

City of Long Beach Zoning Ordinance



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**CHAPTER 10 – ZONING
CITY OF LONG BEACH ZONING ORDINANCE
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SECTION 1 – TITLE AND APPLICATION

SECTION:

- 1.01: Title and Application
- 1.02: Standard Requirements
- 1.03: Prior Conditional Uses
- 1.04: Uses Not Provided For Within Zoning Districts
- 1.05: Separability
- 1.06: Authority

1.01: TITLE AND APPLICATION.

- A. Title: This title shall be known as the Long Beach Zoning Ordinance, except as referred to herein, where it shall be known as “this Ordinance”.
- B. Intent and Purpose: The intent of this Ordinance is to protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations in regard to location, erection, construction, alteration and use of structures and land. This Zoning Ordinance carries out the policies of the Long Beach Comprehensive Plan by classifying and regulating the uses of land and structures within the City of Long Beach. More specifically, it is the purpose of this Zoning Ordinance to:
 - 1. Guide the orderly growth and (re)development of the city, promote high quality urban design, and regulate land uses and the location and use of structures for residential, commercial, and other purposes consistent with the goals and policies of the Comprehensive Plan.
 - 2. Assist in providing a physical environment that provides for the housing, employment, business, service, recreational, social, cultural, educational and entertainment needs of the City and maintains and enhances a high quality of life for its residents.
 - 3. Provide a diversity of areas characterized by differing land use activities, scale and intensity, while maintaining neighborhood and community identity, and quality development.
 - 4. Respect the City’s environmental setting and constraints, and meet the needs of the City for adequate public services and infrastructure.
 - 5. Ensure the maintenance of property within the City by requiring each owner, occupant, or other person in charge of any property to keep it in good repair and in compliance with the provisions of this Ordinance.
 - 6. Maintain and enhance the City of Long Beach’s small town character with a unique, distinctive and secure environment for the City’s residents and businesses.
 - 7. Maintain a balance between residential and non-residential land uses and ensure compatibility of different land uses.
 - 8. To provide adequate light, air and convenience of access to property.
 - 9. To prevent congestion in the public right-of-way and to prevent overcrowding of land and undue concentration of structures by regulating land, building, yards and density of population.

10. To provide for administration of this Ordinance and to provide for amendments, prescribe penalties for violation of such regulations.

11. To define powers and duties of the City staff, the Board of Adjustment and Appeals, and the City Council in relation to this Ordinance.

C. Relation to Comprehensive Plan. It is the policy of the City that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Long Beach Comprehensive Plan as developed and amended from time to time by the City. The City recognizes the Comprehensive Plan as the policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

1.02: STANDARD REQUIREMENTS.

A. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the City, the Ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirements shall prevail.

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

C. All references within this development ordinance to other city, county, state, and federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement of county, state, or federal regulations. Furthermore, all references to other city, county, state, and federal regulations within this ordinance are intended to refer to the most current version and citation for those regulations. If such references are invalid due to repeal or renumbering, the new regulations intended to replace those cited, regardless of the citation, shall govern unless otherwise specified.

D. No structure shall be erected, converted, enlarged, reconstructed, altered or moved, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

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

F. In their application, these regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.

G. No error in a resolution approving a permit, or an omission of a requirement of this Zoning Ordinance from a resolution or other approval, shall affect the applicant's obligation to comply with all applicable provisions of this Zoning Ordinance.

H. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance (June 10, 2009) shall meet at least the minimum requirements established by this Ordinance.

Following is a summary of regulations contained in the following sections for the various districts:

	CD Conservation, Parks and Open Space District		RR Rural Residential District	LD Low Density District			MHD Medium & High Density District		MH Manufactured Home District	RC Residential & Commercial Transition District				
	Single Family	All Other Permitted & Conditional Uses	All Permitted & Conditional Uses	Single Family	Two Family	Townhouses up to 4 attached housing units & Quadraminiums	Townhouses up to 4 attached housing units & Quadraminiums	All Other Multiple Family Uses		Single Family	Two Family	Townhouses up to 4 attached housing units & Quadraminiums	All Other Multiple Family Uses	Commercial Uses
Minimum Lot Size	15,000 square feet	None	80,000 square feet	15,000 square feet	15,000 square feet	15,000 sq. ft for townhouses & 20,000 sq. ft. for quadraminiums	15,000 sq. ft for townhouses & 20,000 sq. ft. for quadraminiums	20,000 square feet	Minimum 5 acres and 250 wide*	15,000 square feet	15,000 square feet	15,000 sq. ft for townhouses & 20,000 sq. ft. for quadraminiums	20,000 square feet	15,000 square feet
Minimum Lot Size per Dwelling Unit	--	--	--	--	7,500 square feet	5,000 square feet	5,000 square feet	2,000 sq. ft. for each efficiency unit; 3,000 sq. ft. for each 1 bedroom unit; 3,500 sq. ft. for each 2 bedroom unit; 4,000 sq. ft. for each 4 bedroom unit; and for each additional bedroom over 3 per unit add 500 additional sq. ft.	6,000 sq. ft. for the exclusive use of the occupant	--	7,500 square feet	5,000 square feet	2,000 sq. ft. for each efficiency unit; 3,000 sq. ft. for each 1 bedroom unit; 3,500 sq. ft. for each 2 bedroom unit; 4,000 sq. ft. for each 4 bedroom unit; and for each additional bedroom over 3 per unit add 500 additional sq. ft.	--
Minimum Lot Width at Setback line or at OHW	75 feet	None	200 feet	75 feet	75 feet	25 feet interior unit lot and 35 feet end unit lot	25 feet interior unit lot and 35 feet end unit lot	100 feet	50 feet	75 feet	75 feet	25 feet interior unit lot and 35 feet end unit lot	100 feet	100 feet
Minimum Lot Width at Setback line for Corner Lot	95 feet	None	200 feet	95 feet	95 feet	55 feet end unit corner lot	55 feet end unit corner lot	100 feet	70 feet	95 feet	95 feet	55 feet end unit corner lot	100 feet	100 feet
Minimum Lot Depth	125 feet	None	200 feet	125 feet	125 feet	125 feet	125 feet	100 feet	100 feet	125 feet	125 feet	125 feet	125 feet	125 feet
Minimum Front Yard Setback	30 feet		30 feet	30 feet			30 feet		30 feet**	30 feet				
Minimum Rear Yard Setback	20 feet		20 feet	20 feet			20 feet	30 feet	30 feet**	20 feet	20 feet	20 feet	30 feet	30 feet
Minimum Side Yard Setback	10 feet		10 feet	10 feet			10 feet	20 feet plus 1 foot for each foot of building height over 20 feet	30 feet**	10 feet	10 feet	10 feet	20 feet plus 1 foot for each foot of building height over 20 feet	20 feet plus 1 foot for each foot of building height over 20 feet

Minimum Side Yard Setback adjacent to street right-of-way	20 feet	30 feet	30 feet	30 feet	30 feet	30 feet**	30 feet				
Yard Setback adjacent to State Highway	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet				
Minimum Principal Structure Setback from OHW	200 feet	200 feet	75 feet	75 feet	75 feet	75 feet	75 feet				
Maximum Height	2 ½ stories or 35 feet, whichever is less	2 ½ stories or 35 feet, whichever is less	2 ½ stories or 35 feet, whichever is less	3 stories or 45 feet, whichever is less	1 ½ stories or (25) feet, whichever is less.	2 ½ stories or 35 feet, whichever is less	2 ½ stories or 35 feet, whichever is less	2 ½ stories or 35 feet, whichever is less	3 stories or 45 feet, whichever is less	35 feet	
Maximum Impervious Surface lot coverage	25%	25 %	25%	25%	45%	45%***	25%	25%	25%	45%	75 %
Minimum floor Elevation (including Basement) above the Highest known Water Level or above OHW, whichever is greatest	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet				

* Minimum total park area shall be five (5) acres and not less than 250 feet in width.
 ** Setback to public right-of-way is 30 feet while setback to property line not adjacent to public right-of-way is 10 feet
 *** Maximum Impervious Surface lot coverage is for entire manufactured home park

- 1.03: PRIOR CONDITIONAL USES.** Any established use or building legally existing prior to the effective date of this Ordinance (June 10, 2009) and which is now classified as a conditional use may be continued in like fashion and activity and shall automatically be considered as having received conditional use permit approval. Any change to such a use, or any other subsequently approved conditional use shall, however, require a new conditional use permit be processed according to this Ordinance.
- 1.04: USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS.** Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the City Council, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council or property owner, upon receipt of the Planning Commission study shall, if appropriate, initiate an amendment to this Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.
- 1.05: SEPARABILITY.** It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:
- A. If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgment shall not effect any other provisions of this Ordinance not specifically included in said judgment.
 - B. 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 judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
- 1.06: AUTHORITY.** This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes sections 462.351 to 462.363.

