4 and 5 wetlands as identified by the U.S. Fish and Wildlife Circular No. 39 (1971 Edition), not included in public waters, that are 2.5 or more acres in size.
2. Wetlands are defined as those lands, other than public waters wetlands, transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition wetlands must have the following attributes:
  - i. A predominance of hydric soils;
  - ii. Inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
  - iii. Under normal circumstances support a prevalence of such vegetation.

C. **Replacement Required.** Wetlands, other than public waters wetlands, may not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value as approved by a wetland value replacement plan or mining reclamation plan if a mining permit is required. The following policies will guide the City of Coleraine in the consideration of applications to fill or drain wetlands.

1. Replacement. Replacement is to be view as a last resort and is to be utilized only after reviewing the following options in their order of preference:
  - i. Avoid the impact.
  - ii. Minimize the impact.
  - iii. Rectify the impact by repair or restoration of the wetland.
  - iv. Reduce or eliminate the impact by preservation and maintenance.
  - v. Compensate by replacement or providing substitute wetland resources.
2. Location of replacement. Replacement wetlands must be located within Coleraine. If this cannot be achieved, the replacement wetlands shall be in the Mississippi River watershed upstream of Coleraine.
3. Replacement ratios. Two (2) wetland acres must be replaced for each 1 acre drained or filled on non-agricultural land. On agricultural land, the replacement shall be 1 acre for each acre drained or filled.
4. Calcerous fens. Calcerous fens, as identified by the Minnesota Department of Natural Resources, may not be filled, drained or otherwise degraded by any activity unless approved by the Department of Natural Resources.
5. Exemptions. Minnesota Statutes identifies exemptions to this requirement that a wetland may not be drained or filled without an approved replacement plan. The Wetlands Technical Advisory Committee established by this Ordinance shall

make determinations regarding the applicability of this Ordinance to specific proposals or actions.

**D. Wetlands Technical Advisory Committee.** The Wetlands Technical Advisory Committee is hereby established. The committee is responsible for providing advice to the City of Coleraine relating to the Minnesota Wetlands Conservation Act and the City's responsibilities, actions and decisions under it.

1. Composition. The Wetlands Technical Advisory Committee shall consist of the following positions:
  - i. Representative of the Itasca County Soil and Water Conservation District;
  - ii. Representative of the Minnesota Board of Water and Soil Resources;
  - iii. Representative of the Minnesota Department of Natural Resources, Division of Waters;
  - iv. The City Engineer;
  - v. The City Zoning Officer acting as the City Wetlands Coordinator; and
  - vi. Representative of the City of Coleraine Planning Commission.
2. Responsibilities. It shall be the responsibility of the Wetlands Coordinator to serve as the contact for the public and the Planning Commission regarding the work of the technical advisory committee. The committee shall have the following advisory responsibilities:
  - i. The identification of high priority areas for wetland preservation, enhancement, restoration, and establishment. These high priority areas must be specifically identified in the comprehensive plan as adopted or as amended by the City Council.
  - ii. Review questions of exemptions and no net loss certifications brought to it by the Wetlands Coordinator particularly those relating to wetland type or size.
  - iii. Review and make recommendations regarding wetland replacement plans.
  - iv. Monitor all replaced wetlands in accordance with Minnesota regulations.
  - v. Review wetland restoration plans referred to it by the Itasca County Soil and Water Conservation District.
3. Planning Commission action. The Planning Commission shall act upon all recommendations made by the technical advisory committee. The commission shall use the criteria set forth in State regulations and the comprehensive plan to accept, reject, or modify all technical committee recommendations. Decisions made by the Planning Commission regarding wetlands issues may be appealed to the Board of Water and Soil Resources or District Court depending upon the nature of the appeal.

**E. Replacement Plans.** All replacement plans shall be prepared in accordance with rules established by the Board of Water and Soil Resources.

**F. Administration.**

1. Application.
  - i. Applications for wetland drainage or fill will be treated as conditional uses and shall follow the procedures set forth for conditional use permits in this Ordinance.

- ii. In addition to the information requirements for a conditional use permit, an applicant for wetland drainage for fill shall provide a preliminary wetland replacement plan which shall address each of the options identified in Section 12.085C.1 of this Ordinance.
  - iii. No application shall be considered until the appropriate fee has been paid to the City.
  - iv. Applications, including review of replacement plans, shall be approved by the Planning Commission using the same notification and hearing procedures as those for a conditional use permit. In addition, copies of the application shall be submitted to the Board of Water and Soil Resources, the Itasca County Soil and Water Conservation District, any pertinent watershed district, and the Minnesota Commissioner of Agriculture (if agricultural lands are involved).
  - v. Completed applications shall be sent to the Wetland Technical Advisory Committee for review and recommendation to the Planning Commission.
  - vi. The Planning Commission shall act on the completed application within 60 days of its submittal. Notice of its decision shall be sent to the agencies identified in subsection :iv” above.
2. Appeals.
- i. Notice of an appeal to the Planning Commission’s decision must be filed with the Board of Water and Soil Resources within 30 days of the mailing of the notice of the decision by the commission.
  - ii. Appeals may be made by the wetland owner, Board of Water and Soil Resources, any concerned public agency, members of the public who had requested notice of the decision. or through a petition of the residents of the City of Coleraine, which petition must be signed by at least 100 residents of voting age.
  - iii. Appeals shall be decided by the Board of Water and Soil Resources and may be subject to judicial review.

**12.086 Mining Overlay District Boundaries, Uses, and Standards**

- A. **Geographic Boundaries.** The Iron Mining Overlay District consists of three Subdistricts A, B and C that, when applied, overlay other zoning districts.
  - 1. Subdistrict A is the sub-crop of the Biwabik Iron Formation.
  - 2. Subdistrict B is the permit-to-mine areas or mine disturbed ground.
  - 3. Subdistrict C is area where possible future mining related activities may occur.
- B. **Relationship to Shoreland Management Areas.** When there is a conflict between the provisions of the Iron Mining Overlay District and those of the Shoreland Management Area, the Shoreland Management Area shall prevail.
- C. **Permitted Uses in Subdistricts A and B.** The following are Permitted Uses in Subdistricts A and B:
  - 1. Accessory structures.
  - 2. Agriculture. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures and processing of agricultural products but excluding

fur farms and commercial kennels, provided that the provisions of Section 1212.101.B are met.

3. Dwellings, Single Family. Such dwellings are permitted provided that the dwelling unit parcel has frontage on a publicly owned and maintained road.
4. Essential services, ancillary facilities, and services needed to service the mining and processing activity.
5. Extractive uses over one acre that meet the provisions of 12.101F.
6. Forestry. All forms of forestry use including processing, necessary structures, and construction of access roads to remove timber.
7. Home Occupations 1 and 2.
8. Mining. Mineral extraction, mineral processing, metals production, mineral or metal storage, storage and stockpiling of mining and processing waste materials and byproducts, storage of mining and processing equipment, and other activities associated therewith that meet the provisions of Section 12.101F and includes industries, facilities, and activities regulated by Minn. Stats. 93.44-93.51. Also, structures necessary for mining, mineral processing, metals production operations, ancillary facilities, and activities that meet the provisions of Section 12.101F.
9. Temporary borrow areas that the provisions of Section 12.101Z.
10. Towers that meet the provisions of Section 12.105.

D. **Permitted Uses in Subdistrict C.** All uses allowed as Permitted uses in the underlying zoning district are permitted in Subdistrict C.

E. **Conditional Uses in Subdistricts A and B.** Under the procedures detailed in Section 12.11, the Planning Commission may consider approval of industrial uses determined to be compatible with the purpose of the Iron Mining Overlay District as conditional uses Subdistricts A and B.

F. **Conditional Uses in Subdistrict C.** Under the procedures detailed in Section 12.11, the Planning Commission may consider approval of the following Conditional Uses in Subdistrict C all uses allowed as Conditional Uses in the underlying zone districts.

G. **Parcel Size, Area, height, and Yard Requirements.**

1. The minimum requirements for parcel size, area, height, and yard and structure setbacks shall be as required by the underlying zoning district.
2. The structure setbacks from the roads are set forth in Section 12.072

H. **Performance Standards.**

1. Any Permitted Use or Conditional Use in this district shall comply with the pertinent performance standards set forth in Section 12.10.
2. Site conditions specifically related to mining such as, but not limited to, possible subsidence from underground mining, open pit bank stability, mine shaft collars, and others specifically related to mining, mineral processing, or metals production but not specifically referred to in this Ordinance, shall also be considered when reviewing Permitted Uses and Conditional Uses in the Iron Mining Overlay district.

12.09 (Reserved)

12.10 PERFORMANCE STANDARDS

## 12.101 Use Performance Standards

Whether listed or not in the use tables in Section 12.081 of this Ordinance, the following performance standards shall be applied in the uses listed herein. Failure to comply with these standards even after receipt of a valid zoning permit shall prove grounds for the revocation of the permit under terms and conditions to be established by the Planning Commission.

### A. Accessory buildings.

1. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory; this does not include the construction of a garage prior to a home provided that a single permit has been issued for the construction of both structures. Only 2 detached accessory buildings shall be allowed in the R1 Residential, R2 Rural Residential and TR Tourism Recreation districts. Accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway or similar structure or it may be completely detached. If attached to the principal building, an accessory building shall be structurally a part of it and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made part of the principal building shall not be less than 6 feet from any other separate structures on the same lot.
2. Tool sheds and other similar buildings for the storage of domestic supplies shall not require a zoning permit if the following standards are met: only 1 such structure is on the lot; the area of the structure does not exceed 160 square feet; and the height of the structure does not exceed 12 feet.
3. In the R1 Residential district garages shall meet the following standards: shall not exceed 840 square feet in area; height shall not exceed 18 feet; wall height shall not exceed 10 feet; in no case shall an accessory structure garage exceed the size or height of the principal structure and in any event, the sum area of all buildings must not exceed 30% of the lot area.
4. Outdoor solid fuel-fired heating devices are considered an accessory structure and shall be counted as such for the purpose of determining the number of accessory buildings to be allowed on a parcel.

### B. Agricultural activities. Agricultural operations within City of Coleraine shall comply with the following general standards:

1. Maintenance of steep slopes, shore impact zones, and bluff impact zones. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are Permitted Uses if steep slopes, shore impact zones, and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. Animals shall not be picketed, fenced, or otherwise contained in shore impact zones, bluff impact zones, or on steep slopes.
2. Feedlots limited. New or expansions of existing confined animal operations and feedlots are allowed only on parcels in Farm Residential Zoning Districts having a minimum of five acres or more and on parcels Industrial Zoning Districts provided they comply with Minn. Rules, Chapter 7020, and are specifically prohibited in all other zoning districts, including Shoreland Management Areas.
3. Livestock buildings. Buildings housing livestock shall be a minimum of 50 feet from any parcel line and dwelling unit on the same parcel and a minimum of 250 feet from a residential dwelling unit on another parcel.



4. Setback from residential dwelling units and wells. No animals may be penned within 200 feet of a neighboring residential dwelling unit or 150 feet from any wells other than the landowner, except up to five domesticated dogs or cats shall be permitted. *Penned* is the confined feeding, breeding, raising, or holding of animals. This provision does not apply if the animals are pastured in an area of 10 acres or more.
5. Keeping of livestock limited. Recognizing that residential uses and the keeping of livestock may be incompatible, the following limits apply to all other zoning districts. Domesticated pets, such as dogs and cats but specifically excluding horses, may be kept without a permit. Local ordinances may require licensing.
  - i. On parcels of less than five acres, keeping of livestock is not permitted.
  - ii. On parcels five to nine acres, three animal units are allowed.
  - iii. On parcels or contiguous parcels larger than nine acres, three animal units plus one animal unit for every two acres beyond nine acres are allowed.
  - iv. Keeping of animals in amounts in excess of the limits in Section 12.101B ii, iii and vi shall require a Conditional Use Permit.
  - v. On all lakes, livestock uses shall be setback 150 feet from the ordinary high water level. Animals shall not be picketed, fenced, or otherwise contained in shore impact zones, bluff impact zones, or on steep slopes.
  - vi. Animal units shall be determined according to Table 12.101.1:

<b>Table 12.101.1. Animal Units</b>	
<b>Animal</b>	<b>Animal Units (A.U.)</b>
1 dairy cow	1.4
1 slaughter steer, heifer, horse	1.0 (each)
1 swine	0.4
1 sheep, goat, dog	0.2
1 duck, turkey	0.02
1 chicken	0.01

6. Right-to-farm. All agricultural operations on parcels in Farm Residential Zoning Districts having a minimum of five acres or more and on parcels in Industrial Zoning Districts being

conducted in compliance with the terms of this Ordinance and other applicable state and federal regulations shall not be deemed a violation of this Ordinance regardless of the fact that there may have been changes in the surrounding character of the area.

**C. Bed and Breakfast.**

1. In the R1 Residential and R2 Rural Residential Districts bed and breakfast facilities shall not have more than 5 guest rooms and shall not serve more than 10 persons.
2. Bed and breakfast facilities shall provide 1 parking space for each guest room in addition to the minimum number required for residential and any other permitted uses.

**D. Contractor's yard, material storage.** All outdoor storage of equipment, except automobiles and trucks up to 2 tons, and materials/supplies shall be screened from public view.

E. **Day care centers.** Centers within LI Light Industry and HI Heavy Industry must be an accessory use and primarily available to employees of that permitted use.

F. **Extractive uses.**

1. Intent. It is the intent of this Section to provide performance standards for the extraction of mineral resources not regulated under Minn. Stats. 93.44-93.51, including sand, gravel, rock, soil, and other materials; to provide standards for related activities, including stockpiling of materials, washing of rock, crushing, bituminous, asphalt, hot mix processing equipment, parking facilities, haul roads, settling basins, and buildings; to provide for the orderly extraction of mineral resources; and to provide for the reclamation of land disturbed by such extraction in order to encourage productive future use of the land and to eliminate safety hazards. Reclamation may include, but is not limited to, the planting of forests, the seeding of grasses and legumes, the planting of crops, the enhancement of vegetative and aquatic resources, and the establishment of a management entity for the affected areas.
2. Where allowed by Zoning Permit. Extractive use operations over one acre are allowable as shown in Table 12.081 provided all of the requirements of this Section are complied with. Extractive use operations over one acre may not be allowed in the Rural Residential and Farm Residential zoning districts if there is a neighboring residence within 1,000 feet of the extractive use operation and related facilities.
3. Where allowed by Conditional Use Permit. A Conditional Use Permit shall be required if there is a neighboring residence within 1,000 feet of the extractive use operation and related facilities to impose conditions to mitigate potential environmental and nuisance issues.
4. Exemptions from permit. Extractive use operations which comprise surface extraction operations involving less than one acre of ground disturbance shall be allowed.
5. Permit required. Following the date of adoption of this Ordinance, no entity shall engage in new or expand existing extractive use operations or renew operations that have not been active within five years of date of adoption of this Ordinance on any land within City of Coleraine without first obtaining a permit from the Zoning Officer. Any operation begun prior to five years prior the effective date of this Ordinance, shall comply with the setback standards set forth in Section 12.101F.7i, provided that in the event the existing operations do not meet those standards, said operations shall expand no closer to the feature from which the setback is measured, and may continue operations for five years at which time the operation shall be registered as set forth in Section 12.101F.13 or cease operation. The application for a permit for new extractive use operations must provide or be accompanied by the following:
  - i. Statement that the applicant has the right by ownership or lease to extract and to reclaim the land described in the application.
  - ii. Statement estimating the expected duration of the extractive use operation, including starting and completion dates.
  - iii. Detailed map or maps at a 1 inch equals 100 feet scale or larger showing proposed location of any buildings, equipment storage areas, operation areas, and any other uses incorporated in the excavation process.
  - iv. Site development plan shall be filed with the application detailing the following:

1. Dust, noise, and other emission of potential concern and mitigation plans;
  2. Hours and duration of operation;
  3. Proposed vegetation and topographic alterations; and
  4. Erosion control plan.
- v. A written plan for reclamation of the affected area detailing:
1. The nature and extent of the reclamation;
  2. A detailed map at a scale of 1 inch equals 100 feet or larger showing which parts of the land shall be reclaimed for forest, pasture, crop, dwellings, structures, or other uses;
  3. Proposed topographic contours after any filling;
  4. Depth of proposed restored topsoil;
  5. Type of fill proposed to be used; and
  6. Estimated progress and completions dates.
6. Other permits required. Prior to construction the property owner shall be responsible for obtaining any other applicable permit required for an extractive use relating to fuel and hazardous materials management, air quality management, solid waste management, water quality management, water withdrawals, rip rap and discharge outlets, discharge of dredged, or fill materials within waters and wetland from the local, state, or federal agency or department, including a stormwater permit as set forth in Section 12.106.
7. Extractive use operation performance requirements. The following performance standards must be met for the issuance of an Extractive Use Permit or the continuation of a Conditional Use Permit for an extractive use operation. These are minimum requirements and the Planning Commission may impose additional requirements.
- i. Setbacks. Extraction operations, including excavating or stockpiling and machinery, shall not be conducted or placed closer than noted as follows:
    1. 100 feet to the boundary of any adjoining property;
    2. 50 feet to the right-of-way of any existing or platted road;
    3. 250 feet to an established residence other than the owner/operator of said extractive use;
    4. 200 feet to the boundary of an incorporated municipality; and
    5. 200 feet to the ordinary high water level.
  - ii. Vegetation clearing plan. Clearing of the site shall conform to the approved development and reclamation plan and existing trees, shrubs, and vegetation shall not be prematurely stripped.
  - iii. Screening. Adequate planting, screening, buffering, and/or berming shall be provided sufficient to screen the operation from public view from roads and adjacent properties.
  - iv. Entrance and exit standards.