SECTION 2 – RULES AND DEFINITIONS

SECTION:

- 2.01: Rules of Grammar
- 2.02: Definitions

2.01: RULES OF GRAMMER. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition thereof.
- F. All measured distances expressed in feet shall be the nearest tenth of a foot.

2.02: DEFINITIONS. This Section provides definitions of terms and phrases used in this Ordinance that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Ordinance conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Ordinance. If a word is not defined in this Section, or other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct. The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined unless the context in which they are used clearly requires otherwise:

- A. **Abutting:** Making contact with or separated only by public thoroughfare, railroad, public utility right-of-way, or navigable waters.
- B. **Accessory Building or Use:** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.
- C. **Adult Day Care Facilities:** State-licensed facilities that provide non-medical care and supervision for more than six adults for periods of less than twenty-four hours.
- D. **Addition:** A physical enlargement of an existing structure.
- E. **Agent:** A person authorized in writing by the property owner to represent and act for a property owner in contacts with city employees, committees, Commissions, and the Council, regarding matters regulated by this Ordinance.
- F. **Agriculture Uses:** Those uses commonly associated with the growing of product on farms, these include: field crop farming; pasture for hay, fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in season of products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feedlots, and kennels.
- G. **Alley:** A public or private right-of-way primarily designed to serve as secondary access to the

side or rear of those properties whose principal frontage is on a street that is not intended for general traffic circulation.

- H. **Alteration:** Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting or ornamental changes.
- I. **Animal Feedlot:** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.
- J. **Animal Kennel:** Any place where three (3) or more domestic animals of one type, over six (6) months of age, are commercially kept, except hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.
- K. **Animal Unit (AU):** A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance, the following equivalents shall apply:

Animal	AU Per Animal
One mature dairy cow	1.40
One Slaughter steer or heifer	1.00
One horse	1.00
One swine over 55 pounds	0.40
One duck	0.20
One sheep	0.10
One swine under 55 pounds	0.05
One turkey	0.018
One chicken	0.01

- L. **Animals, Domestic:** House pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the City. In addition, it includes birds and rabbits normally sheltered outside the home.
- M. **Animals, Farm:** Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.
- N. **Antenna:** Any structure or device used to collect or transmit Radio Frequency (RF) waves, including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas. Specific definitions related to antenna follow:
 - 1. **Personal Wireless Service:** A device consisting of a metal, carbon fiber, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of wireless communication radio waves including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services and including the support structure thereof.
 - 2. **Public Utility Microwave:** A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point

- UHF or VHF radio waves in wireless telephone communications, and including the supporting structure thereof.
3. **Radio and Television, Broadcast Transmitting:** A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio or television programming, and including the support structure thereof.
 4. **Radio and Television Receiving:** A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the supporting structure thereof.
 5. **Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses and including the support structure thereof. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television receive only) and satellite microwave antennas.
 6. **Short-Wave Radio Transmitting and Receiving:** A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the supporting structure thereof.
 7. **Support Structure:** Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.
 8. **Temporary Mobile:** Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, also commonly referred to as a Cellular on Wheels (COW).
 9. **Tower:** A self-supporting lattice, guyed or monopole structure constructed from grade which supports personal wireless service antennas. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.
- O. **Apartment:** A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual and is equipped with cooking facilities. Apartment includes dwelling unit and efficiency unit.
- P. **Applicant:** The owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Ordinance are being considered for or reviewed.
- Q. **Approval:** Includes both approval and approval with conditions.
- R. **Balcony:** A floor projecting from and supported by a structure without additional independent supports.
- S. **Basement:** That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling. (See definition of Story.)
- T. **Bay:** Cantilevered area of a room.
- U. **Bed & Breakfast:** An owner occupied single family residence that provides overnight accommodations to a limited number of visitors for a charge, not to exceed a stay of seven consecutive nights.

- V. **Bluff:** A topographic feature such as a hill, cliff, or embankment having the following characteristics:
1. Part or all of the feature is located in a shoreland area.
 2. The slope rises at least twenty-five (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 twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater.
 4. The slope must drain toward the water body.
- W. **Bluff Impact Zone:** A bluff and land located within twenty (20) feet from the top of a bluff.
- X. **Boarding House:** A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.
- Y. **Boat House:** A structure designed and uses solely for the storage of boats and boating equipment.
- Z. **Boundary Line:** Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the Zoning Map.
- AA. **Buffer:** The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.
- BB. **Buffer Yard:** A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.
- CC. **Buildable Area:** The portion of a lot remaining after yards have been provided.
- DD. **Building:** Any structure used or intended for supporting or sheltering any use or occupancy.
- EE. **Building Height:** A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.
- FF. **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.
- GG. **Building Permit:** A “building permit” is authorization from the City to commence construction and complete a structure in compliance with the plans approved by the City.
- HH. **Business:** Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
- II. **Campground:** A land use under public or private, single or multiple ownership consisting of designated campsites with appropriate facilities designed for the temporary occupation by tents or recreational vehicles. Does not include up to five campsites, which are part of a resort licensed by the Minnesota Department of Health.

JJ. **Campsite:** A parcel within a resort or campground designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle.

KK. **Camping Trailers:** Shall mean any of the following:

1. **Camping Trailer:** A folded structure, mounted on wheels and designed for travel, recreation and vacation uses.
2. **Motor Home:** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed on an integral part of a self-propelled vehicle.
3. **Pickup Coach:** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
4. **Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.

LL. **Canopy:** An accessory roof-like structure, which is either attached to or detached from an allowable primary building; which is open on all sides, other than where attached; and, which is located over and designed to provide cover for entrances, exits, walkways, and approved off-street vehicle service areas.

MM. **Carport:** A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on one or more sides.

NN. **Cellar:** The portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

OO. **Cemetery:** A parcel or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, mausoleums and mortuaries when operated within the boundaries of such cemetery.

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

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

RR. **City Attorney:** The person designated by the City Council to be the City Attorney for the City of Long Beach.

SS. **City Building Official:** The person designation by the City Council to be the City Building Official for the City of Long Beach.

TT. **City Council:** The governing body for the City of Long Beach.

UU. **City Engineer:** The person designated by the City Council to be the City Engineer for the City of Long Beach.

VV. **Clear Cutting:** The removal of an entire stand of trees.

WW. **Clubs, Lodges, and Meeting Halls:** Permanent, headquarters-type meeting facilities for

organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; other membership organizations. Membership organization offices without member meeting facilities are instead classified under "Offices."

XX. **Co-location:** The locating of wireless communications equipment from more than one provider on a single roof-mounted or structure-mounted facility.

YY. **Commercial Recreation:** Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theater, indoor firearms range, boat rental, amusement rides, campgrounds, park, and similar uses.

ZZ. **Common Interest Development:** Any residential condominium, community apartment house, or stock cooperative.

AAA. **Common Open Space:** Any privately owned open space including private parks, nature areas, playgrounds, and trails, including accessory recreational buildings and structures which are an integral part of a development.

BBB. **Community Centers:** Multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

CCC. **Comprehensive Plan:** The group of maps, charts and texts that make up the comprehensive long range plan of the City.

DDD. **Conditional Use:** A use, which because of special problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the City Comprehensive Plan.

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

FFF. **Condominium:** A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.01 through 515.29.

GGG. **Congregate Care:** Congregate care housing facilities are multi-family residential projects reserved for senior citizens or the disabled, where each dwelling unit has individual living, sleeping, and bathing facilities, but where common facilities are typically provided for meals and recreation.

HHH. **Construction Contractor's Yard:** An outdoor storage yard operated by a construction contractor for the storage of building materials and construction equipment.

III. **Controlled Access Lot:** A riparian lot meeting the standards of this Ordinance for a buildable lot, owned by more than one owner in undivided interest, provided with facilities and used for access and not containing a dwelling.

JJJ. **Convenience Store:** Retail stores of generally 3,500 square feet or less in gross floor area, which primarily carry prepackaged food and beverage products, but may also include other

merchandise oriented to convenience shopping and travelers' needs.

KKK. **Convenience Food Establishment:** An establishment which serves food or in on disposable or edible containers in individual servings for consumption on or off the premises.

LLL. **Cooperative (Housing):** A multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

MMM. **Court:** An unoccupied open space other than a yard which is bounded on two (2) or more sides by the walls of the buildings.

NNN. **Crawl Space:** Shall have the definition given in the building code.

OOO. **Day Care Facility:** Any State licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance on a regular basis, or periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and other "non-residential programs" as defined by Minnesota Statutes, Section 245A.02, Subdivision 10.

PPP. **Deck:** 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 above grade.

QQQ. **Decorative Block:** A building block of cast concrete and aggregate rock that has a split-rock, brick-like, burnished, or ribbed texture on the side to be exposed, and is available in a variety of colors.

RRR. **Detached:** Any structure that does not have a wall or roof in common with another structure on the same site.

SSS. **Development:** Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Ordinance.

TTT. **Development Agreement:** A contract between the City and an applicant for a development project. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure, adhere to approval conditions and/or pay fees required by a new project.

UUU. **Development Plan:** A plan guiding the development of the property to the ultimate land use. The plan shall include but is not limited to: site analysis information, staging plan, grading plan, drainage plan and end use plan.

VVV. **Display (outdoor/outside):** A class of storage outside the principal building where merchandise is visible and may involve active sales as well as passive sales (where items can be taken inside for actual purchase). Outside display of merchandise may be temporary or permanent depending upon the conditions of the permit issued pursuant to this Ordinance.

WWW. **District:** A section or sections of the City for which the regulations and provisions

governing the use of buildings and lands are uniform for each class of use permitted therein.

XXX. **Dog Kennel:** Any place where more than three (3) dogs over six (6) months of age, are kept, except hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.

YYY. **Draining:** The removal of surface water or ground water from land.

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

AAAA. **Drive-In Establishment:** An establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

BBBB. **Duplex, Triplex, and Quad:** A dwelling structure on a single lot, having two (2), three (3), and four (4) units, respectively being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

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

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

EEEE. **Dwelling, Single Family:** A dwelling unit designed exclusively for occupancy by one family.

1. Attached: A dwelling which is joined to another at one or more sides by a party wall.

2. Detached: A dwelling unit not attached to another dwelling or structure.

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

1. Double Bungalow: A two family dwelling with two (2) units side-by-side.

2. Duplex: A two family dwelling with one unit above the other.

GGGG. **Dwelling, Unit:** A residential building or portion thereof intended for occupancy by one family but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

HHHH. **Easement:** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

IIII. **Elderly Senior Citizen Housing:** A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over sixty (60) years of age.

JJJJ. **Essential Services:** The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

KKKK. **Exterior Storage:** The storage of goods, materials, equipment, manufactured products

and similar items not fully enclosed by a building.

LLLL. **Extractive Use:** The use of the land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 through 93.51.

MMMM. **Facade:** Any exterior elevation of a building.

NNNN. **Farming:** Process of operating a farm for the growing and harvesting of crops which shall include those necessary accessory buildings, related to operating the farm, and the keeping of common domestic farm animals.

OOOO. **Feedlot, Animal:** See Animal Feedlot.

PPPP. **Fence:** A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.

1. Fence, Boundary Line: All fences located within five (5) feet of property line.

2. Fence, Interior Yard: All fences located five (5) feet beyond a property line.

QQQQ. **Filling:** The act of depositing any rock, soil, gravel, sand or other material so as to fill a waterbody, watercourse, or wetland.

RRRR. **Flood:** A temporary rise in a stream flow or stage which results in inundation of the areas adjacent to the channel.

SSSS. **Flood Fringe:** That portion of the floodplain outside of the floodway.

TTTT. **Floodplain:** The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

UUUU. **Floodway:** The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

VVVV. **Floor Area:** The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.

WWWW. **Garage:** A structure for parking vehicles that is completely enclosed on four sides, with a solid roof.

XXXX. **Garage Sale:** Any sale held for the purpose of selling, trading or otherwise disposing of unwanted household furnishings, personal goods or other tangible properties of a resident of the premises on which the sale is conducted in a residential zone.

YYYY. **General Retail Stores:** Stores and shops selling many lines of merchandise. These stores and lines of merchandise include:

ZZZZ. **Governmental or Public Facilities:** Publicly owned structures used for the purposes of conducting city, county, state, or federal government business. These facilities include City Hall, and federal, state, or municipal equipment yards, fire and police stations, offices, recreation

centers, sanitation facilities, schools, and similar facilities. Private commercial development projects leasing publicly owned land shall not be considered governmental or public facilities.

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

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

CCCCC. **Home Occupation:** Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

DDDDD. **Hotel:** A facility with guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging, typically less than thirty days. Also may include accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, meeting facilities, etc.

EEEEE. **Impervious Surface:** An artificial or natural surface through which water, air, or roots cannot penetrate.

FFFFF. **Incidental Business Activity:** A temporary activity conducted on the premises of a business such as a store, cafe, restaurant, bar, or night club, which is intended to attract additional customers to the primary business activity, otherwise draw attention to the primary business activity, or serve as a benefit for a non-profit organization not directly affiliated with the primary business activity. Examples include book readings and signings at bookstores, poetry readings at cafes, stand-up comedy performances at bars or night clubs, and similar activities.

GGGGG. **Incidental Use:** A use which is secondary to the primary use of a property and which does not intensify the use.

HHHHH. **Industrial Use:** The use of land or buildings for the productions, manufacture, warehousing, storage or transfer of goods, products, commodities, or other wholesale items.

IIIII. **Intensification of Use:** A change in the use of a structure or site, where the new use is required by Section 11 (General Requirements) to have more off-street parking spaces than the former use; or a change in the permitted operating characteristics of a use (for example, hours of operation), which generate more activity on the site.

JJJJJ. **Land Reclamation:** The process of the re-establishment of acceptable topography (i.e., slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

KKKKK. **Lodging House:** A building other than a hotel, where the compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family but not including a building providing this service for more than ten (10) persons.

LLLLL. **Lodging Room:** A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one lodging room.

MMMMM. **Lot or Parcel:** A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Ordinance and city ordinances, including this Zoning Ordinance. Types of lots include the following.

- NNNNN. **Lot Area:** The gross lot area is the total area of the horizontal plane included within the front, rear and side lot lines.
- OOOOO. **Lot Depth:** The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. The Zoning Administrator shall determine lot depth for parcels of irregular configuration.
- PPPPP. **Lot Line:** A property boundary line of any lot held in single or separate ownership except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.
- QQQQQ. **Lot Line, Front:** The lot line separating a lot from the street right-of-way along the lot frontage. The Front Lot line on a corner lot shall be determined by the street to which the principal entrance to the Dwelling or Structure is located.
- RRRRR. **Lot Line, Rear:** The lot line opposite and most distant from the lot frontage which connects the side lot lines.
- SSSSS. **Lot Line, Side:** Lot lines extending away from the lot frontage, which connects the front and rear lot lines.
- TTTTT. **Lot Line, Zero:** The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.
- UUUUU. **Lot Of Record:** A parcel of land, whether subdivided and/or otherwise legally described and recorded as of June 10, 2009 or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage upon a street.
- VVVVV. **Lot Width:** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Zoning Administrator shall determine lot width for parcels of irregular shape.
- WWWWW. **Lot, Corner:** A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.
- XXXXX. **Lot, Flag:** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
- YYYYY. **Lot, Frontage:** The narrowest lot boundary abutting a public street that meets minimum lot width requirements. If none of the boundaries abutting a public street meet minimum lot width requirements, then the lot frontage is the widest boundary abutting a street.
- ZZZZZ. **Lot, Interior:** A lot, other than corner lot, abutting only one street.
- AAAAA. **Lot, Key:** An interior lot, the front of which adjoins the side property line of a corner lot.
- BBBBB. **Lot, Reverse Corner:** A corner lot, the rear of which abuts a key lot.
- CCCCC. **Lot, Through:** A lot with frontage on two (2) generally parallel streets.
- DDDDD. **Lot, Triangular:** A lot in which the side lot lines converge into a single vertex. The vertex shall be deemed to be the rear lot line.

EEEEEE. **Manufactured Home (mobile home):** A structure, transportable in one or more sections on its own wheels, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent non-removable 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 required by the secretary and complies with the standards established under Minnesota Statutes, Chapter 327.

FFFFFF. **Manufactured Home Park:** Any site, lot, field, or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured homes park.

GGGGGG. **Minerals:** Soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.

HHHHHH. **Mining:** All or any part of the process involved in the extraction of minerals by removing the overburden and extracting directly from the mineral deposits thereby exposed.

IIIIII. **Mixed-Use Project:** A project which combines both commercial and residential uses, where the residential component is typically located above the commercial.

JJJJJJ. **Model Home:** A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

KKKKKK. **Motel/Motor Hotel:** A building or group of detached, semi-detached or attached buildings containing guest rooms, or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

LLLLLL. **Modular Homes:** Homes built in sections at the factory that are transported to the building site on truck beds, then joined together and built to conform to all state, local or regional building codes

MMMMMM. **Multi-Family Dwellings:** A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); and senior citizen multi-family housing; see also "Common Interest Development."