1. Ingress and egress access points from or onto any road shall be identified and only those access points shall be used. All access points shall be approved by the appropriate state, county and/or local government having jurisdiction. Access points shall be located to avoid the routing of vehicles from the mining operation over roads that primarily serve residential areas.
  2. Access points shall be constructed to avoid traffic safety hazard and to minimize the view into the extractive use site.
  3. During the hours of operation, "Trucks Hauling" signs shall be placed along the public roads leading to the extractive use site entrances at a distance of not less than 500 feet from the entrances. The applicable road authority shall approve size and type of sign. Signs shall be removed or covered during non-operating hours.
  4. Accesses shall be controlled by the owner or operator of the extractive use operation.
  5. Dust control shall be implemented as necessary from the processing site to the nearest paved road on operations that have over 10 one-way hauling trips or five round-trips per day.
- v. Hours of operation.
1. Overall extractive use operation shall be from 6 a.m. to 7 p.m., Monday through Saturday.
  2. Emergency situations concerning public safety shall be approved by the Zoning Officer or authorized designee.
  3. There shall be no mechanical equipment operation started before 6 a.m.
- vi. Spillage onto roads. Precautions shall be taken to minimize the deposit of dirt and extracted material from trucks onto the public roads. Trucks used in hauling materials from the operation shall be loaded in such a manner as to minimize spillage onto public roads. Any spillage shall be removed promptly by the operator at the operator's own expense.
- vii. Amount of cover removed. The amount of soil, groundcover, and/or overburden to be removed shall be the minimum amount necessary.
- viii. Use of explosives. When explosives are used, the operator shall use the utmost care and take all necessary precautions not to endanger life or damage or destroy property. The method of storing and handling explosives shall conform to all state and federal laws and regulations.
- ix. Dust and noise control. Operating procedures will be implemented to control dust and noise to minimize impacts on adjoining properties and roads.
- x. Reclamation plan required. A reclamation plan that meets the provisions of Section 12.101F.10 shall be implemented in all its terms.
- xi. Other requirements. Any other performance requirements specified in the permit.
8. Property transfer notice. During the duration of the Extractive Use Permit, it shall be the property owner's responsibility to notify the City of Coleraine prior to transferring ownership of the property.

9. Financial assurances required.
- i. Insurance. On City controlled lands, the Lessee (Operator) shall purchase liability insurance naming the City as an insured or additional named insured in an amount at least equal to the minimum liability limits set forth in Minn. Stat. 466.04 subd. I, which is currently \$500,000 per person and \$1,200,000 for multiple claims, and agrees to provide a Certificate of Insurance or other document to the City of Coleraine City Clerk demonstrating to the City that such insurance has been procured.
  - ii. Bond - Security for reclamation. Prior to beginning operations on lands not controlled by the County, the property owner, contracted, or authorized extractive use operator shall post a bond, cash deposit, or other acceptable securities payable to City of Coleraine and filed with the City of Coleraine City Clerk and be in such form as the City may require. It shall be the responsibility of the property owner, contracted, or authorized extractive use operator to provide the City a licensed engineer's written estimate of the total cost to reclaim the property that will be stripped of overburden during the time period the permit will be in effect. The sum of the security shall equal the written cost estimated to reclaim the disturbed portion of the property to standards required by the City in this Ordinance. The bond, cash deposit, or other securities shall be available to the County for a time period of not less than one year following the expiration of the Extractive Use Permit in the event that the property owner or extractive use operator does not fulfill its reclamation requirements, in which case the City will assume the reclamation obligation and shall include a provision for notification to the City at least 60 days prior to cancellation or non-renewal. In the event that the property owner or extractive use operator reclaims part or all of the extractive use operation area earlier than required by the permit, a revised estimate by a licensed engineer of the estimated remaining reclamation cost may be submitted to the City with a request for reducing the amount of the bond, cash deposit, or other security, which request shall be reasonably considered and granted by the City.
10. Reclamation standards. All extractive uses requiring a permit shall have a reclamation plan with the following minimum terms:
- i. Slopes after reclamation. No portion of the reclaimed slope of the site shall exceed three feet horizontal to one foot vertical incline after reclamation unless the naturally occurring slope is steeper than 3-to-1 in which case final slopes shall not be steeper than the original natural slope.
  - ii. Topsoil storage and reapplication. All feasibly recoverable topsoil on an extractive use site shall be saved for future application, unless it can be demonstrated that it is not all needed for reclamation. Topsoil shall be reapplied to the finished slopes as uniformly as possible. Sites which lack adequate topsoil shall have the topsoil applied preferentially to the finished sloped areas.
  - iii. Seeding, revegetation, and stabilization.
    - 1. Seeding mixture shall be in accordance with the recommendations of the Itasca County Soil and Water Conservation District and shall use native seeds to the fullest extent possible.
    - 2. Planting of woody vegetation may be accepted in combination with other stabilization techniques.

3. Sodding may be required for drainage ways, ditch checks, and highly erosive areas of a site as shown on the reclamation plan or as required by the City of Coleraine.
  4. Riprap may be required for drainage ways, ditch outlet, culvert ends, or bridge openings as shown on the reclamation plan or as required by the City of Coleraine..
  5. All seeding, revegetation, and stabilization on inactive portions of the pit shall be implemented upon completion of extractive activities. The final revegetation and restoration must be completed within one year of cessation of the operation and verified by the Zoning Officer.
  6. Areas reclaimed for purposes of Minnesota Department of Natural Resources State Wildlife Management Areas and/or wetland mitigations shall be allowed exceptions to enhance wildlife habitat.
11. Mining of metallic minerals and peat. Mining of metallic minerals and peat as defined in Minn. Stats. 93.44-93.51 shall be a Permitted Use in Farm Residential, Rural Residential, Public, and Industrial Zoning Districts provided the provisions of this Ordinance and Minn. Stats. 93.44-93.51 are met.
  12. Extractive Use Permits or Conditional Use Permits. Owners and operators of any extractive use operation commencing after the adoption of this Ordinance shall obtain an Extractive Use Permit or Conditional Use Permit and shall be processed in accordance with the requirements as set forth in Sections 12.101F.1-12.101F.10 of this Ordinance.
  13. Registration of Existing Extractive Use Facilities
    - i. Persons, firms, partnerships, association, corporations, or other entities that commenced extraction prior to five years of the effective date of this Ordinance and as described in Section 12.101F.5 shall not be required to obtain a Conditional Use Permit, but shall register the extractive use operation by obtaining an Extractive Use Facility Registration Permit from the Itasca County Environmental Services Department. All land owners and/or operators of extractive use operations subject to this paragraph shall complete and submit the Extractive Use Facility Registration Permit which must be approved by the Environmental Services Administrator no later than October 1, 2008, or said facility must cease operation.
    - ii. Failure to fulfill these requirements within said time limits will result in an order to immediately cease and desist all surface and subsurface removal and/or moving of earth.
    - iii. Extractive Use Facility Registration Permit applicants shall submit the following information to the Environmental Services Administrator:
      1. Name, address, and phone number of contact person for the operator and landowner.
      2. Acreage and complete legal description of the subject property on which the facility is located, including all contiguous property owned by the landowners;
      3. Existing structures;
      4. Existing drainage and permanent water areas;
      5. Existing vegetation;

6. Existing wells and private sewer systems;
  7. A narrative outlining the type of material to be excavated, mode of operation, estimated quantity of material to be extracted, and other pertinent information to describe the existing extractive use facility;
  8. Size of existing extractive use facility and maximum size of extractive use facility;
  9. Estimated time frame facility has been and will be operated, including hours per day, days per week, months per year, and number of years in operation;
  10. A general description of surface waters, existing drainage patterns, and groundwater conditions within 300 feet of the subject property;
  11. Copies of all applicable state and federal application documents and operating permits including, but not limited to, MPCA permits, wetland permits, historical and archeological permits, and stormwater permits issued for the existing extractive use facility;
  12. A description of site screening, landscaping, and other best management practices;
  13. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction including plans to control erosion, sedimentation, and water quality of stormwater runoff; and
  14. Each registered extractive use facility must submit a reclamation plan that is consistent with City standards and consistent with the environment of the extractive use facility and surrounding area.
- iv. Extractive Use Facility Registration Permit applicants shall comply with the following requirements:
1. Setbacks.
    - a. No excavation shall take place within 50 feet of adjoining property lines or no closer than existing operations are already located unless a Variance is approved by the Board of Zoning Appeals as set forth in Section 12.056. Exception: Visual screening, reclamation, and berming of overburden material are allowed within this setback.
    - b. No excavation shall take place within 250 feet to an established residence other than the owner/operator of said extractive use unless a Variance is approved by the Board of Adjustment as set forth in Section 12.056. This requirement is not applicable for extractive use operations in operation before and has been used annually since a residence within 250 feet of the extractive use facility was constructed.
    - c. No excavation shall take place within 200 feet to the boundary of an incorporated municipality and ordinary high water level. Exception: Existing extractive use facility(s) already operating within these limits shall not expand or encroach toward the incorporated municipality and/or ordinary high water level; and

- d. No excavation shall take place within 50 feet of any road right-of-way line of any existing platted road, unless written consent by the adjacent road authority with jurisdiction over right-of-way is obtained and a copy is submitted to the City of Coleraine.
  2. Hours of operation shall be 6 a.m. to 7 p.m., Monday through Saturday. Exceptions: On governmental projects an over-the-counter permit is required to operate longer hours and consideration of same will be based on the location and potential impact on residential area. Due to special circumstances Variances may be applied for through City of Coleraine, as set forth in Section 12.056, to alter the hours of operation in any extractive use facilities for specific needs;
  3. As a condition of registration, City staff has the right to access the subject property; and
  4. Mining operations shall be conducted so active extraction operation of the existing extractive use facility exposes no more than 40 acres at any one time. Exception: At the time of registration, if an existing extractive use facility already exceeds the 40 acres of exposed area, the maximum amount of exposed area shall not exceed 80 acres at any one time and the total parcel of the extractive use property to be registered shall include a minimum of 160 acres.
- G. **Fraternal clubs and lodges.** Such uses may not be located closer than 400 feet to any school.
- H. **Group and foster homes.** Such uses must be licensed by the State of Minnesota and/or Itasca County for the appropriate number of residents.
- I. **Guest cottage.** One (1) guest cottage may be allowed provided the following standards are met:
1. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height.
  2. In shoreland areas, the lot size and width shall be at least the minimum required by this Ordinance. In addition, on Natural Environment lakes an unsewered lot shall be at least 2.8 acres in size with a minimum width of 300 feet, and a sewered lot shall be at least 3.7 acres in size with a minimum width of 400 feet.
  3. For lots which exceed the minimum lot dimensions required by this Ordinance, the guest cottage must be located within the smallest, minimum standard allowable lot that could be created including the principal dwelling unit.
  4. In shoreland areas, the 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.
- J. **Junk, wrecking or salvage yard.** All junk, wrecking or salvage yards within the City of Coleraine shall meet the following minimum standards.
1. No material shall be disposed of or placed in a wetland and no draining or filling of wetlands shall occur.
  2. All such uses shall have a minimum rear, side and road setback of 100 feet. No activity except fencing, berms or other screening may take place in the setback area.



3. No such use is permitted within 300 feet of a protected water.
  4. All waste including batteries, tires and hazardous waste shall be kept on the property in a manner acceptable to the City of Coleraine or disposed of in a manner acceptable to pertinent City, County, State or Federal regulations.
  5. Fencing, berms and use of natural topography shall be sufficiently provided to shield the view of any salvage material from any surface water, public recreation facility, public road, private residence, or other structure within one-quarter (1/4) mile of the parcel containing the salvage yard.
  6. No delinquent taxes shall be owed on the property at the time a permit is issued nor at any time during the lifetime of the permit. Failure to maintain current payment status with property taxes shall be grounds for revoking the permit.
  7. A record shall be kept of all salvage materials and waste brought in and out of the property.
  8. The Coleraine Fire Department shall receive information on all flammable and hazardous material stored on the property including amounts, types, and location.
  9. Fire breaks and roads shall be approved by the Coleraine Fire Department.
  10. A bond or other financial assurances shall be provided to the City of Coleraine sufficient to cover the cost of removal and proper disposal of all salvage material and waste on the property. The City shall determine the amount and type of assurances.
  11. No parking related to salvage yard activity shall take place off of the property including all roads and highways.
  12. Salvage yards existing at the time of enactment of this Ordinance shall apply for an appropriate permit from the Zoning Officer. This permit may not be denied if the applicant satisfies the performance standards of this Ordinance. If the owner or operator is unable to follow these minimum standards, the Planning Commission may impose other standards to mitigate the problems with the salvage yard.
- K. **Land alterations.** A zoning permit shall be required for all land alterations except for those land alteration activities which satisfy the following conditions:
1. Does not involve more than 20 cubic yards of fill or excavation, or, if in the Tourism Recreation zoning district, does not involve 40 cubic yards of fill or excavation;
  2. Does not occur in or affecting a wetland;
  3. Does not occur in the flood plain;
  4. Does not occur in a shorelands area;
  5. Does not involve a steep slope or bluff; and
  6. Does not contradict, reverse or run contrary to the terms of any permit, conditional use permit, variance, planned unit development or plat.
- L. **Minor utility structures.** No such structures shall be located within 30 feet of any lot line of an abutting residential district.
- M. **Outdoor storage.**

1. In all residential districts not more than 2 portable recreation buildings or vehicles may be stored outside provided they are owned by the resident(s), are maintained in a neat, safe and orderly fashion, and provided they are not stored in the front yard or nearer to the front lot line than the principal building, or less than 5 feet from any other lot line.
  2. Fuel wood storage piles are permitted provided they are maintained in a neat, safe and orderly fashion, and provided that they are not stored in the front yard or nearer the front lot line than the principal building, or less than 5 feet from any other lot line.
  3. In commercial and industrial districts the outdoor storage of those items not generally considered to be retail display items shall be screened from view from public streets, abutting residences, public surface water and public recreational facilities.
- N. **Private noncommercial recreation facilities.** Such uses including tennis courts and swimming pools shall be permitted provided they are located no nearer the front lot line than the principal structure and are not less than 10 feet from a property line. Swimming pools shall be completely enclosed with a 6 foot high protective fence.
- O. **Recycling center.** All outdoor storage of equipment except automobiles and trucks up to 2 tons and materials/supplies shall be screened from public view.
- P. **Retaining walls.** Retaining walls, regardless of construction, are allowed in all zoning districts. Walls 3 feet or less in height, as measured from the exposed base to the top of the wall, do not require a permit. Walls exceeding 3 feet require a permit; no permit shall be approved unless the applicant provides written proof that the wall was designed or approved by a licensed structural engineer or, in the case of pre-engineered walls, building materials or systems, that the wall is to be constructed in conformance with the pre-engineered procedures and standards.
- Q. **Roomers.** The leasing of rooms to not more than 2 roomers shall be permitted in all residential districts provided that no signs are displayed, the rooms are not equipped with kitchen facilities of any kind, and 1 on-site parking space is provided for each roomer in addition to the minimum number required for the residence.
- R. **Satellite dishes, wind energy systems, solar collector systems.** Such structures shall be permitted in all districts provided they comply with yard and height requirements for principal buildings and are an accessory use. Special regulations apply to uses within shoreland areas.
- S. **Schools.**
1. Schools within existing buildings, including churches and other places of worship, shall be permitted provided that no more than 25 students are enrolled, that there shall be no external alteration to the building(s) or grounds to reflect school usage, and sufficient parking shall be provided as required by this Ordinance.
  2. Elementary, middle or secondary schools shall be on a site of at least 1 acre in size, shall have minimum setbacks of 30 feet or the minimum for the district whichever is greater, and meet all other requirements of the district.
- T. **Seasonal residences (TR district).** Such uses shall be permitted provided they do not exceed 600 square feet in size and shall not be located on a parcel less than 2 acres in size and less than 200 feet in width.
- U. **Significant historic site.** 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.

- V. **Solid fuel-fired heating devices.** Such devices may be located on a parcel without a permit if they are situated within a building and with a permit if they are a stand-alone unit provided they meet the following standards:
1. All such devices, whether internal to a building or standing alone as a separate structure, shall meet emission standards for wood and/or coal fired devices as established by the U.S. Environmental Protection Agency in 40 CFR 60.532.
  2. Any such device which emits dense smoke, noxious fumes, gas, soot, ash, or cinders, in unreasonable quantities, regardless of whether or not the device meets all standards set forth in this Ordinance, may be declared a public nuisance by the City. The City may exercise its legal authorities to have the nuisance corrected or removed.
  3. Any device existing prior to the adoption of this Ordinance is exempt provided that no nuisance complaints are filed with or by the City against said device. If an existing unit is found to be a nuisance, then the unit must be replaced or modified in accordance with the standards set forth in this Ordinance.
  4. Outdoor solid fuel-fired heating devices are considered an accessory structure and shall be counted as such for the purpose of determining the number of accessory buildings to be allowed on a parcel.
- W. **Solid waste facilities including transfer stations.** All solid waste facilities that require an individual permit from the Minnesota Pollution Control Agency (MPCA) shall require a conditional use permit from the City of Coleraine. Solid waste facilities that are permitted by the MPCA as a permit by rule do not require any permit from the City. The City shall not issue a conditional use permit for any solid waste facility if the following conditions cannot be met:
1. The facility is not within the shoreland area;
  2. The road authority whose road provides access to the site has authorized the site; and
  3. No residences are within one-quarter (1/4) mile of the use.
- X. **Stairways, lifts and landings (in shoreland areas).** Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
1. Stairways and lifts shall not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space properties, and planned unit developments; conditional use permits are required for such wider stairways.
  2. Landings for stairways and lifts on residential lots shall not exceed 32 square feet in area. Larger landings may be used for commercial properties, public open-space properties, and planned unit developments; conditional use permits are required for such larger landings.
  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 ground erosion.
  5. Stairways, lifts and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer leaf-on conditions, wherever practical.

6. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are allowed for achieving access to shore areas, provided that the dimensional and performance standards above are complied with in addition to the requirements of Minnesota Regulations Chapter 1340.