NNNNNN. **Municipal Code:** The City of Long Beach City Code, as it may be amended from time to time by the Council.

OOOOOO. **Natural Drainage System:** All land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.

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

QQQQQQ. **Nonconforming Parcel:** A parcel that was legally created prior to the adoption of this

Zoning Ordinance and which does not conform to current code provisions/standards (e.g., access, area or width requirements, etc.) prescribed for the zoning district in which the parcel is located.

RRRRRR. Nonconforming Sign: A sign which lawfully existed prior to the effective date of this Ordinance, or any amendment thereto, but which fails by reason of such adoption or amendment to conform to all of the standards and regulations of the adopted or amended provision.

SSSSSS. Nonconforming Structure: A structure that was legally constructed prior to the adoption of this Ordinance and which does not conform to current code provisions/standards (e.g., open space, distance between structures, etc.) prescribed for the zoning district in which the structure is located.

TTTTTT. Nonconforming Use: A use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the adoption of this Ordinance and which does not conform to current code provisions governing allowable land uses for the zoning district in which the use is located.

UUUUUU. Off-site: An activity or accessory use that is related to a specific primary use, but is not located on the same legal parcel as the primary use.

VVVVVV. On-site: An activity or accessory use that is related to a specific primary use, which is located on the same legal parcel as the primary use.

WWWWWW. Open Fencing: A barrier constructed of material which is at least 50 percent transparent, such as glass, wood pickets, plastic panels or wrought iron.

XXXXXX. Open Space, Common: Unroofed areas of a developed site that are available for active and/or passive recreational use by residents of a multi-family residential project.

YYYYYY. Open Space, Private: Unroofed areas of a developed site that are available for active and/or passive recreational use by residents of an individual dwelling unit and are clearly defined and separated from “public” areas of the site by fencing and/or building walls.

ZZZZZZ. Off-Street Loading Space: A space accessible from the street, alley or way, in a building or on the lot for the use of trucks while loading or unloading merchandise or materials.

AAAAAAA. Ordinary High Water Level: The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool.

BBBBBBB. Parking Space: An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

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

DDDDDDD. Principal Use: The main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted or conditional.

EEEEEEE. Private Residential Recreation Facilities: Privately owned, non-commercial outdoor

recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses or country clubs.

FFFFFFF. **Property Line:** The recorded boundary of a parcel of land.

GGGGGGG. **Property Owner:** The record owners of a parcel. For the purposes of land use permit application filing and processing, “property owner” also includes authorized representatives of the property owner.

HHHHHHH. **Pole Building:** Any structure possessing the following characteristics: structural wood poles or timbers buried in ground on individual footings; metal wall coverings hung vertically of less than twenty-eight (28) gauge. Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utilities, or any similar structure not covering or enclosing a specific area.

IIIIIII. **Public Open Space:** A parcel or area of land or water that is restricted to active or passive recreational uses, that is owned and maintained by a public agency and is available for use by the general public.

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

KKKKKKK. **Quadraminium:** A single structure which contains four (4) separately owned dwelling units, all of which have individually separate entrances from the exterior of the structure.

LLLLLLL. **Residential Accessory Uses and Structures:** See “Accessory Uses and Structures, Residential.”

MMMMMMM. **Residential Care Facilities:** Facilities providing residential social and personal care for children, the elderly, and people with limited ability for self-care. Includes: board and care homes; children’s homes; transitional houses; orphanages; rehabilitation centers; self-help group homes, convalescent homes, nursing homes and similar facilities.

NNNNNNN. **Restaurant:** A retail business selling food and beverages prepared on the site, for on- or off premises consumption. These include eating establishments where customers are served from a walkup ordering counter for either on- or off-premises consumption, and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. Also includes: coffee houses; and entertainment with up to two entertainers, nonamplified, in a room with food service.

OOOOOOO. **Resort:** A commercial business with a central management to provide necessary services, and having dwelling units and/or up to five (5) campsites for rent or owned by time interval and may provide related facilities such as restaurants, bars, golf courses or other recreational amenities.

PPPPPPP. **Review Authority:** The individual or official City body (Planning Commission or City Council) identified by this Zoning Ordinance as having the responsibility and authority to review, and approve or disapprove the permit applications described in this Ordinance.

QQQQQQQ. **Roof Line:** The top of the coping; or, when the building has a pitched roof, the intersection of the outside wall with the roof.

RRRRRRR. **Service Station:** A retail business selling gasoline or other motor vehicle fuels, which may also provide services which are incidental to fuel services. These secondary services may include vehicle engine maintenance and repair, towing and trailer rental services, and convenience stores. Does not include the storage or repair of wrecked or abandoned vehicles,

vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

SSSSSS. **Setback:** The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the street easement. See also "Yard."

TTTTTT. **Sewage Treatment System:** A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, which utilizes subsurface soil treatment and disposal.

UUUUUU. **Sewer System:** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

VVVVVV. **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 fifty (50) percent of the structure setback.

WWWWWW. **Sign:** An object, device, display, or structure, or any part thereof, situated outdoors or indoors, which is used to identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected image. Specific definitions related to signs can be found in Section 14. (Signs).

XXXXXX. **Site:** A parcel or adjoining parcels that have been legally tied under single ownership or single control, considered a unit for the purposes of development or other use.

YYYYYY. **Site Coverage:** The percentage of total site area occupied by structures, and paving for vehicle use. Structure/building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall. Pavement coverage includes areas necessary for the ingress, egress, outdoor parking, and circulation of motor vehicles.

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

AAAAAAA. **Storage, Indoor:** The storage of various materials entirely within a structure, as the primary use of the structure. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

BBBBBBB. **Storage, Outdoor:** Storage of any property not fully enclosed in a building or completely screened so as not to be visible from adjoining properties or street rights-of-way.

CCCCCCC. **Story:** The portion of a building including beneath the upper surface of a floor and upper surface of floor next above, except that the top most story shall be that portion of a building included between the upper surface of the top most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unfinished underfloor space is more than six (6) feet above "grade" as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above "grade" as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story.

DDDDDDD. **Street:** A public thoroughfare accepted by the city, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard,

highway, road, and any other thoroughfare except an alley as defined in this Section.

EEEEEEEE. **Street Line:** The boundary between a street right-of-way and property.

FFFFFFFF. **Structure:** Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Zoning Ordinance, the term “structure” includes “buildings.”

GGGGGGGG. **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 twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

HHHHHHHH. **Street Frontage:** The proximity of a parcel of land to one or more streets. An interior lot has one street frontage and a corner lot has two (2) frontages.

IIIIIIII. **Structure:** Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built or and/or composed of parts joined together in some definite manner whether temporary or permanent in character.

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

KKKKKKKK. **Temporary Structure:** A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

LLLLLLLL. **Temporary Use:** A use of land that is designed, operated and occupies a site for a limited period of time, in compliance with the terms of the applicable temporary use permit.

MMMMMMMM. **Toe of the Bluff:** The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

NNNNNNNN. **Townhouses:** Structures housing three (3) or more dwelling units contiguous to each other only by the sharing of one common wall, such structures to be of the townhouse or rowhouse type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances.

OOOOOOOO. **Trailer, Construction:** A trailer temporarily located on a construction site for storage of equipment and other materials used in connection with development of property.

PPPPPPPP. **Usable Open Space:** A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

QQQQQQQQ. **Use:** The purpose of activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained, and shall include the

performance of such activity as defined by the performance standards of this Ordinance.

RRRRRRRR. **Variance:** The waiving by Board action of the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.

SSSSSSSS. **Vegetation:** The sum total of plant life in some area; or a plant community with distinguishable characteristics.

TTTTTTTT. **Wing Wall:** An extension of an exterior building wall using the same materials and colors of the other exterior building walls, which has the effect of partially or entirely "fencing" an outdoor area.

UUUUUUUU. **Water Body:** A body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

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

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

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

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

YYYYYYYY. **Yard:** An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky, except for projections permitted by this Ordinance.

ZZZZZZZZ. **Yard, Front:** The area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more major roads, both yards shall be considered front yards. A major road is any road that is of a collector designation or greater.

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

BBBBBBBB. **Yard, Side:** A yard between the side line of the lot and the nearest line of the principal building and extending from the front lot line of the lot to the rear yard.

CCCCCCCC. **Zoning District:** Any of the residential, commercial, industrial, public, or overlay districts established by Section 3.01 of this Ordinance, within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

DDDDDDDD. **Zoning Ordinance:** The City of Long Beach Zoning Ordinance, referred to herein as “this Ordinance”.