**Y. Temporary borrow area.**

1. Where allowed by Zoning Permit. Temporary borrow area operations over one acre are allowed as shown in Table 12.081 provided all of the requirements of this Section are complied with.
2. Where allowed by Conditional Use Permit. Temporary borrow area operations of any size are allowable by Conditional Use in Shoreland Management Areas.
3. Exemptions from permit. Temporary borrow area operations which involve less than one acre of ground disturbance shall be allowed except in Shoreland Management Areas.
4. Requirements.
  - i. A Temporary Borrow Area Permit is a Zoning Permit issued by the City pursuant to its authority conferred by Minn. Stat. 394.21 et. seq. All permits issued under these provisions shall be valid for only the duration of the particular construction or maintenance project and shall in no case exceed two years. The applicant shall verify that the operation is for the purpose of construction or maintenance under a contract with or directly conducted by a government agency or a private firm involved in construction or maintenance responsibility.
  - ii. The applicant shall specify the volume of material intended to be excavated or processed for the specified road or maintenance project.
  - iii. The following provisions shall apply to the entry and re-entry to the temporary borrow area site and to the establishment, operation, and care of any temporary borrow area site:
    1. It shall be the responsibility of the permit holder to obtain and maintain authorizations necessary to conduct temporary borrow area activities and to enter and re-enter the temporary borrow area site;
    2. All trees, brush, stumps, and debris resulting for clearing, stripping, and temporary borrow area operations shall be burned or buried at 10-acre intervals and at the cessation of the operation;
    3. All final slopes shall be maintained at a slope not to exceed 3-to-1 unless the naturally occurring slope is steeper than 3-to-1, in which case final slopes shall not be steeper than the original natural slope;
    4. The tops of all banks shall be rounded to conform to the surrounding topography; and
    5. Those temporary borrow areas that are reclaimed for purposes of a Minnesota Department of Natural Resources State Wildlife Management Area and/or wetland mitigation will be allowed exceptions from Section 12.101Y.v.2-4 to enhance wildlife habitat. Temporary borrow areas reclaimed for these purposes may have areas left unvegetated to enhance wildlife habitat.
  - iv. A site development plan shall be filed with the Application detailing the following:

1. Dust, noise, and other emission of potential concerns and mitigation plans;
  2. Hours and duration of operation;
  3. Proposed vegetation and topographic alterations; and
  4. Erosion control plan.
- v. A written plan for reclamation of the affected area shall be filed detailing:
1. The nature and extent of the reclamation;
  2. A detailed map at a scale of 1 inch equals 100 feet or larger showing which parts of the land shall be reclaimed for forest, pasture, crop, dwellings, structures, or other uses;
  3. Proposed topographic contours after any filling;
  4. Depth of proposed restored topsoil;
  5. Type of fill proposed to be used; and
  6. Estimated progress and completions dates.
- vi. General Stormwater Permit may be required as set forth in Section 12.106.
- Z. **Temporary buildings.** Such buildings incidental to construction work on the premises shall be removed upon completion or abandonment of said work or within the period of 1 year from the establishment of the building whichever is the lesser.
- AA. **Temporary outdoor sales.** Such sales are subject to the following:
1. The sale is conducted by the owner or lessee of the premises, or with his/her written permission;
  2. The sale is no longer than 4 months in duration;
  3. The setbacks for a parking lot in that district shall be met for the storage and display of all merchandise and equipment used for the sale; and
  4. One (1) sign shall be permitted per vendor, with a maximum size of 16 square feet. Said sign may contain up to 2 sides. Off premise signs shall not be permitted.
- BB. **Vending machines.** The placement of vending machines outside of a building or structure shall be subject to the following:
1. Machines must be accessory to a permitted principal use;
  2. Machines must conform to setback requirements for the principal structure; and
  3. Machines must be located immediately adjacent to the principal structure.
- CC. **Video arcades.** Shall be permitted subject to the following:
1. Any arcade with more than 14 machines shall have an adult supervisor on the premises during all hours of operation; and
  2. No arcade shall be equipped within 500 feet of a school or place of worship.

#### **12.102 Water Oriented Accessory Structures**

A. **General.** Water oriented accessory structures allowed within the shore impact zone shall be limited to boathouses, detached decks, gazebos, satellite dishes, saunas, screen houses, and storage buildings. Only one (1) structure or satellite dish, of any type or use, new or existing, shall be allowed within the shore impact zone. In addition, the following performance standards shall be applied to these uses.

B. **Boathouses.**

1. Shall be designed and constructed solely for the storage of boats and related equipment and shall not be used for human habitation.
2. The closest point of a boathouse to the ordinary high water level shall be no less than 10 feet, or more than 25 feet.
3. Shall be limited in floor area to 200 square feet.
4. Shall be limited to 20 feet wide on the side most parallel to the shoreline and 26 feet deep on the side most perpendicular to the shoreline.
5. Shall not exceed one story or 14 feet in height.
6. Shall not have decks on the roof or to the side or front.
7. Shall not be constructed on slopes greater than 20 percent.
8. Shall have a garage-type door, large enough to fit a boat, facing the water.

C. **Detached Decks.**

1. Shall be limited to 150 square feet in size, shall not exceed 10 feet in height exclusive of safety rails and shall not exceed 8 feet above grade at any point.
2. Shall be setback from the ordinary high water level at a minimum of 20 feet.
3. Shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, or color, assuming summer leaf-on conditions.

D. **Gazebos and Screen Houses.**

1. Shall be limited to 150 square feet in size and shall not exceed 10 feet in height.
2. Shall not have pressurized water, nor kitchen or sanitary facilities.
3. Shall be setback from the ordinary high water level a minimum of 20 feet.
4. Shall not have decks.
5. Shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, or color, assuming summer leaf-on conditions.

E. **Saunas.**

1. Shall not exceed 200 square feet in size and shall not exceed 10 feet in height.
2. Shall have a minimum setback from the ordinary high water level of 20 feet.
3. May include a changing room but this area may not be used for sleeping or cooking.

4. A deck may be allowed but it must meet setback requirements for the structure and its area will be included in the maximum allowable floor area.
5. Shall not have pressurized water nor kitchen or sanitary facilities.
6. Shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, or color, assuming summer leaf-on conditions.
7. Shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, or color, assuming summer leaf-on conditions.

**F. Storage Buildings.**

1. Shall be limited to 200 square feet in size and shall not exceed 10 feet in height.
2. Shall not have pressurized water nor kitchen or sanitary facilities.
3. Shall be setback from the ordinary high water level a minimum of 20 feet.
4. Shall not have decks.
5. Shall not be constructed on slopes exceeding 20 percent.
6. Shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, or color, assuming summer leaf-on conditions.

**12.103 Signs**

- A. **Purpose.** The intent of the establishment of use and performance standards for signs is to protect and promote the health, safety, morals and general welfare of the inhabitants of the City of Coleraine through the creation of impartial standards, regulations and procedures which govern the erection, use and/or display of devices, signs, or symbols serving as a means of visual communication to persons situated within, upon or adjacent to public rights-of-way of properties. It is the intent of these provisions to authorize visual communicative devices which: are compatible with their surroundings, are appropriate to the type of activity to which they pertain; are safely located with respect to vehicular and pedestrian traffic; preserve and promote the aesthetics of the location and community; and protect the value of land, buildings and landscapes.
- B. **General Provisions.** The following general provisions shall apply in all zone districts:
1. A sign, except Class D signs, shall be considered as a structure or part of a structure for the purpose of applying height and yard requirements. The front yard setback for any sign within a commercial or industrial zone shall be one-half (1/2) the required front yard setback for a principal structure.
  2. Signs, excepting governmental signs, are prohibited within public rights-of-way and easements and on public property without written permission of the City Council.
  3. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above said pedestrian way of 10 feet. No projecting sign shall extend more than 4.5 feet from the building wall to which it is attached.
  4. All free standing signs shall be plainly marked with the name and address of the owner of said sign.

5. All square footage area requirements shall include border and exclude structural supports.

**C. Prohibited Characteristics.** The following signs or characteristics of signs shall not be permitted or erected in the City of Coleraine:

1. Any sign which resembles, imitates or approximates the shape, size, form or color of railroad or traffic signs, signals, or devices.
2. Any sign which is so located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
3. Any sign which is erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
4. Any sign which emits sound.
5. Any sign or structure which is unsafe or constitutes a hazard.
6. Abandoned signs.
7. Any animated sign.
8. Any sign displaying obscene, indecent, immoral or offensive matter.
9. Any sign so erected and/or maintained so as to direct beams or rays of light at any portion of the traveled way of any highway or street of such intensity or brilliance so as to cause glare or impair the vision of the operator of any motor vehicle, or, which directs beams or rays of light at any portion of a building or residence.

**D. Sign Classifications.** The following classifications of signs are hereby established:

1. Class A: On-Site Advertising. Class A signs are signs which advertise a business, product, service, commodity or profession located on the same premises as the sign.
2. Class B: Off-Site Advertising. Class B signs are outdoor advertising signs which direct the attention of the general public to a business, product, service, commodity or profession which is conducted, sold or offered other than on the premises on which the sign is located.
3. Class C: Temporary Advertising. Class C signs are signs which advertise a business, product, service, commodity or profession located on the same premises as the sign and which are not permanently affixed to the premises.
4. Class D: Exempt. Class D signs are signs which do not require a permit as long as the pertinent performance standards are satisfied. Class D signs include, but are not limited to, the following: signs required by the governing body having jurisdiction including, but not limited to, the City of Coleraine, Itasca County Highway Department and the Minnesota Department of Transportation; signs used to inform the general public in a non-advertising message; temporary construction and real estate signs; election signs, posters or banners.

**E. Performance Standards.**

1. Class A on-site advertising signs.
  - i. Free standing signs



1. One (1) free standing sign with a maximum square footage of 100 square feet shall be allowed on all lots having 200 feet of frontage or less; or
  2. Two (2) free standing signs of 100 square or less or 1 free standing sign of 200 square feet or less shall be allowed on all lots having frontage of 201 feet to 500 feet; or
  3. Three (3) free standing signs of 100 square feet or less shall be allowed on lots having frontage of more than 500 feet.
  4. For the purposes of calculating the area of a free standing back-to-back or "V" type construction sign, only one face of such sign shall be considered.
- ii. Area identification signs. In residential districts 1 area identification sign shall be allowed for each dwelling group of 5 or more dwelling units, which sign shall not exceed 3 square feet plus 1 square foot for each unit over 1 per surface.
  - iii. Other signs. All other on-premise signs on the lot of record shall be limited to signs attached to the walls, facia or painted on the surface of a building or structure. The maximum sign area of such signs shall be 2 square feet for every 1 front foot of the principal building on such premises. No attached sign shall project more than 4.5 feet beyond a building when attached thereto or be higher than the top roof line.
  - iv. Height. The maximum height of any Class A free standing sign shall not exceed 35 feet.
  - v. Spacing. No Class A free standing sign shall be closer than 50 feet to any other Class A free standing sign.
  - vi. Lighting. Class A signs may be illuminated. Illumination of signs shall not be of a flashing, moving or intermittent type. Changing, or automatic, signs are permitted.
  - vii. Setback. Class A free standing signs shall maintain a side yard setback equal to the height of the sign structure.
  - viii. Signs in commercial and industrial districts. The aggregate sign area per lot for advertising, business, area identification, and nameplate shall not exceed the sum of: 2 square feet per front foot of lot, plus, 1 square foot for each foot of side yard abutting a public right-of-way 50 feet or more in width.
  - ix. Signs for home businesses or home occupations.
    1. Home occupations shall be permitted 1 wall business sign provided that the sign area does not exceed 3 square feet and that the sign is not illuminated.
    2. Home businesses shall be permitted 1 wall business sign provided that the sign area does not exceed 3 square feet and that the sign is not illuminated. In addition, home businesses shall be permitted 1 Class C free standing sign provided that the sign area does not exceed 24 square feet and meets all setbacks for structures in the district in which it is located.
2. Class B off-site advertising signs.

- i. Size. The maximum sign area for any one face of a Class B sign shall not exceed 390 square feet. Such maximum size limitation shall apply to each face of a sign structure. Class D signs may be placed back-to-back or in a "V" type construction, which is not to exceed 45 degrees, but not more than 1 display is allowed on each face of a sign structure. For purposes of calculating the area of a back-to-back or "V" type construction sign, however, only one face of such sign shall be considered.
  - ii. Height. The maximum height of any Class B free standing sign shall not exceed the lesser of 35 feet or the district height requirements.
  - iii. Spacing. No Class B free standing sign shall be closer than 1000 feet to any other Class B sign on the same side of a street or highway. This provision does not prohibit back-to-back or "V" type construction of Class B signs. The distance between Class B signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along the same side of the street or highway.
  - iv. Lighting. Class B signs may be illuminated. Illumination of signs shall not be of a flashing, moving or intermittent type. Changing, or automatic, signs are permitted.
  - v. Specifications. The Class B sign structure shall be constructed of metal only. Display panels and borders may be constructed or finished in wood. All Class B signs shall be constructed on a single free standing, self-supporting pole.
  - vi. Setback. Class B free standing signs shall maintain a side yard setback equal to the height of the sign structure.
- 3. Class C temporary advertising signs.
  - i. Type. Class C signs shall be limited to banners, pennants and portable signs.
  - ii. Size. The maximum square footage for the total of all Class C signs on a single lot of record shall be 1 square foot of sign area for every 1 lineal foot of lot frontage.
  - iii. Height. The maximum height of all Class C signs not attached to buildings shall not exceed 10 feet.
  - iv. Time limitation. Class C signs shall be allowed by permit for a period of time not to exceed 30 consecutive days within any 180 day period.
- 4. Class D exempt signs.
  - i. Government signs. Government signs shall be allowed in any zone district as required by the governing body having jurisdiction including, but not limited to, the City of Coleraine, Independent School District 316, Itasca County Highway Department, and the State of Minnesota Department of Transportation. Class D government exempt signs include fire numbers and emergency (9-1-1) identification numbers. Size, height, spacing and other requirements shall conform to those set by the appropriate governing body.
  - ii. Real estate signs. For the purpose of selling, renting or lease any real estate, a sign of 25 square feet or less may be placed in the front yard. Said sign shall be removed within 7 days following the sale, lease or termination of sales agreement.
  - iii. Temporary construction. One (1) temporary construction sign or identification sign of not more than 100 square feet may be installed upon a construction site in any district denoting the name of the architecture, engineer, contractor

and/or future business, provided the sign shall not be installed prior to the issuance of a building permit for the proposed construction and provided further that the sign shall be removed within 30 days following occupancy of the building.

- iv. Place of worship directional signs. Signs directing people to places of worship shall be allowed in all districts provided the total area of such signs shall not exceed 4 square feet and shall not be considered Class B off-site advertising signs for the purposes of this Ordinance.
- v. Public service signs. Temporary signs which advertise a special event of a public service nature may be displayed in any commercial or industrial district for 30d days or less each calendar year.
- vi. Informational signs. Signs of a non-advertising nature which inform, direct, provide address information, warn or similar signs shall be allowed in all districts provided that the total square area of such signs shall not exceed 6 square feet in surface area. Class D exempt informational signs include, but are not limited to, signs that indicate to a visitor on the property that the visitor should enter, exit, stop, not enter, or not trespass.
- vii. Election signs. Signs, posters, or banners which pertain to an upcoming election of a candidate or political issue shall be permitted in all districts. Class D exempt election signs shall not include Class B off-site outdoor advertising signs purchased or rented by political candidates or in connection with a political issue. The maximum square footage for Class D exempt election signs shall be 10 square feet in all residential districts and 25 square feet in all other districts. In addition, the following standards apply to Class D exempt election signs: maximum height shall not exceed 10 feet; shall not be placed upon any right-of-way or on any publicly owned property, any public utility pole or on any private property without the consent of the owner or occupant of such property; may not be placed so as to constitute a hazard to any person or property; may not be placed in any location earlier than 30 days prior to any election and they shall not be allowed to remain on the location more than 10 days after the election; removal of signs shall be the responsibility of the owner or occupant of the lot upon which the sign is located.
- viii. Garage/yard/rummage sale signs. Signs advertising garage, yard or rummage sales shall be permitted in all districts provided that the signs shall be located on private property and shall not be placed on the public right-of-way, shall not exceed 4 square feet in total surface, and may be placed 1 day prior to the sale and shall be removed within 1 day of termination of the sale.
- ix. Name plate or identification signs. Signs identifying the name of a building or occupants of a building or structure and/or the address of said building shall be permitted in all districts provided that the signs do not exceed 3 square feet in area per face.
- x. Window signs. Signs located on or inside a window shall be permitted in all districts.

#### **F. Permits.**

1. Required. Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered within the City of Coleraine until a sign permit has been issued by the City of Coleraine.
2. Exceptions. All applicable provisions of this Ordinance shall apply except that no permit or permit fee shall be required for the following signs or conditions:

- i. Class D signs;
  - ii. Copy changes on permitted signs.
3. Application, fees and duration.
  - i. Application for a sign permit shall be made to the Zoning Officer. The application shall contain the following information: exact location of the proposed sign; the dimensions of the proposed sign; a listing of the materials with which the proposed sign will be constructed; whether the sign will be illuminated or use any type of artificial light source; name and address of the owner of the property on which the sign is to be constructed; name and address of the person that is to construct the proposed sign. The Zoning Officer may require additional information consistent with the provisions of this Ordinance. All signs shall be constructed and placed in substantial compliance with the permit and data submitted by the applicant.
  - ii. An application for a sign permit shall be accompanied by the fee specified by resolution by the City Council, except that Class D signs shall not require a fee. No application will be considered unless and until the required fee has been paid by the applicant. Any fee paid shall be refunded if the applicant withdraws the application prior to its consideration by the Zoning Officer.
  - iii. Any sign permit issued by the Zoning Officer under this Ordinance shall be valid for a period of 12 months from the date of issuance. If the construction of the sign is not completed within 12 months from the date of its issuance, the permit shall be void and the site for which the permit was sought shall be returned to its condition prior to the issuance of said sign permit.
4. Certification by structural engineer.
  - i. The structural design of the following signs shall be certified by an engineer or architect registered in the State of Minnesota:
    1. Any freestanding sign which has a sign area in excess of 50 square feet or a height greater than 15 feet;
    2. Any projecting sign which has a sign area in excess of 50 square feet;
    3. Permitted signs supported by the roof of a building.
  - ii. In lieu of the above, if a structural design book showing standard sign designs is filed with the Zoning Officer, and the designs therein are certified by an engineer licensed in the State of Minnesota, and the proposed sign is shown in the standard design book, no individual certification shall be required.
5. Maintenance. All signs shall be maintained so as not to threaten danger to persons or property. Abandoned signs and signs that have become damaged, dangerous, or dilapidated shall be repaired or removed immediately. The City shall have the rights and shall follow the procedure set forth in Minnesota Statutes with respect to any abandoned, dangerous or dilapidated sign.

**G. Non-conforming Signs.**

1. Except as specified in 12.103G.4 of this Section and except for signs which possess one or more characteristics prohibited in 12.103C of this Ordinance, non-conforming signs shall be allowed to continue and reasonable maintenance of said signs shall be allowed. The changes in advertising message and/or

maintenance and repair upon an existing sign shall not be considered a relocation, replacement or structural alteration.

2. A sign which is non-conforming because of its location may be structurally altered or modified in its existing location, provided that the sign is not made more non-conforming. For the purposes of administering this principle, the following tests will be use:
  - i. The modified sign may not be larger in area than the existing sign;
  - ii. The modified sign may not encroach into a required yard any further than the existing sign;
  - iii. The modified sign must meet all other applicable codes and requirements.
3. Non-conforming signs shall not be relocated or replaced without being brought into compliance with all requirements of this Ordinance.
4. Portage and/or temporary signs, except as permitted in this Ordinance, shall either be removed or brought up to the requirements of this Ordinance within 12 months of the adoption of this Ordinance.