SECTION 3 - GENERAL ZONING DISTRICT PROVISIONS

SECTION:

- 3.01: Establishment of Districts
- 3.02: Zoning Map
- 3.03: Zoning District Boundaries
- 3.04: Appeals
- 3.05: Annexations

3.01: ESTABLISHMENT OF DISTRICTS. The City of Long Beach is hereby divided into classes of "Zoning Districts" as listed below and as shown on the official Zoning Map.

CD	Conservation, Parks and Open Space District
RR	Rural Residential District
LD	Low Density Residential District
MHD	Medium & High Density Residential District
MH	Manufactured Home Residential District
RC	Residential & Commercial Transition District

3.02: ZONING MAP. The location and boundaries of the districts established by this Ordinance are hereby set forth on the Official Zoning Map entitled "Zoning Map of Long Beach". Said Map is on file with the City and hereinafter referred to as the 'Zoning Map' which map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

3.03: ZONING DISTRICT BOUNDARIES.

- A. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or railroad lines shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.
- D. Boundaries indicated, as approximately following the City limits, shall be construed as following such City limits.
- E. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot may be interpreted by the City upon request of the owner.

3.04: APPEALS. Appeals concerning the exact location of a zoning district boundary line shall be heard by the Planning Commission serving as the Board of Adjustment and Appeals pursuant to Section 24 of this Ordinance.

3.05: ANNEXATIONS. Any land annexed into the City in the future shall be placed in the RR Rural Residential District unless a zoning district designation has been assigned to said property in the Joint Resolution for annexation, Ordinance or other such document adopted for the purpose of enacting the annexation.

SECTION 4 – CD CONSERVATION, PARKS & OPEN SPACE DISTRICT

SECTION:

- 4.01: Purpose
- 4.02: Special Requirements
- 4.03: Permitted Uses
- 4.04: Conditional Uses
- 4.05: Interim Uses
- 4.06: Accessory Uses
- 4.07: Lot Area and Setback Requirements
- 4.08: Lot Coverage and Height

4.01: PURPOSE. The purpose of the CD, Conservation, Parks & Open Space District is to preserve areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, or any other feature likely to be harmful to the health, safety, or general welfare of the future residents of the community. This district also includes many areas of unique natural, biological, or historical significance.

4.02 SPECIAL REQUIREMENTS.

- A. No filling, grading, dredging or excavation shall be allowed within the CD District without having first obtained an interim use permit. No construction shall be allowed within the CD District without having first obtained a conditional use permit. Any fill proposed to be deposited in the CD District must be shown to have some beneficial purpose and the amount thereof must not exceed that necessary to achieve the intended purpose, as demonstrated by a plan submitted by the owner. The plan shall show the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill shall be protected against erosion by rip-rap, vegetative coverage, bulkheading, and the like.
- B. In extraordinary cases, conditional uses may be granted upon application, but only when the proposed use is determined to be in the public interest. No conditional use shall be granted which the Council determines will or has a tendency to:
 - 1. Increase the height or duration of floodwater in any watercourse.
 - 2. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural landforms, vegetation, wildlife, marshes and wetlands within the City.
 - 3. Disturb land and water areas essential to continue the temporary or permanent holding of surface water runoff.
- C. No conditional use shall be granted unless the applicant, in support of his/her application, submits engineering data, surveys, site plans, and other information as the City may require in order to determine the effects of such development on the affected land and water areas.

4.03: PERMITTED USES. Subject to applicable provisions of this Ordinance, the following are permitted uses within the CD District:

- A. Agricultural activities.
- B. Parks, trails and playgrounds.
- C. Forest, nature or other preserve.

- D. Open Space.
- E. Park or preserve identification signs.

4.04: CONDITIONAL USES. Subject to applicable provisions of this Ordinance, the following are conditional uses in the CD District and are governed by Section 19 of this Ordinance:

- A. Structural park improvements.
- B. Filling, grading, dredging or excavation provided it meets, at a minimum, the requirements specified in Section 4.02, Letter A.
- C. Single-family detached dwellings.
- D. Accessory Structure greater than one hundred and forty (140) square feet.

4.05: INTERIM USES. Subject to applicable provisions of this Ordinance, the following are interim uses in the MHD District and are governed by Section 20 of this Ordinance:

- A. None.

4.06: ACCESSORY USES. Subject to applicable provisions of this Ordinance, the following are permitted accessory uses within the CD District:

- A. Accessory uses incidental and customary to uses allowed as permitted, conditional and interim uses within this Section.
- B. The storage of recreational vehicles and equipment.
- C. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- D. Boat Dock.
- E. Accessory Structure one hundred and forty (140) square feet or less.
- F. Fences as regulated by Section 11:20 of this Ordinance.

4.07: LOT AREA AND SETBACK REQUIREMENTS. The following minimum requirements shall be observed in the CD District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

A. Lot Area:

1. Single Family:

- a. Minimum Lot Area: Fifteen thousand (15,000) square feet.
- b. Minimum Lot Width: Seventy-five (75) feet, as measured at the building setback line.
- c. Minimum Lot Width Corner Lot: Ninety-five (95) feet, as measured at the building setback line.
- d. Minimum Lot Depth: One hundred (125) feet.

2. All other uses:
 - a. Minimum Lot Area: None.
 - b. Minimum Lot Width: None.
 - c. Minimum Lot Depth: None.

B. Principal Structure Setbacks:

1. Front Yard: Thirty (30) feet.
2. Side Yard (not adjacent to street right-of-ways): Ten (10) feet.
3. Rear Yard: Twenty (20) feet.
4. Corner lots (side yards adjacent to street right-of-ways): Thirty (30) feet.
5. Where a lot is adjacent to a State Highway, the setback shall be fifty (50) feet.
6. Minimum Structure Setback from Ordinary High Water (OHW) mark: Two hundred (200) feet.

C. Accessory Structures Setbacks as regulated by Section 11:06 of this Ordinance.

4.08: LOT COVERAGE AND HEIGHT. The following requirements shall be observed in the CD District:

- A. The total impervious surface coverage on a lot shall not exceed twenty-five (25) percent.
- B. All single family detached dwellings shall be limited to a maximum height of two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

SECTION 5 – RR RURAL RESIDENTIAL DISTRICT

SECTION:

- 5.01: Purpose
- 5.02: Permitted Uses
- 5.03: Conditional Uses
- 5.04: Interim Uses
- 5.05: Accessory Uses
- 5.06: Lot Area and Setback Requirements
- 5.07: Lot Coverage and Height

5.01: PURPOSE. The purpose of the RR, Rural Residential District is to preserve areas where public utilities are not presently available. The district is intended to function as a “holding” zone for future urban development, preventing subdivision of an urban density until such time as suitable infrastructure can be provided.

5.02: PERMITTED USES. Subject to applicable provisions of this Ordinance, the following are permitted uses in the RR District:

- A. Single-family detached dwellings.
- B. Parks, trails and playgrounds.
- C. Licensed day care facility serving twelve (12) or fewer persons.
- D. Essential services.

5.03: CONDITIONAL USES. Subject to applicable provisions of this Ordinance, the following are conditional uses in the RR District and are governed by Section 19 of this Ordinance:

- A. Farms, farmsteads, hobby farms, nurseries, wholesale nurseries, greenhouses and tree farms, excluding retail sales.
- B. Farm and hobby farm buildings for the keeping of farm animals that are located within three hundred (300) feet of an existing residence on an abutting property or residential platted lot not under the same ownership as the parcel on which said buildings are constructed.
- C. Church/worship facility, cemetery, crematory, mausoleum, government buildings, public utilities and public service uses, hospitals, homes for the aged, institutions of an education, philanthropic or charitable nature and related facilities when required for the public health, safety or welfare provided that:
 - 1. The requirements of Section 19 of this Ordinance relating to Conditional Uses are considered and satisfied.
 - 2. When abutting a residential use in an area guided toward future residential development within the Long Beach Comprehensive Plan, no building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District and a landscaped buffer yard shall be provided. The required landscaped buffer yard shall screen the buildings/structures and parking lots from the view of the abutting residential use. The City Council shall approve the appropriateness of the landscaped buffer yard after consulting the standards for buffer yards contained in Section 11:16 of this Ordinance.

3. The requirements of Section 11.17 of this ordinance relating to off-street parking are considered and satisfied.

B. Bed and breakfast establishments, provided that:

1. A maximum of four (4) bed and breakfast units be established in the structure.
2. The facility shall have a State license (hotel and food), and comply with building and fire codes as may be required or applicable.
3. The facility shall be owner or manager occupied.
4. The bed and breakfast units are located within the principal structure.
5. Not more than one (1) full time person, who is not a resident of the structure, shall be employed by the bed and breakfast facility.
6. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.
7. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit.
8. Not more than one (1) identification sign not exceeding four (4) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally or externally illuminated.
9. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.