#### **12.104 Handicap Accessibility Standards**

For structures requiring or providing exterior handicapped accessible access the following standards, or applicable state standards, whichever are the most restrictive, must be met:

5. Walkway or exterior ramp shall be at least 4 feet wide with a slope no greater than 1 foot vertical to 20 feet horizontal.
6. Walkway surface shall be of a permanent, hard, slip-resistant material.
7. Walkway should be a direct, continuous route.

#### **12.105 Towers**

- A. **Applicability and Permits Required.** It shall be unlawful for any person, firm, or corporation to erect, to place any tower, wireless telecommunication facility, or wind energy conservation system greater than 35 feet in height without first receiving the appropriate permits from City of Coleraine. Nor may any person, firm, or corporation alter, modify, transform, or add to in any way an existing tower, wireless telecommunication facility, or wind energy conservation system without first receiving the appropriate permits.
- B. **Application Review.** The Zoning Officer may contract with an independent technical expert to review technical materials submitted by the applicant and/or to determine if additional information is necessary. The tower facility applicant shall pay the cost of such review and/or independent analysis.
- C. **Time Limit on Tower Construction.** Construction of an approved tower, including all accessory structures, including footings and foundations, must be completed within one year following the date of the permit, extendable for another year by the Zoning Officer. All landscaping must be installed within the first growing season immediately following construction.
- D. **Effect on Tower Facilities Existing Prior to Ordinance Effective Date.** Tower facilities and antennas in all zoning districts and in existence as of the date of adoption of this Ordinance that do not conform to or comply with this Ordinance are subject to the following provisions:

1. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respect with the provision contained herein.
2. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a Zoning Permit if the cost of repairing the tower to its former use, location, and physical dimensions would be less than 50 percent of its value as determined by the Itasca County Assessor.

E. **Exceptions.** The provisions contained herein shall not govern the following towers:

1. Any privately owned tower or antenna less than 70 feet in height and operated by a federally licensed amateur radio station operator or is used exclusively as a receive-only antenna;
2. Towers operated by a government entity for emergency services; and
3. Towers associated with utility transmission lines regulated by the Public Utilities Commission.

F. **Activities that Do Not Require a Permit.** The following tower facility activities will be allowed in all zoning districts within City of Coleraine without having to make application but must still meet the appropriate general provisions of this Ordinance with the exception of private amateur radio or receive-only antennas, which must meet the setbacks listed for towers herein but otherwise be regulated as accessory structures in each zoning district identified within this Ordinance.

1. Antennas less than 70 feet in height used by amateur radio operators or used as receive-only antennas incidental to residential use;
2. Routine maintenance of existing tower facilities or modification of lighting to conform to federal, state, or local requirements; and
3. The addition of an antenna to a tower facility that meets the standards of this Ordinance and does not increase the height of the tower facility (additional support facilities will still need an administrative Zoning Permit).

G. **Activities Requiring an Administrative Zoning Permit.** The following tower facility activities require an administrative Zoning Permit from the Zoning Officer; these activities must meet the standards outlined within this Article:

1. The addition or placement of accessory structures at the tower facility premises; and
2. The addition of commercial antennas on existing structures such as, but not limited, to buildings, flagpoles, church steeples, cupolas, ball field lights, and power line support devices that result in an overall height of less than 35 feet of the structure and does not require major modifications to the structure.

H. **Activities Requiring a Conditional Use Permit.** A Conditional Use Permit shall be required for the following activities. A Conditional Use Permit must meet the provisions of Section 12.11 and Section 12.105J and Section 12.105K. Exceptions to the requirements of this Section are listed in Section 12.105E.

1. The construction of a new tower 200 feet or more in height only upon a showing of need by the applicant;
2. The addition of a commercial antenna to an existing structures such as, but not limited, to buildings, flagpoles, church steeples, cupolas, ball field lights, and

power line support devices that results in the structure exceeding 35 feet in height;

3. An addition, including an antenna, to an existing tower facility that increases a tower's height to 200 feet or more;
4. Adding an antenna to an existing tower facility that would require the placement of lighting;
5. Towers and tower facilities within a Shoreland Management Area only upon a showing of need by the applicant; and
6. Towers and tower facilities within 1,000 feet from any specially designated scenic byway within Itasca County only upon a showing of need by the applicant.

I. **General Provisions.** The following general provisions shall apply to the erection, placement, or modification of any tower, wireless telecommunication facility, or wind energy conservation system that is subject to this Section.

1. **Tower setbacks.** The tower facility shall have a minimum distance to the parcel boundary or recorded easement boundary equal to the height of the tower. This setback may be reduced to one-half the height of the tower provided that the applicant submits an engineering report from a registered professional engineer that certifies that the tower is designed and engineered to collapse upon failure within the distance from the proposed tower to the property line or recorded easement. Wireless telecommunication tower facilities, including all support structures and security fencing, shall not be located within 1,000 feet from the Ordinary High Water Level from any classified lake or within 300 feet of any protected stream or river. The setback from a residence shall be one and one-half times the heights of a tower;
2. **Accessory building setbacks.** Any tower accessory building shall be subject to the setback requirements listed for the respective zoning district in which the tower is constructed;
3. **Fencing.** All wireless communication tower facilities shall be secured by a fence at least six feet in height to prohibit access by unauthorized persons. The radius of the perimeter shall be sufficient to contain the tower facility and all support equipment and accessory buildings;
4. **Signs.** No advertisement or identification of any kind is permitted on a tower facility except applicable warnings and equipment information as required by the manufacturer or by federal, state, or local authorities. The owner's name, telephone number, and site ID numbers shall be posted on the gate of the perimeter fence;
5. **Lighting.** Towers and antennas shall not be illuminated by artificial means except if the illumination is specifically required by the Federal Aviation Administration or other authority. Any light source utilized for security lighting shall feature down-directional, sharp cut-off luminaires that ensure there is no spillage of illumination off the parcel or easement boundary;
6. **Screening.** Screening may be prescribed by the Planning Commission depending on the site location and existing available vegetation;
7. **Noise.** The noise levels associated with any tower facility shall conform to the Minnesota Pollution Control Agency noise level requirements as listed in Minn. Rules, Chapter. 7030; and

8. Tower height. No tower shall be constructed 200 feet or greater in height above ground level unless a Conditional Use Permit is issued upon a showing of need by the applicant.

**J. Design Requirements.** Any proposed construction or modification of towers or tower facilities subject to the provisions of this Article must meet the following design requirements:

1. Towers, antennas, support cables, structures, and fencing shall be designed to blend into the surrounding environment to the maximum extent practical through the use of color and the possible implementation of either stealth or camouflage design. Communication towers not requiring FAA or FCC painting or markings shall have either a galvanized finish or painted a color consistent with the surrounding area;
2. At the tower site, the design of the support buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment;
3. If an antenna is installed on a structure other than an independently standing tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible;
4. Towers of a monopole or other freestanding design without the use of guy-wires or supporting cables are preferred, unless the Planning Commission determines that an alternative design would better blend into the surrounding environment. Designs other than monopole or other freestanding towers may be considered upon a showing of need by the applicant;
5. Tower facilities, all support structures, and security fencing shall not be constructed within the boundary of existing Types 1-8 wetlands as designated by the Wetlands Act, Chapt. 8420.0110, subp. 54A-H;
6. Towers and their antennas shall be certified by a licensed professional engineer to ensure that they conform to applicable state structural building standards; and
7. No part of any antenna, tower, lines, cables, equipment, wires, or braces shall at any time extend across or over any part of a right-of-way, public street, highway, or sidewalk without approval from the appropriate governing entity.

**K. Co-Location Requirements.** Any proposed tower shall be designed structurally, electrically, and in all respects able to accommodate both the applicant's antennas and comparable antennas for at least three additional users. Proposed facilities that provide a greater capacity for the placement of additional antennas shall be considered more desirable than towers with more limited capacities. Towers must be designed to allow for future arrangements of antennas and accept antennas mounted at varying heights. Proposals for new commercial wireless communication tower facilities shall not be approved unless the applicant can document to the satisfaction of the Planning Commission that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a two-mile search radius of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a competent registered professional structural engineer or a structural engineer with equivalent credentials and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate the planned equipment at a reasonable cost;



2. The planned equipment would cause interference materially impacting the usability of the other existing or planned equipment at the tower or building as documented by a competent electrical engineer specializing in radio frequency communications and the interference cannot be prevented at a reasonable cost;
3. Existing or approved towers or buildings cannot perform the necessary function or accommodate the planned equipment at a height necessary to function reasonably as documented by a competent electrical engineer specializing in radio frequency communications and/or structural engineer;
4. The applicants shall submit proof of best efforts to negotiate reasonable industry terms regarding the lease or purchase of space on an existing tower; or
5. Coverage objectives of the carrier cannot be met by using existing towers and or other structures within a two-mile radius.

L. **Conditional Use Permit Application Requirements.** In addition to the general provisions as set forth in Section 12.1051. Conditional Use Permit applications for new towers shall also meet the following:

1. Site plan(s) drawn to a scale of one inch equals 20 feet or less specifying the location of the tower facility, support structures, transmission buildings, and/or other accessory structures and uses, accesses, parking areas, fences, signs, lighting, landscaped areas, and all adjacent land uses within 250 feet of the tower facility, including all support structures and security fencing;
2. A visual study depicting where within a one-mile radius any portion of the proposed tower facility will be visible. The visual study shall include a viewshed representation of the affected area by means of computer generation, engineering renderings, or a photo rendering of the proposed tower as it would be viewed from each direction;
3. Map showing the search radius for the antenna location and the proposed broadcast coverage obtained by the tower facility, including a narrative describing a search radius of not less than one mile for the requested site, clearly explaining why the site was selected, identifying and locating landing and takeoff areas of aircraft within the search radius, locating all existing tower facilities, and identifying all other structures that may be potential co-location sites;
4. Elevations drawings of “before” and “after” simulating and specifying ground levels, the location and height of antennas, support structures, equipment buildings, and/or other accessory uses, fences, and signs of the tower facility;
5. A letter that requires the tower facility owner and successors to allow the shared use of the tower facility if an additional user agrees in writing to meet reasonable industry terms and conditions for shared use;
6. A copy of a certificate of insurance for liability and workers compensation insurance that requires notification to Zoning Officer prior to cancellation will be furnished;
7. A copy of the FCC’s license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with the current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions or a statement from the applicant that no such compliance is necessary and the reasons therefore;
8. A letter of intent or interest on behalf of a carrier that once the tower is constructed it is reasonably sure that an antenna will be mounted within one year after completion;

9. A copy of a pre-FAA determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations or that no compliance with Part 77 is required and the reasons therefore;
10. Applicant shall submit proof, in the form of a signed affidavit, demonstrating a good faith effort to lease or purchase space on a nearby existing tower facility. The affidavit shall state why space is not available in accordance with the provisions listed in Section 12.105K; and
11. Applicant shall include a five-year wireless telecommunication facilities plan containing the following information. The plan must be updated with each submittal necessary:
  - i. Written description, to the extent possible of type of consumer services each company/carrier will provide to its customers over the next five years (which shall include, but not be limited to, digital and analog Cellular, Personal Communication Services, Specialized Mobile Radio, Paging Private Radio, or other anticipated communication technology);
  - ii. A list of all existing sites, existing sites to be upgraded or replaced, and proposed telecommunication facilities within the city and Itasca County for these services by the company;
  - iii. A presentation size map of the city and Itasca County that shows the five-year plan for telecommunication facilities or if individual properties are not shown, the geographic service areas of the cell sites. Information provided as a part of the five-year facility plan that is a trade secret pursuant to Minn. Stat. 13.37 shall be classified as non-public data;
  - iv. Written acknowledgment by the applicant and landowner that they will abide all applicable Conditional Use Permits;
  - v. The owner of the tower facility shall provide City of Coleraine with an acceptable financial guarantee in an amount equal to one and one-half times the cost to remove the tower facility and restore the site. The Zoning Officer shall determine this amount based on input from an independent technical expert and based on the likelihood that the tower facility may be abandoned; and
  - vi. Documentation shall be provided prior to the issuance of a Zoning Permit demonstrating that the approved tower facility has been designed to conform to the applicable state structural building standards and accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code and a sworn statement that following completion of construction the tower facility will be inspected at the applicant's expense by a licensed professional engineer.

**M. Additional Factors Considered in Granting a Conditional Use Permit.** The Itasca County Planning Commission shall consider the following factors in addition to the factors listed in Section 12.105L and Section 12.11 in determining whether to issue a Conditional Use Permit:

1. Height of the proposed tower facility;
2. Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment;
3. Proximity of the tower to residential structures and residential zoning district boundaries;

4. Nature of uses on adjacent and nearby properties;
5. Surrounding topography;
6. Surrounding tree coverage and foliage;
7. Design and siting of the tower with particular reference to design characteristics and location that have the effect of reducing or eliminating visual obtrusiveness;
8. Proposed ingress and egress;
9. Availability of suitable existing towers and other structures as discussed in Section 12.105K; and
10. Impact to the existing aesthetics and character of the surrounding area.

N. **Revocation of Conditional Use Permit.** A Conditional Use Permit issued for a tower or tower facility may be revoked, in accordance with the processing requirements set forth in Section 12.11,, based on a finding that:

1. The permittee has failed to comply with the conditions of approval imposed;
2. The facility has not been properly maintained; or
3. The facility is no longer in use and has not been in use for the previous 12 months. In the event of revocation of a permit, the tower and all accessory structures must be removed and the site restored to its original condition within 180 days. Failure to do so will result in the City completing the removal and site restoration and the permittee shall forfeit any financial guarantee or the cost will be assessed against the property.

#### **12.106 Surface Water Management**

Surface water management on all lands in City of Coleraine shall comply with the City of Coleraine Storm Water Management Ordinance when adopted. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency.

#### **12.107 Fences**

##### **A. Application.**

1. The regulations contained in this Section apply to all new or replacement fences, walls, or natural material improvements erected or installed from the effective date of this Ordinance, but do not apply to the mere repair or existing fences. These regulations apply to fences and improvements in all zoning districts, including residential districts, planned development districts, commercial districts and industrial districts. Such improvements include but are not necessarily limited to fences, walls, hedges, trees and shrubs.
2. This Section does not apply to retaining walls, which are erected for a specific purpose, such as erosion control (confining dirt). Specific requirements regarding retaining walls are found in 12.101Q of this Ordinance.

B. **Intent and Purpose.** It is the intent of these regulations to improve public safety and the welfare of persons using city sidewalks and streets through the maintenance of adequate visibility into and from private property and within public rights-of-way, particularly as related to the front yard spaces between the public sidewalks and any buildings on a lot. Furthermore, the regulations are designed to allow individual property owners the ability to provide adequate screening for privacy on their lots without undue negative impact on the interest of residents on abutting properties to secure adequate

light and air. It is not the intent of these regulations to discourage creative and attractive fence designs, consistent with the stated intent and purpose of this Ordinance. Finally, it is the intent of these regulations for fences to be used for decorative, yard screening and/or confinement purposes, and not to be used as structural support for any roof or wall for building enclosure.

**C. General.**

1. All fences and improvements require a permit.
2. Fences must not be erected where they create a visual safety hazard, in the opinion of the Zoning Officer.
3. No fence in a residential or planned development district may contain barbed wire.
4. No fence may be charged with electric current, except within an agricultural district.
5. The finished side of the fence must face the exterior of the lot, and the posts/supports must face in toward the property on which the fence sits.
6. Fences must be maintained so as not to endanger life or property and any fence which, through lack of repair, type of construction or otherwise, imperils health, life or property or the well-being of a neighborhood, will be deemed a nuisance.
7. All fences and improvements must be located on the private property of the person, firm or business constructing the fence. It is the responsibility of the owner of the property in question to determine the location of property lines and easements.
8. The fence owner is entitled to reasonable access to the adjoining property for the purposes of building, repairing, or maintaining the fence. The City of Coleraine will take no action against such fence owner for trespass under Minnesota Law.
9. All fences must comply with all other requirements of law, this code, or local building code as it applies to fence installation and materials.

**D. Location and Orientation.** The City reserves the right to remove fences, trees and improvements from an easement area if required for utility installations, maintenance or emergency repairs. No fence, wall, hedge or other screening device is permitted to encroach on any public right-of-way.

**E. Height.** Fences, walls, hedges or improvements up to 6 feet in height above grade are permitted, except in front yards and on corner lots.

**F. Setbacks.**

1. **Setbacks.** In all zoning districts, setbacks are determined after allowing for public sidewalks, curbs, driveways, buildings and/or other requirements. Note that the City's legal right-of-way along a street extends beyond the street's edge to include the curb and sidewalk.
2. **Proximity to front yard.** Fences and improvements must not be located closer than 2 feet from any public right-of-way. In addition, the fence height must not exceed 4 feet.
3. **Proximity to alley right-of-way.** Fences must not be located closer than 6 feet to an alley, to allow for maintenance vehicles and snowplow access.
4. **Front yard / corner lots.** Fences and improvements must not be higher than 4 feet. In addition, no structures or trees or shrubs are permitted within 15 feet from any

intersection of streets or public right-of-way. These guidelines are required to insure adequate visibility for preserving public safety and the welfare of persons who use city sidewalks and streets.

**G. Construction and Materials.**

1. Residential.
  - i. Approved: All fences in residential districts must be constructed of stone, brick, finished wood, chain link or vinyl, and be capable of maintaining an upright position within 15 degrees. All posts must be dug a minimum of 3 feet in depth. Canvas material or privacy slats that are strictly intended and used for screening purposes on chain link types of fencing will be accepted provided the material is securely fastened as required to said type of fencing with canvased installed on the interior side and is properly maintained.
  - ii. Prohibited: Barbed wire, razor wire, and electrical fences are prohibited in residential districts, planned development districts, and commercial districts. For purposes of this subdivision, any improvement as noted herein that is found to be unsafe, or a nuisance, is prohibited. Plywood boards, any sheeting consisting of wood, plastic/vinyl or metal, including any boards, panels or planks larger than 12 inches in width are prohibited.
2. Commercial and industrial. Fences in these districts are primarily erected for security measures. No barb wire is permitted on any fence a height of less than 7 feet above the ground. The fence is permitted to have "arms" projecting into the applicant's property.

**H. Snow and Silt Fencing.**

1. No permit is required for either snow or silt fencing but must conform to the fencing location and orientation setbacks set forth in this section.
  2. Snow fencing will be allowed only between November 1<sup>st</sup> and April 15<sup>th</sup>. However, in no case will snow fencing be allowed to encroach upon public right-of-way.
  3. Silt fencing will be temporarily allowed on construction sites only for erosion control.
- I. Maintenance.** Fences, or improvements, must be maintained to retain their aesthetic quality, screening abilities, and function at all times. Exterior surfaces of all fences and walls must have either a painted, stained, decay resistance treatment, or a factory finish. Missing boards, rusting wire and posts, and peeling paint must be repaired or replaced within same quality material and workmanship at the owner's expense immediately as they occur.
- J. Permits and Fees.** A zoning permit application is required for all fences and improvements. The application must include the name and address of the applicant and a site plan of the desired improvement. The site plan must include existing building or structural improvements as well as any easements. The application must also include information about material to be used for the fence or improvement, including post depths and finished height. The Zoning Officer reserves the right to require additional information. Note that permit requirements for property owners are always subject to applicable minimum building line setbacks from property lines. The fee for a permit is fixed by resolution of the City Council.
- K. Variance.** Any deviation from the requirements of this Ordinance requires a variance. If a modification or variance is requested, the variance will be considered in compliance with the zoning variance procedures, and fees for this variance will be set in accordance with the zoning variance fee schedule. The variance request process

includes an application to be presented to the Planning Commission as well as a public hearing, before action to approve or deny the variance will be decided.

- L. **Conformance and Penalties.** The City of Coleraine may notify the owner of the property in question of any fence or improvement found not to be in compliance with this Ordinance, for the purpose of compliance, or for the purpose of removal by the owner of the property in question. When so directed, a notice of a violation shall be mailed to any person who is in violation of the provisions of the zoning code. The notice must state the nature of the violation and the penalty for the violation. If the person fails to comply with the applicable provisions of the zoning code indicated in the notice, a penalty fee will be assessed. The fee for a penalty is fixed by resolution of the City Council.

**12.108 Bufferyard Requirements**

- A. **Purpose and Intent.** These landscaping standards are designed to promote the health, safety and general welfare of city residents and property owners. Effective landscaping and buffering can greatly enhance an area’s visual appeal, minimize the adverse impacts of intensive land uses, and protect adjacent land uses from excessive noise, light, litter and traffic.
- B. **Scope of applicability.** The requirements of this section shall apply to all uses, structures, or properties constructed, extended, enlarged, moved or altered, with the exception of properties zoned R-1, R-2, FR, RR, MU, P or TR. All open areas not used or required for buildings, off-street parking, drives or storage shall be landscaped with a combination of conifers and deciduous trees, shrubs, flowers, ground covers and grass. One- and two-family dwellings permitted in any zone shall be exempt from the requirements of this section.
- C. **Bufferyards.** Plant materials and fencing required in the installation of bufferyards shall be determined in accordance with Table 12.108-A, bufferyard components. They shall be located within the required front, side and rear yards, and the type of bufferyard required between zoning lots shall be determined in accordance with Table 12.108-B, bufferyard requirements by location. Walls and fencing may be used in cases where natural landscaping is not adequate for screening purposes. Fencing materials and design shall relate to the building design and character when used. Additional landscaping treatment may be required to soften the fence from public view.

<b>Table 12.108-A. Bufferyard Components Required Plant Materials per 100 Linear Feet of Yard</b>				
<b>Bufferyard Type</b>	<b>Canopy Trees</b>	<b>Understory Evergreen Trees</b>	<b>Shrubs</b>	<b>Fence</b>
A	1	2	4	No
B	1	3	6	No
C	1	4	8	No
D	1	5	10	Yes (a)
E	1	6	12	Yes (b)

- (a) Fence required only when off-street parking areas abuts a residential zone and is situated within 25 feet of a residential property line. The fence shall not be less than 3.5 feet high nor more than 6 feet high, located within 25 feet of a residential zone property line, and have opacity of not less than 90 percent. No parking lot fencing shall be required in a required front yard of street side yard.
- (b) In addition to the parking lot fence requirements for a Type D bufferyard, a fence shall be required only on the common lot line(s) or lot lines adjacent to an alley, but shall not extend into the required front yard. The fence shall have a opacity of not less than 90 percent and shall be 6 feet high unless otherwise required in this section.

Table 12.108-B. Bufferyards Required by Location							
Zoning of Subject Property	Zoning of Adjacent Property						
	R-1	R-2	FR	RR	MU	P	TR
MU	A	A	A	A	N/A	A	A
GC	B	B	A	A	B	B	B
LIC	D	D	C	C	D	D	D
LC	B	B	B	B	B	B	B
LI	E	E	D	D	E	D	E
HI	E	E	E	E	E	E	E
IM	E	E	E	E	E	E	E

D. **Maintenance of Bufferyards.** Shall consist of all acts necessary to ensure that areas remain useable as originally designed and that no hazards, nuisances or unhealthy conditions exist. Where screening with landscape materials is proposed in lieu of required walls or fences, all materials shall have a minimum opacity of 90 percent year-round. The owner shall have the responsibility to maintain all such screening.

E. **Bufferyards and Street Tree Credits.** When existing trees, buffers or other materials exist, the developer may receive credit for such trees, buffers, or landscape materials, provided they are maintained in accordance with the requirements of this section. The Zoning Officer, upon receipt of a written request and submittal of a survey of existing trees, landscaping or buffers, may waive the landscaping and bufferyard requirements to the degree that the waiver is consistent with the intent of this section.

F. **Minimum Standards for Landscaping / buffering Materials.**

1. Minimum plant sizes are established as follows:
  - i. Canopy trees: 2 inches at 6 inches above ground.
  - ii. Evergreen trees: 60: in height.
  - iii. Understory trees: 1.5" caliper at 6 inches above ground
  - iv. Shrubs: deciduous: 24" in height.
  - v. Shrubs: evergreen: 18" in height.
2. All plant materials shall conform to the standards of the American Association of Nurserymen and be planted in accordance with the standards of the American Institute of Architects.

G. **Screening of Dumpster/Trash Can, Outdoor Storage of Materials/Merchandise.**

1. All dumpsters, trash cans, incinerators, etc. shall be screened from public view with a fence, wall or other enclosure 6 feet in height with a minimum of 90 percent opacity. The dumpster area may not extend into a front yard or street side yard space, but may extend into any other required yard provided it is at least 5 feet from the property line.
2. Any outdoor storage of materials and merchandise not available for immediate sale shall be screened from public view with a fence, wall, other enclosure, or vegetative screening at least 6 feet in height with a minimum of 90 percent opacity. Such storage area shall not be located in the front or street side yard space or encroach into the required yard space specified for that zoning district.
3. Loading areas and outdoor storage areas exert visual and noise impacts on surrounding development and residential areas. These areas, when visible from

adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances. In addition, the following standards apply:

- i. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way or residential areas.
- ii. All storage, collection, and compaction of trash shall occur within the principal building.
- iii. Loading docks, truck parking, utility meters, HVAC equipment, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- iv. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.

H. **Additional Required Screening.** Additional landscaping and screening to minimize the impacts of large parking areas and building size shall be provided as determined necessary by the city.

## 12.11 CONDITIONAL USES AND STANDARDS

### 12.111 Purpose and Intent

The development and administration of this Ordinance is based upon the division of the City into districts within which the land use regulations are specified. It is recognized, however, that there are special uses which, because of their unique characteristics, must be considered individually as to their impact upon neighboring land and the public welfare and their compatibility at the particular location. To provide for these needs the City Council may by resolution approve a Conditional Use Permit for those uses and purposes listed and may impose conditions and safeguards in such permits to insure that the purpose and intent of this Ordinance is carried out.

### 12.112 Application Requirements

- A. **Requirements.** An application signed by the land owner for a Conditional Use Permit shall be filed with the Zoning Officer together with a filing fee as established by the City Council. Said application shall be accompanied by the following information:
1. A site plan drawn to scale which shows all dimensions; the location of existing and proposed streets, buildings and parking; the existing and proposed building height and floor area; curb cuts and driveway locations; utilities; loading areas and lighting.
  2. A drainage and landscape plan showing existing and proposed topography, slopes, surface drainage, vegetation and surface treatments.
  3. Building plans showing elevation drawings and floor plans.



4. A written description of the use to be made of the property and buildings including the number of dwelling units, employees, etc. as may be appropriate.
5. Mandatory for property within shoreland areas and optional for all others: information regarding soil conditions, water supply, on-site sewage treatment.
6. Mandatory for property within shoreland areas and optional for all others: information regarding the type, uses and number of watercraft that the project will generate and the ability of the impacted waterbody to accommodate these watercraft.
7. For property which is or may be located within the flood plain area of Coleraine, the following information may be required:
  - i. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
  - ii. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; photographs showing existing land uses and vegetation up- and downstream; and soil type.
  - iii. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development. A copy of the above information shall be transmitted to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations NR 6120.5600 – 6120.5700 shall be followed in this expert evaluation. The designated engineer or expert shall: estimate the peak discharge of the regional flood; calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas; and compute the floodway necessary to convey the regional flood without increasing flood stages more than 0.5 feet. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
8. Mandatory for property deemed within the flood plain area: plans drawn to scale showing flood-proofing measures; and, specifications for building construction and materials, filling, dredging, grading, channel improvement, and storage of materials.
9. Any other information, which in the opinion of the Zoning Officer, is required to evaluate the application and its consistency with the City Comprehensive Plan.

B. **Waiver Authority.** The Zoning Officer shall have the authority to waive any of the above information not deemed to be necessary and appropriate to evaluate the application.

#### **12.113 Hearing and Mailed Notice**

The Zoning Officer shall cause to be published a notice of the public hearing before the Planning Commission in the official newspaper at least 10 days prior to the hearing date. Notices shall also be mailed to all owners of property within 300 feet of the parcel included in the request not less than 10 days prior to the hearing. Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with notice requirements was made.

#### **12.114 Planning Commission Review and Recommendation**

- A. **Public Hearing.** The Planning Commission shall conduct a public hearing on the application and make its recommendation with findings and conditions to the City Council
- B. **City Council Action and Decision Criteria.** Within 60 days of receipt of the Planning Commission's recommendation, the City Council may approve or deny the Conditional Use Permit. The City Council shall not approve a Conditional Use Permit unless it shall find that the establishment, maintenance and operation of the use:
1. Will not be detrimental to the public health, safety, morals or general welfare; and
  2. Will not cause undue traffic congestion or hazards and will not result in an on-street parking shortage; and
  3. Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area; and
  4. Will not impede the orderly development of other property in the area; and
  5. Will not impose an excessive burden on parks, utilities and other public facilities and services; and
  6. Is consistent with the City Comprehensive Plan.
- C. **Additional Considerations in Shoreland Areas.** In addition to the factors considered above, for applications involving shoreland areas, the City Council shall not approve a Conditional Use Permit unless it shall find that the establishment, maintenance and operation of the use:
1. Will prevent soil erosion or other possible pollution of public waters as related to site and development activities, both during and after construction; and
  2. Will limit the visibility of the structures and other facilities as viewed from public waters; and
  3. Insure that the site is adequate for water supply and on-site sewage treatment, if public utilities are not available; and
  4. Insure that 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.
- D. **Additional Considerations in Flood Plain Areas.** In addition to the factors considered above, for applications involving flood plain areas, the City Council shall not approve a Conditional Use Permit without making findings regarding the following:
1. The danger to life and property due to increased flood heights and velocities caused by encroachments;
  2. The danger that materials may be swept onto other lands or downstream to the injury of others or that such materials may block bridges, culverts or other hydraulic structures.
  3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  5. The requirements of the use for a location in the flood plain area;

6. The availability of alternative locations not subject to flooding for the proposed use;
7. The safety of access to the property in times of flood for ordinary and emergency vehicles;
8. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
9. The importance of the services provided by the proposed use to the community;
10. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
11. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area; and
12. Such other factors which are relevant to the purposes of this Ordinance.

E. **Special Considerations for Gravel Pits.** In addition to all applicable considerations noted above, the City Council shall not approve an application for a gravel pit without making findings regarding the following:

1. A site development and reclamation plan for the pit has been prepared by a registered professional engineer and reviewed by the Itasca County soil and water conservation district and other appropriate agencies designated by the Zoning Officer. The site development plan shall indicate the location of all operations, including crushing and sorting; location, size and features of buffer areas between the operations and adjoining property; roadways; and any other features designated by the Zoning Officer.
2. An operations plan has been prepared by the applicant. Said plan shall indicate days of the week the pit is to be operated, operating hours, approved truck routes, means of cleaning trucks prior to exiting the premises, and other items identified by the Zoning Officer or the Planning Commission.
3. Estimated noise levels generated by pit operations, including truck traffic, shall be provided for impact sites located at the nearest property line (but not a public road right-of-way), nearest residence, and nearest public road right-of-way. A conditional use permit shall not be granted if nighttime noise level standards, as set by the Minnesota Pollution Control Agency, are violated at any of these points or if the daytime noise level standards, as set by the Minnesota Pollution Control Agency, are violated at the nearest property line or nearest residence.
4. Within shoreland areas, processing machinery associated with extractive use operations including sand and gravel pits must meet the setback from the bluff and from the ordinary high water level that would normally apply to structures.

#### **12.115 Conditions and Restrictions**

- A. **Imposition of Conditions.** The City Council may impose such conditions and restrictions as it deems necessary on the establishment, location, construction, maintenance, operation and duration of the use to ensure compliance with the requirements of this Ordinance. For Conditional Use Permits in shoreland areas, the City Council may also impose conditions and restrictions concerning: increased setbacks from the ordinary high water level; limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and, special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

- B. **Periodic Review.** If periodic review is imposed as a condition of a Conditional Use Permit, the Conditional Use Permit shall be reviewed at a public hearing prior to the expiration of the review period. It shall be the responsibility of the Zoning Officer to schedule the public hearing and inform the land owner of the review. A fee shall not be required to be paid.

#### **12.116 Resubmission**

No application which has been denied by the City Council shall be resubmitted by the applicant for a period of 1 year following the date of denial by the City Council.

#### **12.117 Lapse and Extension**

If within one year after the date of issuance the use for which the Conditional Use Permit was issued has not commenced, the Conditional Use Permit shall become null and void. If the applicant requests an extension in writing within 1 year after issuance, the City Council shall conduct a public hearing and consider an extension utilizing the same notice procedures as required by the original application. The City Council may extend the Conditional Use Permit for up to 1 year upon finding that: (a) a good faith effort has been made to use the permit, (b) there is reasonable expectation that the permit will be used, and (c) the facts upon which the original permit was issued are essentially unchanged.

#### **12.118 Revocation**

If any person is found in violation of any condition or restriction imposed by the City Council, the City may revoke said Conditional Use Permit utilizing the procedures established in this Ordinance.

### **12.12 NON-CONFORMING LOTS, USES, STRUCTURES, AND ON-SITE SEWAGE TREATMENT SYSTEMS**

It is the purpose of this section to provide for the regulation of non-conforming lots, uses, structures and on-site sewage treatment systems. It is necessary to satisfying the purposes and intent of this Ordinance that non-conforming lots, uses, structures and on-site sewage treatment systems not be permitted to continue without restriction. Further, it is the intent of this Ordinance that all non-conforming lots, uses, structures and on-site sewage treatment systems eventually be brought into conformity

#### **12.121 Nonconforming Lots**

- A. **General.** Lots of record in the office of the Itasca County Recorder on the date of enactment of this Ordinance that do not meet the requirements of the appropriate zone district set forth in this Ordinance may be allowed as building sites without variance from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with the official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.
- B. **Variance Required.** A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a nonconforming lot. In evaluating the variance, the Planning Commission acting as the Board of Zoning Appeals shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- C. **Contiguous Lots.** If, in a group of 2 or more contiguous lots under the same ownership, any individual lot does not meet the requirements of the appropriate lot size requirements set forth in this Ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this Ordinance as much as possible.

### 12.122 Nonconforming Uses

- A. **Nonconforming Uses.** Uses not permitted by this Ordinance but which are in existence prior to the effective date of this Ordinance shall be legal nonconforming uses. Such uses may be continued but shall not be intensified, enlarged or expanded beyond the permitted or delineated boundaries of the use of the activity as stipulated in the most current permit issued prior to the adoption of this Ordinance.
- B. **Substandard Uses Defined as Nonconforming Uses.** All uses in existence prior to the effective date of enactment of this Ordinance which are permitted or conditional uses within appropriate zone districts, but which do not meet the minimum lot area, setbacks or other dimensional requirements of this Ordinance are substandard uses defined as legal nonconforming uses. Such uses shall be allowed to continue provided that any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.
- C. **Change of Use.** Such legal nonconforming use shall not be changed to another nonconforming use or be reestablished if discontinued for a continuous 12 month period.
- D. **Maintenance.** Normal maintenance of a building or other structure containing or related to a legal nonconforming use is permitted.

### 12.123 Nonconforming Structures

- A. **Variance Required.** All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height and other requirements of this Ordinance. Any deviation from these requirements must be authorized by a variance by the Planning Commission acting as the Board of Zoning Appeals.
- B. **In Flood Plain Areas.** No structural alteration or addition to any nonconforming structure over the life of the structure shall exceed 50% of its assessed value at the time of its becoming a nonconforming structure, unless the entire structure is permanently changed to a conforming structure or unless the alteration or addition would substantially reduce potential flood damages for the entire structure.
- C. **Decks in Shoreland Areas.** Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
  - 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 does not encroach closer than 30 feet, whichever is more restrictive; and
  - 4. The deck is constructed primarily of wood and is not roofed or screened.
- D. **Other.** Any other nonconforming structure may be continued in any other zone district subject to the following:
  - 1. No such structure shall be enlarged, increased or extended unless such enlargement, increase or extension eliminates the nonconformity.
  - 2. If at any time a nonconforming structure is destroyed to the extent that 50 percent of its fair market value, said value to be determined by the City Assessor, then without future action by the City Council, such structure shall, from and after the

date of such destruction, be subject to all the regulations specified in this Ordinance for the district in which said land and buildings are located. Any structure which is damaged to an extent less than 50 percent of its value may be restored to its former extent, provided, that it must be reconstructed within 12 months after the date of the damage.