C. Golf courses and country clubs.

D. Commercial and Non-commercial Wind Energy Conversion Systems (WECS) subject to the provisions of Section 11.19 of Ordinance.

5.04: INTERIM USES. Subject to applicable provisions of this Ordinance, the following are interim uses in the LD District and are governed by Section 20 of this Ordinance:

- A. Animal Kennels as a secondary use.
- B. Land filling and land excavation, grading operations, including mining subject to applicable provisions of Section 11.11 of this Ordinance.
- C. Open and outdoor storage as a principal or non-related accessory use.

5.05: ACCESSORY USES. Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the LD District:

- G. Accessory uses incidental and customary to uses allowed as permitted, conditional and interim uses within this Section.
- H. Home occupations as regulated by Section 13 of this Ordinance.
- I. Fences as regulated by Section 11:20 of this Ordinance.
- J. Personal or accessory antenna as provided under Section 11:19 of this Ordinance.

- K. The storage of recreational vehicles and equipment.
- L. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- M. Off-street parking.
- N. Except as otherwise limited, private recreational facilities, accessory to an existing principal permitted use on the same lot and which is operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.
- O. Signs as regulated by Section 14 of this Ordinance.
- P. Gardening and other horticultural uses.
- Q. Roadside stand for sale of in season agricultural products planted and completely grown on the premises.

5.06: LOT AREA AND SETBACK REQUIREMENTS. The following minimum requirements shall be observed in the LD District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

A. Lot Area:

1. Single Family:

- a. Minimum Lot Area: Eighty thousand (80,000) square feet.
- b. Minimum Lot Width: two hundred (200) feet, as measured at the building setback line.
- c. Minimum Lot Depth: Two hundred (200) feet.

B. Principal Structure Setbacks:

- 1. Front Yard: Thirty (30) feet.
- 2. Side Yard (not adjacent to street right-of-ways): Ten (10) feet.
- 3. Rear Yard: Twenty (20) feet.
- 7. Corner lots (side yards adjacent to street right-of-ways): Thirty (30) feet.
- 8. Where a lot is adjacent to a State Highway, the setback shall be fifty (50) feet.
- 9. Minimum Structure Setback from Ordinary High Water (OHW) mark: Two hundred (200) feet.

C. Accessory Structures Setbacks as regulated by Section 11:06 of this Ordinance.

5.07: LOT COVERAGE AND HEIGHT. The following requirements shall be observed in the RR District:

- A. The total impervious surface coverage on a lot shall not exceed twenty-five (25) percent.
- B. All single family detached dwellings shall be limited to a maximum height of two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

SECTION 6 – LD LOW DENSITY RESIDENTIAL DISTRICT

SECTION:

- 6.01: Purpose
- 6.02: Permitted Uses
- 6.03: Conditional Uses
- 6.04: Interim Uses
- 6.05: Accessory Uses
- 6.06: Lot Area and Setback Requirements
- 6.07: Lot Coverage and Height

6.01: PURPOSE. The purpose of the LD, Low Density Residential District is to provide for an environment of predominantly low density, single family residential uses, including detached and attached single family and two family homes, triplexes and quadraminiums, along with directly related, complementary uses.

6.02: PERMITTED USES. Subject to applicable provisions of this Ordinance, the following are permitted uses in the LD District:

- A. Single-family detached dwellings.
- B. Single-family attached dwellings not exceeding four attached housing units.
- C. Licensed day care facility serving twelve (12) or fewer persons.
- D. Group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- E. Parks, trails and playgrounds.
- F. Essential services.

6.03: CONDITIONAL USES. Subject to applicable provisions of this Ordinance, the following are conditional uses in the LD District and are governed by Section 19 of this Ordinance:

- E. Church/worship facility, cemetery, crematory, mausoleum, government buildings, public utilities and public service uses, hospitals, homes for the aged, institutions of an education, philanthropic or charitable nature and related facilities when required for the public health, safety or welfare provided that:
 - 1. The requirements of Section 19 of this Ordinance relating to Conditional Uses are considered and satisfied.
 - 2. When abutting a residential use in an area guided toward future residential development within the Long Beach Comprehensive Plan, no building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District and a landscaped buffer yard shall be provided. The required landscaped buffer yard shall screen the buildings/structures and parking lots from the view of the abutting residential use. The City Council shall approve the appropriateness of the landscaped buffer yard after consulting the standards for buffer yards contained in Section 11:16 of this Ordinance.
 - 3. The requirements of Section 11.17 of this ordinance relating to off-street parking are considered and satisfied.

F. Bed and breakfast establishments, provided that:

10. A maximum of four (4) bed and breakfast units be established in the structure.
11. The facility shall have a State license (hotel and food), and comply with building and fire codes as may be required or applicable.
12. The facility shall be owner or manager occupied.
13. The bed and breakfast units are located within the principal structure.
14. Not more than one (1) full time person, who is not a resident of the structure, shall be employed by the bed and breakfast facility.
15. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.
16. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit.
17. Not more than one (1) identification sign not exceeding four (4) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally or externally illuminated.
18. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.

G. Golf courses and country clubs.

6.04: INTERIM USES. Subject to applicable provisions of this Ordinance, the following are interim uses in the LD District and are governed by Section 20 of this Ordinance:

D. None.

6.05: ACCESSORY USES. Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the LD District:

R. Accessory uses incidental and customary to uses allowed as permitted, conditional and interim uses within this Section.

S. Home occupations as regulated by Section 13 of this Ordinance.

T. Fences as regulated by Section 11:20, this Ordinance.

U. Personal or accessory antenna as provided under Section 11:19 of this Ordinance.

V. The storage of recreational vehicles and equipment.

W. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

X. Off-street parking.

Y. Except as otherwise limited, private recreational facilities, accessory to an existing principal permitted use on the same lot and which is operated for the enjoyment and convenience of the

residents of the principal use and their occasional guests.

Z. Signs as regulated by Section 14 of this Ordinance.

AA. Gardening and other horticultural uses where no sale of products is conducted on the premises.

BB. Non-commercial greenhouses, provided they do not exceed two hundred (200) square feet in area.

6.06: LOT AREA AND SETBACK REQUIREMENTS. The following minimum requirements shall be observed in the LD District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

A. Lot Area:

1. Single Family:

a. Minimum Lot Area: Fifteen thousand (15,000) square feet.

b. Minimum Lot Width: Seventy-five (75) feet, as measured at the building setback line.

c. Minimum Lot Width Corner Lot: Ninety-five (95) feet, as measured at the building setback line.

d. Minimum Lot Depth: One hundred (125) feet.

2. Two Family:

a. Minimum Lot Area Per Dwelling Unit: Seven thousand five hundred (7,500) square feet.

b. Minimum Total Lot Area: Fifteen thousand (15,000) square feet.

c. Minimum Lot Width: Seventy-five (75) feet, as measured at the building setback line.

d. Minimum Lot Width Corner Lot: Ninety-five (95) feet, as measured at the building setback line.

e. Minimum Lot Depth: One hundred (125) feet.

3. Townhouses up to four (4) attached housing units and Quadraminiums:

a. Minimum Lot Area Per Dwelling Unit: Five thousand (5,000) square feet.

b. Minimum Lot Width interior unit: Twenty-five (25) feet.

c. Minimum Lot Width end unit: Thirty-five (35) feet.

d. Minimum Lot Width End Unit Corner Lot: Fifty-five (55) feet.

e. Minimum Lot Depth: One hundred and twenty-five (125) feet.

B. Principal Structure Setbacks:

1. Front Yard: Thirty (30) feet.

2. Side Yard (not adjacent to street right-of-ways): Ten (10) feet.

3. Rear Yard: Twenty (20) feet.

10. Corner lots (side yards adjacent to street right-of-ways): Thirty (30) feet.

11. Where a lot is adjacent to a State Highway, the setback shall be fifty (50) feet.

12. Minimum Structure Setback from Ordinary High Water (OHW) mark: Seventy-five (75) feet.

C. Accessory Structures Setbacks as regulated by Section 11:06 of this Ordinance.

6.07: LOT COVERAGE AND HEIGHT. The following requirements shall be observed in the LD District:

A. The total impervious surface coverage on a lot shall not exceed twenty-five (25) percent.

B. All single family detached and attached dwellings not exceeding four attached housing units shall be limited to a maximum height of two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

SECTION 7 – MHD MEDIUM & HIGH DENSITY RESIDENTIAL DISTRICT

SECTION:

- 7.01: Purpose
- 7.02: Permitted Uses
- 7.03: Conditional Uses
- 7.04: Interim Uses
- 7.05: Accessory Uses
- 7.06: Lot Area and Setback Requirements
- 7.07: Lot Coverage and Height
- 7.08: Multiple Family Appearance

7.01: PURPOSE. The purpose of the MHD, Medium & High Density Residential District is to provide for an environment of predominantly medium (three to eight units) to high density (over eight units), which consist of townhouses, apartments, condominiums and congregate living arrangements, along with directly related, complementary uses.