3. Whenever a nonconforming structure ceases to be used and such cessation of use continues uninterrupted for a period of 180 days following written notice of such fact being given to the owner by the Zoning Officer, then such structure shall not be used unless the nonconformity is eliminated.
4. Normal maintenance of a structure containing or related to a legal nonconforming use or with respect to a nonconforming structure is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconformity.
5. Alterations may be made to a building containing legal nonconforming dwelling units when such alterations will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building.

#### **12.124 Nonconforming On-site Sewage Treatment Systems**

A sewage treatment system not meeting the requirements of this Ordinance must be upgraded at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this Ordinance, a sewage treatment system may not necessarily be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level. In addition, sewage treatment systems installed according to all applicable standards in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

12.13 - 12.19 (Reserved)

#### **12.20 SUBDIVISION OF LAND**

Section 12.20 of this Ordinance defines the terms, conditions and procedures for the dividing of land in the City of Coleraine.

##### **12.201 Subdivision and Platting of Land**

- A. **Purpose.** Each new division of land becomes a permanent unit in the basic physical structure of the City of Coleraine, to which, in the future, neighborhoods and other development will, of necessity, need to cohere. In order that new divisions of land contribute toward: an attractive, orderly, stable, and wholesome community environment; adequate public services; and safe streets, all divisions of land shall fully comply with the regulations set forth in this Ordinance.
- B. **Scope.**
  1. Application. This Ordinance shall apply to all divisions of land by metes and bounds description; subdivision plats under the provisions of Minnesota Statutes, Chapter 505; Registered Land Surveys under the provision of Minnesota Statutes, Chapter 508; and townhouse, condominium, and group home developments under the provisions of Minnesota Statutes, Chapters 515 and 515A. Minor subdivisions Minn. Stat. § 462.358, subd. 3b. Minn. Stat. § 505.03, subd. 1. Section V-H Minor subdivisions. State statute allows cities to adopt ordinance provisions that consolidate the preliminary and final plat approval process. Sometimes this is referred to as "minor subdivision." State statute requires municipal subdivision ordinances to require a plat for all subdivisions that create five or more lots or parcels which are 2 ½ acres or less in size. When a city approves a subdivision that creates less than five parcels that are 2 ½ acres or more in size, it is sometimes called a "minor subdivision." In these situations, the city's subdivision ordinance may require a plat, but is not required.<sup>3</sup>

2. Exemptions. Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this Ordinance nor is it intended by this Ordinance to repeal, annul, or in any other way impair or interfere with existing provisions of other laws or resolutions except those specifically repealed by, or in conflict with, this Ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land.

**C. Metes and Bounds Conveyances.** Conveyances of parcels of land by metes and bounds, as herein defined, shall be permitted as follows:

1. For any description of record in the Office of County Recorder.
2. For the division of any description of record in the Office of County Recorder into a maximum of 2 tracts provided that:
  - i. All tracts meet the current lot size requirements of this Ordinance and no lot shall require a variance from one or more standards of this Ordinance in order to use the lot for its intended purpose;
  - ii. No new public road is required to provide access to any parcel; and
  - iii. A certificate of survey and its accompanying corner certificates are filed in accordance with this Ordinance.
3. For the transfer of interest in land by will or pursuant court order.
4. For the transfer of small parcels in case of encroachments provided that a certificate of survey and its accompanying corner certificates are filed in accordance with this Ordinance.
5. For transfers to improve land use, if the adjacent property will still meet the requirements of this Ordinance, no residual tract is left unattended, and a certificate of survey and its accompanying corner certificates are filed in accordance with this Ordinance.

**D. General Specifications and Requirements.** The following specifications and requirements shall apply to all preliminary and final plats.

1. Comprehensive plan. The subdivision shall be consistent with the Coleraine comprehensive plan.
2. Land use regulations. The use of the land proposed to be platted must be allowed under the land use regulations of this Ordinance and no lot within a subdivision shall require a later variance from one or more standards of this Ordinance in order to be used for its intended purpose. In those shoreland areas which are not served by community sewer and water systems, a subdivision shall not be approved unless domestic water supply is available and a sewage treatment system consistent with this Ordinance can be provided for every lot; in addition, each lot shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of 2 standard soil treatment systems; in addition, lots that would require the use of holding tanks shall not be approved.
3. Land suitability. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature

of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

4. Staged (phase) development. Whenever a proposed subdivision constitutes only a portion of a tract of a size sufficient for future enlargements of such subdivided portion from time to time, or where the intention is for future enlargements of such subdivided portion from time to time, a tentative plan for the future subdivision of the entire tract shall be submitted.
5. Identification and description. All preliminary and final plats shall provide the following information:
  - i. Proposed name of final plat, which shall not duplicate or be alike in pronunciation or spelling of any plat heretofore recorded in the County.
  - ii. Location, by aliquot part, section, township and range, with sketch, not smaller than 1 inch equals 2000 feet, showing the subdivision's location within the section.
  - iii. Names, addresses, and telephone numbers of the owner(s), subdivider, surveyor, and designer of the plat.
  - iv. Graphic scale, not smaller than 1 inch equals 100 feet.
  - v. North point.
  - vi. Date of preparation.
  - vii. Boundary line of proposed subdivision clearly indicated and designation of which lands are 'Abstract title' and which are 'Torrens title'.
  - viii. Total acreage of the plat.
6. Existing land conditions. The following information shall be provided by the subdivider with the preliminary plat:
  - i. Platted streets, railroad right-of-way, and utility easements.
  - ii. Permanent buildings and other structures.
  - iii. Location of nearest public water lines and sanitary sewer mains, existing culverts, or other underground facilities.
  - iv. Topographic contours at 5 foot intervals or less from the United States Geological Survey maps or more accurate sources, showing limiting site characteristics.
  - v. All surface water features on or immediately abutting the property shall be plainly shown and designated. Source and date of information is to be noted.
  - vi. Existing storm water drainage patterns.
  - vii. As may apply to a given plat, location of any property located within the Flood Plain or in shoreland areas, line indicating ordinary high water level, the toe and top of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
  - viii. Existing vegetation in outline.
  - ix. Any unique natural, historic or cultural features.



- x. In shoreland areas without public water or sewer service, information regarding adequacy of domestic water supply and suitability of existing soils to support on-site sewage treatment systems; 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 run-off and erosion, both during and after construction activities.

E. **Minimum Design Standards.** All plats and subdivisions shall be designed to at least satisfy the minimum standards of this section.

1. Blocks and lots.

- i. In residential areas, blocks shall be generally not less than 400 feet nor more than 800 feet in length measured along the greatest dimension of the enclosed block area. Minor variations may be allowed if necessitated by topography or to conform to an adjoining plat.
- ii. In blocks over 500 feet in length, the Planning Commission may require 1 or more public walkways within an easement not less than 10 feet in width to extend entirely across the block and at other locations as deemed necessary.
- iii. Blocks shall be wide enough to allow 2 tiers of lots except where adjoining a lake, stream, railroad or thoroughfare, or where one tier of lots is necessary because of topographic conditions.
- iv. Blocks for commercial or industrial areas may vary from the elements of design if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of streets, railroad access right-of-way and utilities shall be provided as necessary.
- v. No lot shall have less area or width than is required by this Ordinance for the zone district in which such subdivision is located. Lot widths on cul-de-sacs may be reduced to maintain straight radial lot lines provided the minimum lot area is maintained and the lot frontage abutting the cul-de-sac is not less than 40 feet.
- vi. Each lot must front upon and be accessed from a public street.
- vii. Through lots or double-frontage lots shall not be allowed.
- viii. Residential lots shall be separate from thoroughfares and railroad rights-of-way by a landscape buffer not less than 50 feet in width.
- ix. Side lot lines shall be substantially at right angles to straight street lines, radial to curved street lines, or radial to lake or stream shores unless topographic conditions necessitate a variation.
- x. To minimize the danger of the building site being flooded, the Planning Commission may require that lots abutting a drainage course, channel, stream or lake have additional depth and/or width.
- xi. The plan shall identify all blocks, outlots and lots by number and provide their dimensions and calculated area in square feet.

2. Easements.

- i. Easements as needed for drainage shall be provided to accommodate the surface and storm water runoff and watershed flowage. The effect proposed

roads, buildings and other alterations to the site have on surface water runoff and the proposed handling of this drainage shall be shown on the plan or discussed in accompanying documentation. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas allowing for management of storm water and significant wetlands.

- ii. Easements as needed for public utilities will be provided and shown on the plat. Location of these utilities is normally within the road right-of-way. Should additional easements be necessary they will be determined by the subdivider's surveyor in consultation with appropriate public officials, the utility companies, and the developer and shown on the plan.
  - iii. The location and dimensions of pedestrian ways will be shown on the plan.
3. Public use and service areas.
- i. Generally. Any subdivision of land within the city that will result in a net increase in the number of development employees and/or a net increase in the number of residential dwelling units shall convey or dedicate to the public a reasonable portion of the buildable land for public use for parks, playgrounds, recreational facilities, trails or open space. This requirement shall apply to platting of land, including minor subdivisions, but shall not apply to lot splits or re-platting of lands.
  - ii. The city shall determine the location and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose, future needs of the proposed development, and the criteria below. The city may decline any such proposed dedication. In such case, the developer will be required to make a payment-in-lieu of land dedication in accordance with subsection (vi).
  - iii. Criteria to be considered.
    - 1. The land to be dedicated must be in conformance with the comprehensive plan, any applicable small area plans, and the parks and trails plan.
    - 2. The land to be dedicated should serve an appropriate public purpose, which might include one or more of the following:
      - a. Providing space for recreational and leisure uses appropriate to meet the needs of the new residents and/or employees.
      - b. Connecting existing components of the parks and open space network including creation of a trail connection.
      - c. Expanding an existing public park, trail, or open space by the addition of adjacent land.
      - d. Preserving significant landforms, native plant communities, sensitive habitat, and/or cultural resources.
    - 3. There must be sufficient resources, public and/or private, available and committed to develop, operate and maintain the new park land.
    - 4. The land to be dedicated should help serve an area that is underserved by parks due to distance to existing parks, population density, inadequate facilities, or inadequate size of existing nearby parks.

5. The land to be dedicated shall be adequate for its intended purposes.
  6. Land dedicated solely for roadway, stormwater retention, or utility purposes, or otherwise unsuitable for the purposes listed above, shall not be accepted as satisfying the land dedication requirements of this article except that ponding areas, needed as part of the overall city storm drainage plan may be dedicated and accepted by the city if such areas meets the criteria for public parks as stated in the comprehensive plan and is approved as such by the city council.
  7. Dedicated land shall be accessible to the public served unless the city and park board determine that the dedicated land is an environmentally or ecologically sensitive area for which public access would be detrimental.
  8. Dedicated land shall be brought to a suitable condition by the developer prior to acceptance by the city. All dead trees, trash, debris, junk, unwanted structures or similar undesirable elements shall be removed by the owner at his or her expense.
  9. If a development is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total development area, except streets, alleys, or easements other than those leading directly to such sites, shall be dedicated at the time of platting of the first addition unless otherwise approved by the city council.
  10. Dedication credit shall not be granted for the construction of recreational facilities unless such facilities and associated land area are dedicated to and accepted by the city.
- iv. Formula for dedication of land. At any time that net new residential dwelling units and/or net new or increased development employees are planned to result from a subdivision, the subdivider shall dedicate:
    1. 0.028 acres of buildable land for every new residential unit, up to a maximum of 15 percent of the buildable area being platted or developed, plus
    2. 113 square feet of buildable land for each development employee, up to a maximum of 20 percent of the buildable area being platted or developed.
  - v. Land so dedicated shall be within the plat and/or, subject to approval by the city after consultation with park and recreation board and the subdivider, in close proximity to the plat. The city may require the land dedication option under this subdivision as a condition of plat approval, and in so doing may require that the land be dedicated prior to or at the same time as recording the final plat.
  - vi. Dedication option; fee payment. In lieu of the conveyance or dedication of land provided for in this subsection, the subdivider may, at the discretion of the city, pay to the city for eligible uses as described in this subsection a cash payment to the city.
    1. For residential development, the fee is the number of required acres to be dedicated as determined by the formula in subsection (d) times the per acre estimated market value of the buildable land at the time of dedication as estimated for the city by the county assessor. In no

case shall the dedication fee exceed 15 percent of total fair market value of the buildable land.

2. For commercial or industrial development the fee is the number of new development employees times the parkland payment value per commercial/industrial worker, which value shall be fixed by resolution of the City Council. In no case shall the dedication fee exceed 20 percent of total fair market value of the buildable land.
3. The fee for mixed-use developments that include both residential and non-residential development shall be the sum of the fees for the residential and non-residential development components. In no case shall the total dedication fee exceed 15 percent of fair market value of the buildable land. The cash payment in lieu shall be contributed prior to obtaining the city clerk's signature on the final plat or prior to obtaining the building permit required for the project.

vii. Private land maintained for public use.

1. The city may at its discretion, waive all or a portion of the land or cash dedication required in this section and enter into an agreement for the private development and/or maintenance of land for public use for parks, playgrounds, recreational facilities, trails, or open space areas within the proposed development.
2. The development of private land for public use under this subsection shall be subject to the following conditions:
  - a. The land area or value of the land and improvements privately developed and maintained for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space areas must at least equal that required under this section.
  - b. Land, facilities and improvements accepted under this provision shall be accessible to the public in a manner similar to public land.
  - c. The city must find that such land and improvements will serve the purposes listed in subsection 3.iii.2 above.
  - d. The city and subdivider of the land must have executed a parkland development agreement ensuring that specified land shall be developed and maintained by the developer to city standards, and any and all successors in interest thereof, of any type whatsoever, which includes, but is not limited to heirs and assigns, for the purposes listed in subsection 3.iii.2. The subdivider must include a covenant running with the specified land indicating that the land to be developed and maintained to city standards for the purposes listed in subsection 3.iii.2 will revert to the city in the event of a failure to comply with this requirement. When a recordable covenant concerning the ownership, maintenance or use of private areas and facilities for parkland development is required, the covenant shall be submitted to the city for approval, after consultation with the planning commission. Such covenant shall be recorded prior to or at the same time as the final plat or prior to obtaining building permits, as applicable.

- e. Yards, court areas, parking areas, stormwater management areas, setbacks, and other open areas required by zoning and building ordinances and regulations shall not be included in the computation of the land area required in determining the park dedication waiver.
- f. Before a waiver is given, the city shall make a finding that such a waiver is acceptable,
- g. That where such waiver is granted, the amount of the waiver shall not exceed 75 percent of the park dedication requirements for the development.
- h. If the subdivider provides park and recreational improvements, site amenities, or other landscape elements to the public use space, the value of the improvements shall be credited against the park dedication fees and conform to city standards for such improvements.
- i. Land accepted under this provision shall also be subject to the requirement that the subdivider provide evidence of good and marketable title.
- j. For any dedication of land required under this section that is not formally dedicated to the city with the final plat, the landowner shall record all deeds for conveyance of the property to the city prior to or at the same time as recording the final plat or prior to obtaining building permits for the development, as applicable.

3. Parkland dedication special fund created.

- a. There is hereby established a parkland dedication special fund. All funds collected pursuant to the parkland dedication process shall be deposited in the parkland dedication special fund and used solely for the acquisition and development or improvement of lands dedicated for public use for parks, playgrounds, trails, open space, or conservation purposes.
- b. Funds collected from residential developments may be spent on any eligible park or trail facility within the city. Funds collected from commercial or industrial developments may be spent on any eligible community park or trail.
- c. Such funds shall not be used for ongoing operations or maintenance.
- d. All fund expenditures shall be approved by the city council upon recommendation of the planning commission.
- e. Expenditures from the parkland dedication special fund shall be in conformance with the city's adopted comprehensive plan and any pertinent recreation plan and shall be consistent with other applicable criteria in subsection 3.iii.2 above.

- viii. Where a proposed highway, school, park, recreation area, or public access to water frontage shown on an official plan is located in whole or in part in the applicant's subdivision, the City Council shall require as a condition of final approval that such space within the subdivision be dedicated or reserved for the public. Such land shall not be developed for a period of 1 year from the

date of such final approval so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purposes not conforming to the official plan. If it is not acquired and no legal actions are filed by said public agency within such period, said reservation shall be of no further effect and such lands may then be used for other purposes.

4. Road system.

- i. A centerline profile and cross-sections for all roads that are to be developed or improved both within and leading to the development shall be submitted with the preliminary plan. The final road profile and cross-sections, showing existing road conditions, cuts, fills, slopes, grades, right-of-way widths, and proposed names of roads shall be submitted with the final plat. This profile and cross-section will also be at a minimum interval of 100 feet.
- ii. Preliminary and final plans shall show the layout of proposed roads, showing right-of-way widths and names of roads.
- iii. Proposed roads shall be properly related to such road plans or parts thereof as have been officially prepared and adopted by the City, Itasca County, or the State of Minnesota.
- iv. Roads shall be logically related to the topography so as to produce usable lots and reasonable grades. Roads should follow existing natural contours to the degree possible.
- v. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not possible.
- vi. Private roads, reserve strips, and landlocked areas shall be prohibited.
- vii. When a proposed road does not connect directly with an existing public right-of-way, a public easement of equal or greater width as the platted road shall be filed in the Office of the County Recorder prior to approval of the final plat.
- viii. When a subdivision plat does not abut a public road, the road connecting said plat to the public road shall be brought up to minimum City road standards by the developer prior to acceptance of the final plat by the City Council; and the City may not take over the road until: (1) at least 55 percent of the lots have occupied buildings on them, and (2) a year has passed since the approval of the final plat.
- ix. Half or partial roads will not be permitted, except where they are essential to reasonable subdivision of a tract in conformance with other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the road can be secured.
- x. Wherever a tract to be subdivided borders an existing half or partial road, the other part of the road shall be platted within such tract.
- xi. Minor roads shall be laid out to discourage their use by through traffic and, where possible, thoroughfares shall be protected for use by through traffic by frontage roads, lots served by interior roads or by other means.

5. Cul-de-sac and dead end roads.

- i. Dead end roads shall be prohibited except as stubs to permit future street extensions into adjoining tracts, as part of a stage development where the road is shown to eventually go through, as a segment of an officially

prepared and adopted road plan, by the City, or when designed as a cul-de-sac by reason of unfavorable landform, the irregular shape of the tract of land from which the subdivision is being made, and a normal through street pattern cannot be established. All dead end roads not permanently designated as a cul-de-sac must provide suitable area for the turning around of vehicles.

- ii. Unless future extension is clearly impractical, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At the same time as such a street is extended, the area utilized for the turnaround, outside the boundaries of the extended street, shall revert in ownership to the property owner fronting on the temporary turnaround.
  - iii. Cul-de-sac streets, permanently designed as such, shall not exceed 500 feet in length.
  - iv. Cul-de-sac streets shall be provided at the closed end with a turnaround having a minimum driving surface radius of not less than 50 feet and a right-of-way radius of not less than 60 feet.
6. Road design standards.

i. General

- 1. Minimum widths for each type of public street or road shall be as follows:

<u>Type of Street</u>	<u>Right-of-way</u>
Major thoroughfare	200 feet
Secondary thoroughfare	150 feet
Minor road	66 feet
Service road	50 feet
Frontage road	50 feet
Marginal access road	50 feet
Alley	20 feet

- 2. Where a subdivision abuts or contains an existing road of inadequate width, sufficient additional width shall be provided to meet the above standards.
- 3. Full width of right-of-way shall be cleared.
- 4. Additional right-of-way and roadway widths may be provided or required to promote public safety and convenience when special conditions warrant or to provided parking space in areas of intensive use.
- 5. Service roads, marginal access roads, or frontage roads may have lesser roadway width granted by variance if: (a) no section of the new right-of-way is less than 50 feet in width; and (b) does not exceed 800 feet in length; and (c) does not serve more than 4 residential lots.

6. When a subdivision or final plat adjoins a major thoroughfare, no lot shall have direct access thereto. Said lots shall be provided with frontage or marginal access road as required by the responsible Road Authority.
7. Road intersections shall be as nearly at right angles as is possible and no intersection shall be at an angle of less than 70 degrees.
8. Road jogs with centerline offsets of less than 125 feet shall not be allowed.
9. A proposed road name which is in alignment with and joins an existing and named road shall bear the same name of the existing road.
10. Alleys or other suitable off-street loading and unloading space shall be provided to the rear or side of all lots to be used for commercial or industrial use.
11. Where a deflection angle of more than 2 degrees in the alignment of a street occurs a horizontal curve shall be incorporated into the alignment. Curves shall have a minimum design speed of 40 miles per hour for thoroughfares and 30 miles per hour for all other roads.
12. Street gradients shall not exceed 6 percent on thoroughfares, 8 percent on collector streets, or 10 percent on other streets. Vertical curves shall be provided at changes in gradient to maintain the same design speeds required for horizontal curves.
13. Roads and streets shall have a transverse slope of approximately 2 percent away from the centerline except on superelevated curves.
14. Major thoroughfares in all areas and all streets in commercial and industrial zones shall be designed for 9 ton axle loads. All other streets shall be a minimum 7 ton design. For strictly residential streets, the City Engineer may approve a 5 ton design.

ii. Rural roadway design standards

1. Road driving surfaces shall provide for an ultimate pavement width of 26 feet plus 3 foot shoulders on each side.
2. Shoulder slopes and back slopes shall be 3:1 or flatter. Ditch bottoms shall be a minimum of 4 feet wide.
3. There shall be a minimum 2.5 foot separation from road shoulder to ditch bottom except that this requirement may be relaxed on superelevated curves.

iii. Urban roadway design standards

1. Except for alleys, concrete curb and gutter shall be provided.
2. Street with shall accommodate the following lane widths:

<u>Type of Street</u>	<u>Travel Lane</u>	<u>Parking Lane</u>
Thoroughfare	12	10
Minor roads	11	8
Other roads	10	8
Alleys	8	N.A.



- iv. The City shall have the final authority to require either rural or urban design roadways.
7. Storm drainage.
- i. Surface water drainage shall be provided by storm sewers and/or drainage courses adequate to drain surface water from the subdivision and protect roadway surfaces. Storm drainage facilities shall be designed to provide positive drainage away from on-site sewage treatment systems and water supply wells. In designing storm drainage facilities, special consideration shall be given to protect against erosion, siltation of surface waters, and excess runoff directed to adjacent properties.
  - ii. Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet to maintain or replace the natural water course.
  - iii. All storm drainage designs shall meet the approval of the City Engineer.
8. Sewage collection and disposal.
- i. When a subdivision is located within 2000 feet of a City sewer line, the City may require, upon the recommendation of the City Engineer that the City sewer system be extended to serve all lots and tracts in the subdivision. the sewer lines required for such service shall be designed and constructed in accordance with the requirements for design and construction of public sewer lines established by the City.
  - ii. Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewage be permitted in storm water sewers.
  - iii. When a subdivision is located more than 2000 feet from a City sewer line, the City may approve private sanitary sewage collection and treatment facilities. This may include individual on-site sewage treatment systems or some form of acceptable community collection and treatment system serving all lots within the subdivision.
9. Utilities. Except where alleys are provided for the purpose, utility easements not less than 20 feet in width across lots or centered on rear or side lot lines shall be provided for use in constructing and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, water mains, electrical lines and other public utilities reasonably required. Such easements shall be placed along rear lot lines whenever possible.
10. Access to solar energy. The subdivision shall be designed to give appropriate consideration to protecting and assuring access to direct sunlight for solar energy systems to all lots in the subdivision.
11. Controlled access or recreational lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the minimum lot standards established in Section 12.083E.3 of this Ordinance.
12. Flood plain.
- i. In the general flood plain district applicants shall provide the information required in Section 12.084F of this Ordinance to determine the 100 year flood elevation, the floodway and flood fringe district boundaries and the Regulatory Flood Protection Elevation for the subdivision site. For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the

Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labelled on all required subdivision drawings and platting documents.

- ii. All lots in a subdivision, any part of which is in the flood plain, shall contain a building site at or above the Regulatory Flood Protection Elevation.
  - iii. All public utilities and facilities such as gas, electrical and water supply systems in a subdivision, any part of which is in a flood plain, shall be flood proofed in accordance with this Ordinance or elevated above the Regulatory Flood Protection Elevation. In addition, such subdivisions shall have road access to the subdivision and to the individual sites no lower than 2 feet below the Regulatory Flood Protection Elevation.
  - iv. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation. FEMA's requirements incorporate specific fill compaction and site slope protection standards for multi-structure and multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard designation will be required.
13. Discretionary requirements. The City Council shall have the authority to require that additional design features be added to the subdivision plat in order to comply with the purpose and intent of the comprehensive plan and this Ordinance.

**F. Procedure, Administration and Fees.**

1. Pre-application conference. Before submitting an application for a subdivision plat, an applicant may, and is encouraged to, confer with the Zoning Officer or his or her representative to obtain information and guidance before incurring substantial expense in the preparation of plans, surveys, and other data.
2. Outline subdivision plan. Following any pre-application conference(s) the subdivider shall furnish the Zoning Officer with 3 copies of a drawing showing the location and size of the tract and general layout of the proposed subdivision. Within 10 working days of receipt of said drawing, the Zoning Officer shall, by letter, with a copy of the drawing attached, advise the subdivider if a formal preliminary application on such subdivision should be made.
3. Preliminary subdivision plan.
  - i. Following the receipt of the report of the Zoning Officer on the Outline Subdivision Plan that a formal preliminary application should be made, the applicant shall submit to the City Clerk 10 copies of a Preliminary Subdivision Plan, an application for approval of the plat, and the application fee as set by resolution by the City Council. The application shall contain such information as may be required by the Planning Commission to properly consider the application.
  - ii. In the case of an application for a preliminary subdivision plan, any part of which is in the flood plain, the subdivider shall submit such information as specified in this Ordinance as is deemed necessary by the Planning Commission for the determination of the Regulatory Flood Protection Elevation, whether the proposed subdivision is within the floodway or flood fringe, and whether the proposed location of the subdivision is suitable for platting.
  - iii. The Preliminary Plat shall include the data identified in subsections D 4-6 of this section, address all subdivision design issues as set forth in this

Ordinance, and address the issues raised in subsections D 1-3 of this section.

4. Referrals for review. Upon receipt of the preliminary plan and application, the City Clerk shall refer one copy to each of the following:
  - a) City Zoning Officer.
  - b) City Engineer.
  - c) City Maintenance Foreman.
  - d) Superintendent of Schools, ISD 316.
  - e) Itasca County Surveyor.
  - f) Itasca County Highway Engineer and/or Mn/DOT District Engineer.
  - g) Appropriate local telephone company.
  - h) Appropriate electrical utility provider.
  - i) Appropriate natural gas utility provider.
  - j) Other appropriate service provider.

These officials shall submit their comments on the proposed subdivision plan to the Planning Commission within 30 days of the receipt by them of the plan.

5. Planning Commission consideration and public hearing. The Planning Commission shall hold a public hearing on the application for preliminary plat approval at its first regularly scheduled meeting occurring a sufficient time after the required notice of hearing has been published and mailed. Procedures for public notification and notification of affected property owners shall be the same as those for conditional uses as set forth elsewhere in this Ordinance.
6. Preliminary plan approval.
  - i. The Planning Commission shall consider the application for approval of the proposed subdivision plan and preliminarily approve or disapprove such application within 120 days of receipt by the City Clerk of the completed application, unless an extension of the review period is agreed to by the applicant. If the Planning Commission does not preliminarily approve or disapprove an application within such period, the application shall be deemed preliminarily approved, and upon demand the City Clerk shall execute a certificate to that effect. Action on any preliminary plan shall be by majority vote of the members of the Planning Commission present and voting.
  - ii. The decision of the Planning Commission shall be in writing with the factual basis and reasons supporting such decision set forth.
  - iii. The Planning Commission may impose appropriate safeguards, conditions and restrictions to insure that the spirit and intent of this Ordinance and the comprehensive plan are met. Included, without limitation, the Planning Commission may condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the City of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the City that the utilities and improvements will be constructed or installed according to the specifications of the City. In addition, the Planning Commission may condition its approval in compliance with other requirements reasonably related to the provisions of this Ordinance and to execute development contracts embodying the terms and conditions of approval.

7. Governing criteria for preliminary plan approval. No preliminary subdivision plan shall be approved by the Planning Commission unless positive findings are made with respect to each of the following criteria.
  - i. The subdivision plan conforms to the comprehensive plan.
  - ii. The subdivision plan conforms to the requirements of this Ordinance.
  - iii. The proposed development is compatible with development permitted under the general provisions of this Ordinance on substantially all land in the vicinity of the proposed subdivision.
  - iv. The proposed uses will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development.
  - v. Adequate consideration has been made for providing safe drinking water and effective treatment of sewage.
  - vi. Storm water drainage has been provided for in an effective manner.
  - vii. Adequate provision has been made for areas devoted to public use.
  - viii. Adequate consideration has been given to providing solar access to all lots within the subdivision.
  - ix. Appropriate safeguards have been taken against any identified flood hazard.
  - x. The applicant will be responsible for paying all costs incurred by the City in connection with such plat including professional fees.
8. Appeal to the City Council. The decision of the Planning Commission on any preliminary subdivision shall be subject to appeal to the City Council by any person or persons, jointly or severally, aggrieved by the decision, or any taxpayer, officer, department, board or bureau of the City under the procedures set forth in Section 12.05 of this Ordinance.
9. Final subdivision plan.
  - i. Within 1 year following approval of the preliminary subdivision plan by the Planning Commission, the applicant shall file with the City Clerk 4 copies of a final subdivision plan containing in final form all the information required for the preliminary subdivision plan. If the final subdivision plan is not submitted within such period, the approval of the preliminary plan shall be deemed withdrawn and nullified. An extension of up to 6 months may be granted by the City Council, upon request by the applicant, for good cause shown, for filing the final subdivision plan.
  - ii. The final subdivision plan shall be accompanied by an Abstract of Title extended to a current date or Certificate of Title and Registered Property Certificate extended to a current date.
  - iii. Upon receipt of such items a copy of the final plan shall be submitted to the City Engineer and the Zoning Officer and the Abstract of Title or Certificate of Title and Registered Property Certificate shall be submitted to the City Attorney. These officials shall submit written reports to the City Council within 30 days after receipt of such documents. The City Engineer shall state whether the final plan conforms to street engineering standards and specifications established by State law and this Ordinance; the City Engineer shall also state whether the final plan conforms to surveying standards and specifications established by State law and this Ordinance. The City Attorney

shall render an opinion of title. The Zoning Officer shall state whether the final plan conforms to the preliminary plan approved by the Planning Commission.

- iv. The final plan shall contain a notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, easements and other public areas in the form approved by the City Attorney and a certification by a registered land surveyor to the effect that the plat represents a survey made by him or her under his or her direction and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct. All signatures on the final plan shall be in black India ink.

10. Decision by City Council on final plat.

- i. The City Council shall act on the Final Plat within 60 days of the date on which paper prints thereof were submitted to the City Clerk. The Council shall not approve a Final Plat unless:
  1. The Final Plat conforms to the preliminary plan approved by the Planning Commission.
  2. The Final Plat meets the design standards and engineering specifications set forth in this Ordinance.
  3. The Final Plat conforms to all official municipal plans including the comprehensive plan.
  4. The Final Plat meets all requirements and laws of the State of Minnesota.
  5. The City Council determines that all conditions and requirements upon which the preliminary plan approval was expressly conditioned, either through performance or execution of appropriate agreements assuring performance, have been satisfied; and
  6. Applicant has paid or has agreed to pay all costs incurred by the City in connection with the subdivision plan including professional fees.
- ii. The City Council may impose safeguards, conditions and restrictions on its approval to insure that the spirit and intent of this Ordinance and the comprehensive plan are met. Included, without limitation, shall be all the conditions that may have been placed on the preliminary plan approval by the Planning Commission.
- iii. The decisions of the City Council shall be in writing with factual basis and reasons supporting such decision set forth.
- iv. If the City Council fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the City Clerk shall execute a certificate to that effect.
- v. Approval of a final subdivision plat by the City Council shall constitute acceptance by it of the streets, sewer lines and water lines shown on such subdivision plan. Following such approval, such streets, sewer lines and water lines shall be under the control and responsibility of the City.
- vi. Approval of a final subdivision plat by the City Council shall not constitute acceptance by it of any alleys, other public ways or easements, or parks or

other public lands shown on the final subdivision plan. Such lands shall be accepted by the City Council only by specific action.

**G. Improvements and Specifications.** The City Engineer, City Maintenance Foreman and Zoning Officer shall provide the applicant with advice and guidance concerning street grading, road construction, grading of lots, construction of utilities, and surveying matters. At a minimum the following guidelines shall be followed:

1. All work and improvements of streets is to be in accordance with City and County specifications and shall be subject to the recommendations, supervision, and approval of the City and/or Itasca County Engineer.
2. All lots shall be graded to secure proper drainage and to prevent the collection of storm water in pools.
3. All section and/or quarter section corners necessarily used to create boundary lines for a subdivision plat shall be permanently marked and properly perpetuated.
4. The permanent marking of corners and establishment of reference or witness monuments shall be done in accord with State and County regulations. At a minimum at the exact location of the corner there shall be placed a metal or concrete marker not less than 3 inches in diameter and not less than 30 inches deep. Reference or witness monuments shall be of a permanent nature.
5. The surveyor placing and establishing the corners and/or monuments shall file a certificate to that effect for each section corner, quarter section corner, meander corner or witness corner in the office of the Itasca County Surveyor.
6. All subdivision boundary corners, block corners, street intersection corners, and a point of tangency and curvature shall be marked with survey monuments consisting of galvanized pipes with caps (minimum diameter of 1.5 inches) or deformed steel rods a minimum of 1 inch in diameter and 3 feet long. Lot corners shall be marked with survey monuments consisting of iron pipes, iron rods, or other metal markers. All U.S., State, County, City and other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise location.

**H. Certifications and Recording.** After the approval and endorsement of the final subdivision plat, the following procedure shall be followed.

1. The subdivider shall submit to the Zoning Officer within 30 days the following:
  - i. One (1) double mounted, cloth backed print on card stock or material of equal quality (hardshells) marked OFFICIAL PLAT.
  - ii. Two (2) transparent reproducible copies of the Final Plat on mylar or material of equal quality marked COPY.
  - iii. These documents shall be of uniform size, 24 inches in width and 36 inches in length and shall conform to all applicable Minnesota Statutes, Itasca County Ordinances and City regulations.
  - iv. In addition, 2 mylar copies, photographically reduced 50% to 12 inches by 18 inches, will be provided.
  - v. One (1) copy of the graphic portion of the final subdivision plan in a digital format that loads directly into the City's currently computerized drafting / mapping system without any editing, modifications or corrections. The City Engineer shall provide guidance on format and other requirements.

2. The Zoning Officer shall deliver the mounted OFFICIAL PLAT, one of the reproducible copies, and one of the photographically reduced copies to the appropriate Itasca County officials.
3. The Zoning Officer shall be responsible for the certification, signed in BLACK INK (not ball point pen), of the following:
  - i. SUBDIVIDER shall certify to be sole owner and proprietor of land platted.
  - ii. LAND SURVEYOR shall certify that he or she is a Licensed Professional Surveyor and the land platted is consistent with applicable Minnesota statutes.
  - iii. COUNTY SURVEYOR shall certify that a careful examination was made of the plat and found the same to be correct.
  - iv. COUNTY AUDITOR shall certify that there are no unpaid back taxes.
  - v. COUNTY TREASURER shall certify that all current taxes have been paid in full.
  - vi. MAYOR OF CITY of Coleraine shall certify that the Final Plat has been approved and signature attested to by the City Clerk.
- I. **Variations.** Application for variations from the specific provisions of this section for any subdivision plan shall be made in accordance with and subject to the provisions of Section 12.056 of this Ordinance.

## 12.202 Planned Unit Development

### A. Purpose and Scope.

1. Purpose. Planned Unit Development (PUD) is established to permit flexibility in the regulations of land development; to encourage innovation and variety in the design, layout and type of structures constructed, to achieve an efficiency in the use of land, natural resources, energy, and the providing of public services and utilities; to encourage provision of usable open space; and to provide better housing, employment, and shopping opportunities. It is the intent of PUID to provide a process for rezoning which results in real property development utilizing a comprehensively prepared site plan which allows for flexibility and variations in building siting, densities and yards; allows for the mixing of uses and housing types and provides for usable open space as well as the preservation of natural features.
2. Eligibility requirements. PUD may be applied within any district provided the following requirements are met: the site shall not be less than 2 acres in size, and, land to be incorporated in a PUD shall be under the control of one owner or group of owners and shall be capable of being planned and developed as a single integral unit.
3. Uses permitted. As a process, PUD conveys no right to the use of the land other than permitted by the district within which it is located. Zoning shall be required to be in accordance with the City Comprehensive Plan and uses permitted are those allowed by the zoning district.