7.02: PERMITTED USES. Subject to applicable provisions of this Ordinance, the following are permitted uses in the MHD District:

- G. Multiple Family Dwellings (Townhouses & Apartments): three (3) to eight (8) units.
- H. Residential condominiums or cooperative housing (processed as a PUD).
- I. State licensed residential facility serving from seven (7) through sixteen (16) persons.
- J. Group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve thirteen (13) to sixteen (16) children.
- K. Parks, trails and playgrounds.
- L. Essential services.

7.03: CONDITIONAL USES. Subject to applicable provisions of this Ordinance, the following are conditional uses in the MHD District and are governed by Section 19 of this Ordinance:

- A. Multiple Family Dwellings (Apartments): over eight (8) units.
- B. Congregate Care Housing.
- C. Church/worship facility, cemetery, crematory, mausoleum, government buildings, public utilities and public service uses, hospitals, homes for the aged, institutions of an education, philanthropic or charitable nature and related facilities when required for the public health, safety or welfare provided that:
 - 1. The requirements of Section 19 of this Ordinance relating to Conditional Uses are considered and satisfied.
 - 2. When abutting a residential use in an area guided toward future residential development within the Long Beach Comprehensive Plan, no building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District and a landscaped buffer yard shall be provided. The required landscaped buffer yard shall screen the buildings/structures and parking lots from the view of the abutting residential use. The City Council shall approve the

appropriateness of the landscaped buffer yard after consulting the standards for buffer yards contained in Section 11:16 of this Ordinance.

3. The requirements of Section 11.17 of this ordinance relating to off-street parking are considered and satisfied.

7.04: INTERIM USES. Subject to applicable provisions of this Ordinance, the following are interim uses in the MHD District and are governed by Section 20 of this Ordinance:

A. None.

7.05: ACCESSORY USES. Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the MHD District:

CC. Accessory uses incidental and customary to uses allowed as permitted, conditional and interim uses within this Section.

DD. Home occupations as regulated by Section 13 of this Ordinance.

EE. Association maintained or community swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

FF. Off-street parking.

GG. Except as otherwise limited, private recreational facilities, accessory to an existing principal permitted use on the same lot and which is operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.

HH. Signs as regulated by Section 14 of this Ordinance.

7.06: LOT AREA AND SETBACK REQUIREMENTS. The following minimum requirements shall be observed in the MHD District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

A. Lot Area:

1. Townhouses up to four (4) attached housing units and Quadraminiums:
 - a. Minimum Lot Area Per Dwelling Unit: Five thousand (5,000) square feet.
 - b. Minimum Lot Width interior unit: Twenty-five (25) feet.
 - c. Minimum Lot Width end unit: Thirty-five (35) feet.
 - d. Minimum Lot Width End Unit Corner Lot: Fifty-five (55) feet.
 - e. Minimum Lot Depth: One hundred and twenty-five (125) feet.
2. The basis of computing the lot area for all other residential uses, the following shall apply:
 - a. Minimum Total Lot Area: Twenty thousand (20,000) square feet.
 - b. 2,000 square feet of lot area for each efficiency unit; and/or
 - c. 3,000 square feet of lot area for each one (1) bedroom unit; and/or

- d. 3,500 square feet of lot area for each two (2) bedroom unit; and/or
 - e. 4,000 square feet of lot area for each three (3) bedroom unit; and/or
 - f. For each additional bedroom (over 3) per unit, an additional 500 square feet of lot area.
 - g. Minimum Lot Width: One Hundred (100) feet.
 - h. Minimum Lot Depth: One Hundred (125) feet.
- B. Principal Structure Setbacks:
- 1. Triplexes and Quadraminiums:
 - a. Front Yard: Thirty (30) feet.
 - b. Side yard (not adjacent to street right-of-ways): Ten (10) feet.
 - c. Rear Yard: Twenty (20) feet.
 - 2. Multiple family dwellings, Condominiums and Cooperative units:
 - a. Front Yard: Thirty (30) feet.
 - b. Side Yards (not adjacent to street right-of-ways): Twenty (20) feet plus one (1) foot of side yard setback for each one (1) foot of building height over twenty (20) feet.
 - c. Rear Yard: Thirty (30) feet.
 - 3. Corner lots (side yards adjacent to street right-of-ways): Thirty (30) feet.
 - 4. Where a lot is adjacent to a State Highway, the setback shall be fifty (50) feet.
 - 5. Minimum Structure Setback from Ordinary High Water (OHW) mark: Seventy-five (75) feet.
- C. Accessory Structures Setbacks as regulated by Section 11:06 of this Ordinance.

7.07: LOT COVERAGE AND HEIGHT. The following requirements shall be observed in the MHD District:

- A. The ground area of single-family attached dwellings not exceeding four housing units shall not exceed twenty-five (25) percent lot coverage.
- B. The total ground area of all other permitted residential buildings excluding single-family attached dwellings not exceeding four housing units shall not exceed forty-five (45) percent lot coverage.
- C. All single family attached dwellings not exceeding four housing units shall be limited to a maximum height of two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.
- D. Multiple family dwelling: Maximum building height of dwelling more than four units is three (3) stories or forty-five (45) feet, whichever is less.

7.08: MULTIPLE FAMILY APPEARANCE.

- A. All multiple family dwelling buildings shall be designed and constructed to have the equivalent of

a front appearance on each exterior surface. All accessory or ancillary buildings, including garages, shall be designed and constructed with the same facing materials as the principal building. Such material shall be used in the same or better proportions as used on said principal building.

- B. Any detracting aspects (i.e. parking) of the multiple family dwelling development shall be integrated into the site design so as to minimize the impact on adjacent residential areas. Mitigation of these aspects shall include landscaping and fencing treatments.

SECTION 8 – MH MANUFACTURED HOME RESIDENTIAL DISTRICT

SECTION:

- 8.01: Purpose
- 8.02: Permitted Uses
- 8.03: Conditional Uses
- 8.04: Interim Uses
- 8.05: Accessory Uses
- 8.06: Application
- 8.07: Design Standards

8.01: PURPOSE. The purpose of the MH, Manufactured Home Residential District is to promote health, safety, order, convenience, and general welfare by enforcing minimum standards for manufactured home parks, the location and use of manufactured home parks, and the design, construction, alteration, and arrangement of homes on said lots, authorizing the inspection of manufactured home parks, the licensing of operators, and fixing penalties for violations. No building or land shall be used and no building shall be erected, converted, or structurally altered, unless otherwise provided herein.

8.02: PERMITTED USES. Subject to applicable provisions of this Ordinance, the following are permitted uses within the MH District:

- A. Manufactured homes in manufactured home parks.
- B. Parks, trails and playgrounds.
- C. Essential services.
- D. Storm shelters.
- E. Offices for the administration of the Manufactured Home Park.
- F. On-site laundry facilities to service tenants of the Manufactured Home Park.

8.03: CONDITIONAL USES. Subject to applicable provisions of this Ordinance, the following are conditional uses in the MH District and are governed by Section 19 of this Ordinance:

- E. None.

8.04: INTERIM USES. Subject to applicable provisions of this Ordinance, the following are interim uses in the MH District and are governed by Section 20 of this Ordinance:

- A. None.

8.05: ACCESSORY USES. The following are permitted accessory uses in a MH District:

- A. Detached accessory building and carports for licensed and operable passenger cars and trucks not to exceed a gross weight of nine thousand (9,000) pounds. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on, unless it is part of a licensed home occupation.
- B. Deck.

- C. Patio.
- D. Fences as regulated by Section 11:20, this Ordinance.
- E. Personal or accessory antenna as provided under Section 11:19 of this Ordinance.
- F. Room addition up to 200 square feet.
- G. Entryway airlock up to 50 square feet.
- H. Home occupations in compliance with Section 13 of this Ordinance.

8.06: APPLICATION. The following procedure must be followed to obtain approval for a manufactured home park:

- A. The property owner shall first apply in writing to the City Council on such form as he/she may from time to time designate. Such application shall include a development plan and a plat plan prepared by and bearing the seal of a Minnesota Registered Surveyor or Registered Engineer, showing the following:
 1. Exact legal description of entire development property.
 2. Name, address, resume, and three references in the field of manufactured home park development and management.
 3. The existing survey of the entire development site.
 4. Location and size of all individual lots, storage areas, recreation areas, laundry and drying areas, roadways, parking sites, central office and shelters.
 5. Location and size of all streets abutting the park and all proposed driveways from such streets to said park.
 6. Street construction and surfacing plans and specifications, including parking areas and sidewalks.
 7. Plans for sanitary sewage disposal, surface water drainage, water supply systems, electrical service, and gas service.
 8. Setback dimensions of all lots and the entire manufactured home park from adjacent roads, properties, natural areas such as rivers, lakes, streams, ponds, and the like.
 9. Delineation and identification of any and all wetlands on or near the development site.
 10. Plans for any and all structures.
 11. Location, owner, legal description of all easements on the site.
 12. Detailed landscaping plans and specifications.
 13. Lighting plans and specifications.
 14. Location and width of sidewalks.
 15. Description of the method of collecting and disposing of garbage and refuse.