- B. **Design Guidelines.** Within a PUD, the basic zoning district regulations may be negotiated and variations granted by mutual consent of the City and the land owner(s) in accordance with the uses established by the City Comprehensive Plan. The following shall apply:

1. No variance shall be negotiated for yards adjacent to exterior property lines or public streets.
2. No variances shall be negotiated for off-street parking or screening except as provided for elsewhere in this Ordinance.
3. A minimum of 20 percent of the gross land area is to be protected by covenants running with the land, by conveyances, or otherwise as the Planning Commission may specify, for public or private open space. Such open space shall not include land devoted to streets, parking, or private yards.
4. Variances may be granted to shoreland requirements but only to the extent allowed by the shoreland provisions of this Ordinance in accord with State regulations. Preliminary plans shall be approved by the Commissioner of Natural Resources prior to their approval by the City.
5. A maximum variance from basic density requirements of up to 25 percent may be negotiated provided the findings under section 12.202D.7 can be made.

C. **Shoreland Design Standards.** For PUD applications in shorelands, the following standards, information requests, procedures and other pertinent items must be applied, provided or followed.

1. Environmental review. An Environmental Assessment Worksheet (EAW) must be completed. If the EAW warrants or mandates an Environmental Impact Statement (EIS), the EIS must be completed. No PUD can be approved by the City Council until the environmental process has been completed.
2. Site plan information. In addition to the information requested for all PUDs, a PUD in shorelands must provide topographic contours at 10-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two.
3. Site “suitable area” evaluation. Proposed new or expansions to existing PUDs must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in subsection 4 below. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions (in feet)

	Unsewered	Sewered
General development lakes – first tier	200	200
General development lakes – second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

The suitable area within each tier is calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project area then subjected to either the residential or commercial PUD density evaluation steps to arrive at an allowable number of dwelling units or sites.

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



- i. Residential PUD “Base” Density Evaluation: The suitable area within each tier is divided by the single residential lot size standard for the underlying zone district lakes as may be modified by the regulations of this Ordinance for lakeshore or riverfront property to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential PUDs are then compared with the tier, density, and suitability analyses herein and the design criteria in subsequent subsections.
- ii. Commercial PUD “Base” Density Evaluation: Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living areas need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
  1. Select the appropriate floor area ratio from Table 12.202-1.
  2. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
  3. Divide the total floor area by tier by the average inside living area size determined earlier. This yields a base number of dwelling units and sites for each tier.
  4. Proposed locations and numbers of dwelling units or sites for the commercial PUD are then compared with the tier, density, and suitability analyses herein and the design criteria in subsection 6 below.

Average unit floor area* (square feet)	Sewered general development lakes; first tier on unsewered general development lakes; urban, agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes; recreation development lakes; transition and forested river segments	Natural environment lakes; remote river segments
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

\*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. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

5. Density increase multipliers.

- i. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in section 12.073 are met or exceeded and the design criteria in subsection 6 below are satisfied.
- ii. The following dwelling unit or dwelling site density increases (maximum density increase within each tier) for residential or commercial PUDs may be allowed:

Tier	Percent
First	50
Second	100
Third	200
Fourth	200
Fifth	200

- iii. These increases will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

6. Maintenance and administration requirements.

- i. Before final approval of a PUD, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development
  - ii. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
    - 1. Commercial uses prohibited for residential PUDs;
    - 2. Vegetation and topographic alterations other than routine maintenance prohibited;
    - 3. Construction of additional buildings or storage of vehicles and other materials prohibited; and
    - 4. Uncontrolled beaching of watercraft prohibited.
  - iii. Unless an equally effective alternative community framework is established, when applicable, all residential PUDs must us an owners association with the following features:
    - 1. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
    - 2. Each member must pay a pro rate share of the association's expenses, and unpaid assessments can become liens on units or sites;
    - 3. Assessments must be adjustable to accommodate changing conditions; and
    - 4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
7. Open space requirements. PUDs must contain open space meeting all the following criteria:
- i. At least 50 percent of the total project area must be preserved as open space;
  - ii. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
  - iii. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
  - iv. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guest staying in commercial dwelling units or sites, and by the general public.
  - v. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
  - vi. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;

- vii. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
  - viii. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least 50 percent of the shore impact zone must be preserved in its natural state.
8. Erosion control and stormwater management. Erosion control and stormwater management plans must be developed and the PUD must:
- i. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
  - ii. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUDs 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 12.083 of this Ordinance.
9. Centralization and design of facilities. Centralization and design of facilities and structures must be done according to the following standards:
- i. PUDs must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 12.083 of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
  - ii. Dwelling units or sites must be clustered into one or more groups and located on suitable areas. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with subsection 6 above for developments with density increases;
  - iii. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and

unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

- iv. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent 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;
- v. Accessory structures and facilities, except water-oriented accessory structures, must meet the required principal structure setback and must be centralized; and
- vi. Water-oriented structures and facilities may be allowed if they meet or exceed appropriate performance standards of this Ordinance and are centralized.

#### 10. Conversions.

- i. Existing resorts or other land uses and facilities may be allowed to be converted to residential PUDs if all the following standards are met:
  - 1. Proposed conversions must be initially evaluated using the same procedures for residential PUDs involving all 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 surface, 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 sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
    - c. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- ii. Existing dwelling unit or dwelling site densities that exceed standards in subsection 6 above 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.

#### D. Procedures.

1. Pre-application conference. Prior to submitting an application an applicant may confer with the City to obtain information and guidance, before incurring substantial expense. The proposed application will be discussed at the next regular Planning Commission meeting. Guidance will be provided in concept by the Planning Commission to assist the proponent with the preparation of a Preliminary Development Plan.
2. Application and fees. Depending upon the outcome of the discussion with the Planning Commission, the proponent shall initiate the PUD process by filing an application signed by the owner(s) and paying the required fee to the Zoning Officer not less than 15 days prior to the next regularly scheduled Planning Commission meeting. The application shall be accompanied by the information required in subsection 3 below.
3. Plan requirements. Fifteen (15) copies of the following information shall be provided by the applicant in graphic and written form:
  - i. A written statement which shall include the following:
    1. A statement of the ownership of all land involved in the PUD.
    2. An explanation of the general character of the development.
    3. A general indication of the expected time schedule of development including any subsequent phases.
    4. A statement describing the ultimate ownership and maintenance of all parts of the development including streets, structures and open space. This shall include materials related to any proposed covenants, agreements or property owners association.
    5. A statement describing how all necessary governmental services will be provided to the development.
    6. The total anticipated population to occupy the PUD with breakdowns indicating the number of school age children, adults and households.
  - ii. A graphic description, with supporting documentation, of the Preliminary Development Plan:
    1. An existing conditions map showing property boundaries, topography, existing natural features, vegetation, water courses, water bodies, soil conditions, buildings, streets and the like.
    2. Preliminary Development Plan indicating the proposed uses of land; acreage; densities; building square footage, types and height; public and private street locations; walkway locations; recreation areas and facilities; dedicated open space areas; and any other information necessary to evaluate the proposal.
    3. A staging plan indicating the proposed sequence of development.
    4. A Preliminary Plan which shall include all information required in Section 12.201 of this Ordinance.
    5. Final Development Plan for Phase 1, if appropriate.
4. Planning Commission review. The Zoning Officer shall distribute the material to the Planning Commission for review at the next Planning Commission meeting. Within 60 days of the application date the Planning Commission shall recommend approval, disapproval or modification of the Preliminary Development Plan and

the Phase 1 Final Development Plan to the City Council. If the proposal is within a shoreland area, the plans will also be forwarded to the Commissioner of the Department of Natural Resources for review and comment.

5. City Council receipt. The City Council will consider the recommendations of the Planning Commission at its next meeting after receipt of the recommendations and may require modifications to the plan at that time. The City Council will then set a date for a public hearing.
6. Hearing. The City Clerk or Zoning Officer shall give notice of the public hearing in accordance with the procedures established in this Ordinance for rezoning.
7. City Council action and findings. Within 30 days of the public hearing, the City Council shall consider the advice of the Planning Commission, the Commissioner of the Department of Natural Resources, and the public and shall approve, disapprove, or suggest modifications to the Preliminary and Final Development Plans. If the City Council approves said plans it shall also approve the rezoning for Phase 1. The City Council shall not approve a PUD unless it finds as follows:
  - i. The proposed development is consistent with the City Comprehensive Plan;
  - ii. The development appears to harmonize with both existing and proposed development in the surrounding area and is more compatible, having used PUD, with surrounding development than if PUD had not been used;
  - iii. The open space gain warranted the use of PUD to grant variances; and
  - iv. The Final Development Plan is in substantial conformance with the approved Preliminary Development Plan.
8. Conditions and records. The City Council may impose such conditions as it deems necessary on the Preliminary and Final Development Plans and shall maintain a record of all approved plans, amendments and conditions for continuing reference.
9. Subsequent phase and amendments.
  - i. As rezoning becomes needed for subsequent development phases, the proponent shall prepare Final Development Plans for each phase and shall petition the City for rezoning in accordance with the above procedures. The application shall be accompanied by information as specified in this Section. The Planning Commission shall review and recommend on each development phase and the City Council shall, prior to action on the request, hold a public hearing in accordance with the procedures established for rezoning. Each proposed phase shall be in substantial conformance with the approved Preliminary Development Plan.
  - ii. Amendments may be made in the approved final plan when they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City. Minor changes in the location, siting and height of buildings and structures may be authorized by the Planning Commission if required by engineering or other unforeseen circumstances. All other changes in use, rearrangement of lots, blocks, and open space must be authorized by the City Council under procedures for amendments of this Ordinance.
  - iii. Completion of the PUD shall be certified by the Planning Commission on its final development plan. Thereafter, the use of land the construction, modification or alteration of buildings shall be governed by the approved final development plan. Changes may be authorized only under the following procedures: minor extensions, alterations or modifications of existing

structures may be authorized by the Planning Commission if they are consistent with the intent and purpose of the final plan and do not increase the volume of any building or structure by more than 10 percent; changes in the use of common open space or the replacement of any building substantially destroyed which exceeds the intent and purposes of the final development plan may be authorized only by amendment to the final development plan.

10. Resubmissions. No application for a PUD which has been denied by the City Council shall be resubmitted by the applicant for a period of 1 year following the date of denial.
11. Lapse and extensions. If within 1 year after the date of rezoning, a zoning permit has not been issued for development within the rezoned area, the Planning Commission may review the zoning and recommend to the City Council that the rezoning be extended or rescinded. Before acting on the Planning Commission recommendation, the City Council shall conduct a public hearing and notice shall be given in the same manner as the original petition. The City Council may rescind or extend the zoning previously granted and the Preliminary and Final Development Plans for up to 1 year upon finding that: a good faith effort has been made to use the PUD; there is reasonable expectation that the PUD will be used; and, the facts upon which the original PUD was issued are essentially unchanged.

### **12.203 Manufactured Home Parks**

- A. **Purpose.** These regulations guide the establishment, maintenance and occupancy of manufactured home parks in the City of Coleraine.
- B. **General.** Manufactured home parks shall require conditional use permits. Parks may only be permitted in areas which currently, or as a result of the proposed park project, are served by public sanitary sewer service.
- C. **Application.** The applicant shall prepare an application for a conditional use permit providing, in addition to the information requested in Section 12.11 of this Ordinance, the following:
  1. Preliminary development plan prepared by a registered professional engineer showing:
    - i. Location and legal description of the site;
    - ii. All streets, street lights, driveways, parking areas and sidewalks;
    - iii. Lot locations, lot dimensions, and location and orientation of each manufactured home and accessory structures on each lot;
    - iv. Location of the community building and all accessory buildings;
    - v. Size, location, and species of existing and proposed vegetation;
    - vi. Existing and proposed topography at 2-foot contour intervals showing grading plan and stormwater drainage;
    - vii. All gas, electric, telephone, water and sewer lines;
    - viii. Areas to be set aside for recreation and open space;
    - ix. A typical lot plan;
    - x. Elevation drawings of community building, a typical lot with a manufactured home situated on it, and of any pertinent features of the park; and



- xi. Any other information which the Zoning Officer, City Engineer or Planning Commission deem necessary to properly review the proposed application.
2. A narrative description of the project including at least the following:
  - i. Statement of ownership;
  - ii. Provisions for the removal of trash and garbage;
  - iii. A maintenance plan for the common property of the park;
  - iv. A sample lot lease agreement.

**D. Permitted Uses.** The following uses are permitted within a manufactured home park.

1. One (1) manufactured home per lot for single-family occupancy.
2. The following accessory structures to a manufactured home. The total square footage of all such accessory structures shall not exceed 570 square feet;
3. Public or private parks and their incidental structures;
4. Minor public utility structures;
5. Manufactured home community building provided it meets the design standards of this section;
6. Exterior antennas provided they meet the design standards of this section;
7. Storage building for manufactured home park residents provided it meets the design standards of this section;
8. Home Occupation-1.

**E. Design Standards.** The following standards shall apply to the design and development of a manufactured home park.

1. Project size. A manufactured home park must be a minimum of 10 acres in size.
2. Storm shelter. Each manufactured home park shall contain 1 or more storm shelters whose combined capacity will accommodate the anticipated number of park residents.
3. Foundations and tiedowns. Each manufactured home shall have a foundation support system and tiedowns meeting the requirements of the State of Minnesota.
4. Skirting. Each manufactured home shall be skirted with a material which is of a color and style which complements the manufactured home. The skirting shall extend from the bottom of the wall of the manufactured home to the ground.
5. Maximum density. A manufactured home park may have no more than 6 units per acre.
6. Minimum lot dimensions. Each manufactured home lots shall be at least 7800 square feet in area; have a minimum depth of 120 feet; have a minimum width of 60 feet except for corner lots which shall be 80 feet in width.
7. Manufactured home setbacks.
  - i. Each manufactured home shall have these minimum setbacks: front yard – 25 feet; rear yard – 10 feet; side yard on the entry side of the unit – 20 feet;

side yard opposite the entry – 5 feet or 20 feet if a corner lot or abutting a roadway.

- ii. Manufactured homes shall not be closer than 15 feet at side yards.
8. Building height. The maximum height of a manufactured home shall be 16 feet. The maximum height of any accessory structures, excepting antennas, shall be 16 feet.
9. Driveways and sidewalks. Each manufactured home lot shall have a hard surface and/or off-street parking area providing space for at least 2 vehicles meeting the dimensional standards of this Ordinance. A hard surfaced (not packed dirt) sidewalk shall connect the manufactured home to the driveway or street. The use of shared driveways and/or parking areas for up to four units is encouraged.
10. Interior circulation.
  - i. The manufactured home park shall be arranged so that all lots and accessory buildings have access to the park interior road system.
  - ii. No lot shall be directly accessed from a street that is not part of the park.
  - iii. At least 2 connection points between the interior road system and external streets shall be provided. Streets connecting to the external road system shall be at least 32 feet wide (curb to curb).
  - iv. Interior streets shall be at least 30 feet wide. Designated and properly signed one-way streets may be 24 feet wide. All street dimensions, design and other features must be approved by the City Engineer.
  - v. All pedestrian walkways shall be designed and maintained in a safe condition by the park developer / operator and kept free of snow and other obstructions.
11. Satellite dishes. Satellite dishes less than 24 inches in diameter are permitted on individual manufactured home lots. A single dish serving a park cable system is permitted on common property within the park.
12. Signs. One (1) area identification sign at each entrance to the park may be permitted. Said sign(s) shall conform to the regulations of Section 12.103 of this Ordinance.
13. Utility installation. All utility installations, including, but not limited to, electric power lines, gas lines, telephone lines, television lines, and service connections shall be underground and approved by the City Engineer.
14. Outdoor storage. Outdoor storage on manufactured home lots shall conform to the outdoor storage requirements for the Municipal Residential zone district provided that no major recreational equipment such as travel trailers, recreational vehicles, ice fishing house, and the like shall be stored on individual lots. An area shall be provided within the park that is fence and screened for the storage of major recreational equipment; at least 100 square feet shall be provided per manufactured home lot.
15. Common storage incentive. If the park developer prohibits the placement of garages and accessory storage buildings on each manufactured home lot and provides a storage building meeting the following standards, a density increase in the number of allowable lots of 20% may be allowed:
  - i. The storage building(s) shall provide at least 600 square feet of space for each manufactured home lot;

- ii. Each storage area shall be secure, have a separate entrance capable of allowing access with an automobile, and is accessible from the interior road system on a paved surface;
  - iii. The storage building(s) shall meet the setback requirements for the community building.
  - iv. A maximum height of 25 feet will be permitted.
- F. **Site Plan Approval.** Site plan approval shall be in accordance with the procedures set forth in Section 12.202 for Planned Unit Developments.
- G. **Security Agreement.** The applicant shall give the City a security agreement on performance in the amount of the estimated cost of the streets, sanitary sewers, storm sewers, water lines, corner markings and all common improvements including structures to complete the project. The security agreement shall be executed by the owner with a surety satisfactory to the City Attorney, guaranteeing the completion of improvements within the time proposed by the owner and approved by the City Council.
- H. **Permit for Mobile Homes in Park.** A permit shall be required from the Zoning Officer before a manufactured home in a park may be occupied. Such permit shall certify that the requirements of this Ordinance, the site plan review, and any agreements between the City and the developer and/or operator have been met for the lot for which the permit is requested.

## Endnotes

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<sup>1</sup> 10-17-2022 Section/Table 12.081 Uses Permitted in Zones: Commercial Uses. Table changed to allow conditional use permit (CU) in FR under Automotive/Sales, new or used.

<sup>2</sup> 10-17-2022 Section/Table 12.081 Uses Permitted in Zones: Commercial Uses. Table changed to allow a conditional use permit (CU) in R1 under Food service/Café or restaurant.

<sup>3</sup> 10-17-2022 Section 12.201 B. 1. Replace:

“All subdivisions that create 5 or more lots or parcels that are 2.5 acres or less in size shall be processed as a plat in accordance with these regulations.”

With:

“Minor subdivisions Minn. Stat. § 462.358, subd. 3b. Minn. Stat. § 505.03, subd, 1. Section V-H Minor subdivisions. State statute allows cities to adopt ordinance provisions that consolidate the preliminary and final plat approval process. Sometimes this is referred to as “minor subdivision.” State statute requires municipal subdivision ordinances to require a plat for all subdivisions that create five or more lots or parcels which are 2 ½ acres or less in size. When a city approves a subdivision that creates less than five parcels that are 2 ½ acres or more in size, it is sometimes called a “minor subdivision.” In these situations, the city’s subdivision ordinance may require a plat, but is not required.”