16. Detailed description of maintenance procedures and grounds supervision.
17. Proposed development schedule including proposed deadlines for completion of each stage.
18. Such other information as required by City Staff, City Council, and/or Planning Commission.

8.07: DESIGN STANDARDS. All manufactured home parks site plans shall conform to the following standards:

A. Park site.

1. Shall be drained and properly graded and meet criteria required in shoreland and/or floodplain areas, meet engineering and building inspection requirements, and requirements stipulated by the Pope County Soil and Water Conservation District if required.
2. Shall have at least two points of ingress and egress for vehicles and these access points must get written approval from the appropriate government entity for the proposed access. The access points must meet their specific design requirements.
3. Total Land Area Required: Minimum total manufactured home park area shall be five (5) acres and not less than 250 feet in width.
4. Total Impervious Surface Coverage: The ground area of a manufactured home park, shall not exceed forty-five (45) percent lot coverage.

B. Individual lots.

1. Lot area: a minimum of six thousand (6,000) square feet for the exclusive use of the occupant.
2. Width: No less than fifty (50) feet.
3. Width Corner Lot: No less than seventy (70) feet.
4. Depth: No less than one hundred (100) feet.
5. Each lot must provide a raised gravel base sized for the manufactured home installed on the site. Each lot must have sod removed from the base area.
6. Each manufactured home lot shall have frontage on an approved roadway and the corner of each manufactured home lot shall be marked. Each site shall be numbered.
7. Frost piers shall be installed, according to the manufacturer's specifications, on all lots at the time of manufactured home installation.
8. Manufactured Home Parks which are established after the adoption of this ordinance shall not allow manufactured homes which are greater than eight (8) years old to be moved into the park.

C. Setbacks.

1. There shall be a front, side and rear yard setback of ten (10) feet from each structure to the lot line. Lots that abut any public street shall have a setback of thirty (30) feet measured from property line. Where a public street is adjacent to a property line, a twelve (12) foot landscape area shall be required. Screening and buffer zones shall be established on the

perimeter of the manufactured home park in compliance with the provisions of this Ordinance.

2. Accessory structures such as an awning, cabana, storage cabinet, carport, windbreak, deck or porch for purposes of setback requirements, shall be considered to be a part of the manufactured home.
3. There shall be an unused area not less than ten (10) feet in depth along each street or roadway and this area shall be seeded, sodded and/or landscaped, except for required walkways, driveways, or utilities.
4. There shall be an open space of at least six (6) feet between manufactured homes and their accessory buildings.
5. Minimum Principal Structure Setback from Ordinary High Water (OHW) Mark: Seventy-five (75) feet.

D. Maximum Height:

1. Principal Building: One and one-half stories or twenty-five (25) feet, whichever is less.
2. Accessory Building: Accessory buildings shall comply with the provisions of Section 11.06 of this Ordinance.

E. Floor Area:

1. Principal Building: Minimum: eight hundred (800) square feet.

F. Off-street automobile parking.

1. Each lot shall have off-street parking spaces for two (2) automobiles. These parking spaces shall comply with the off-street parking regulations outlined in Section 11.17 of this Ordinance.
2. Each park shall maintain a hard surfaced off-street parking lot for guests of occupants in the amount of one (1) space for each four (4) sites. Each parking space shall be a minimum of nine (9) feet by eighteen (18) feet and constructed in accordance with Section 11.17 of this Ordinance. An exception to this requirement may be made in cases of on-site garages and adequate off-street parking stalls on individual lots.
3. Access drives from roadways to all parking spaces and sites shall be hard surfaced.
4. Parking on street shall be discouraged and, if allowed, restricted to only one side of the street. All on-street parking plans are to be approved by the City.

G. Utilities.

1. All manufactured homes shall be connected to a public sanitary sewer system and public water system if available. If public water system is not available all manufactured homes shall be connected to a common well within the manufactured home park.
2. Disposal of surface storm water shall conform to city storm water management plans and shall be approved by the City Council.
3. All utility connections shall be approved by the City.

4. The source of fuel for cooking, heating, or other purposes at each site shall be as approved by the City and shall be a underground tank to be used for multiple manufactured homes.
5. All utilities shall be underground including those for street and exterior lighting purposes. There shall be no overhead wires or supporting poles.
6. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile and manufactured home equipment.
7. The manufactured home park owner shall pay all required utility connection fees to the City.

H. Internal roadways and streets.

1. Roadways shall be hard surfaced to meet the standards for at least a seven-ton street, unless the applicant can demonstrate that a lesser roadway will be feasible along with plans to keep heavy service type trucks from entering the park. All roadway surface plans are to be approved by the City Council.
2. All roads shall have concrete, mountable, roll type curbs and gutters.
3. All streets shall have a road bed of not less than twenty-four (24) feet in width. No parking shall be permitted on the street unless the roadbed is at least thirty-two (32) feet in width, and in this case will still be limited to one (1) side for street parking purposes.
4. All streets and ways are hereby declared public only to the extent that they shall be under the supervision and control of the police enforcement powers of the City with respect to traffic laws and such other laws as shall be applicable to public ways and places.

I. Landscaping.

1. Each individual lot shall be properly landscaped with grass or sodding. In open areas and park areas, a minimum of ten (10) trees per acre is required. Trees shall be bound and burlapped. Tree varieties and sizes proposed are subject to approval by the City.
2. A compact hedge, tree line, or landscaped area shall be installed around each manufactured home park and be maintained at all times.
3. All areas shall be landscaped in accordance with a plan approved by the City Council.

J. Recreation.

1. The owners of all manufactured home parks shall improve, for the use of occupants, at least ten percent (10%) of the park's total land area for recreational use (tennis courts, children's play equipment, swimming pool, golf green, and the like). In lieu of land dedication for public park purposes, a cash contribution as established by City Code shall be paid to the City.

K. Shelters.

1. Each manufactured home park shall include suitable storm and disaster shelter facilities constructed to accommodate the park residents. The storm shelters must meet standards specified in the state regarding manufactured home park shelter design (Minnesota Rules Chapter 1370.0100 to 1370.0230, as amended from time to time) from the Minnesota Department of Administration Building Code and Standards Division.

L. General Regulations.

1. The owner of a manufactured home park shall be responsible for assuring that the following regulations are complied with by the park and its occupants:
 - a. All areas of the park shall be properly drained, and maintained clean and free from refuse and debris.
 - b. Distinctive design elements and/or themes common throughout the manufactured home park are strongly encouraged.
 - c. The placement of more than one (1) manufactured home on any single lot shall not be permitted.
 - d. Manufactured homes shall not be used for residential purposes if they:
 - i. Do not conform to the requirements of the Manufactured Home Code of the State of Minnesota (Minnesota Rules, Chapter 1350, as may be amended from time to time).
 - ii. Have not been issued a permit by the City Building Official. This includes additions, decks, and accessory structures over 120 square feet in area.
 - iii. Are in an unsanitary condition or have the exterior in bad repair.
 - iv. Are structurally unsound and do not protect the inhabitants against all elements.
 - v. Are not properly blocked, anchored, or utilities not properly connected.
 - e. No persons shall be allowed to reside in a park except those occupying manufactured homes on established individual sites or a central office or caretaker building.
 - f. No manufactured home may be inhabited by a greater number of occupants than that for which it was developed or allowed by state building code.
 - g. Each manufactured home shall be installed in accordance with the manufacturer's specific installation instructions, City building code requirements, and such installation plans and foundation plans prepared by a Minnesota certified engineer. All manufactured homes shall be permanently anchored to prevent uplifting due to wind.
 - h. The area beneath each manufactured home shall be enclosed with appropriate skirting material that is of compatible color and material of the manufactured home, shall not be in disrepair, and the enclosed skirting shall have access for inspection. Vinyl or aluminum that has been painted is acceptable.
 - i. No public address or loud speaker system shall be permitted in such park, unless permitted by the City Council for special or one-time uses of limited duration such as block parties or emergencies.
 - j. Outdoor storage of vehicles and other equipment shall comply with Section 11.10 of this Ordinance. The manufactured home park shall provide a secured area for storage on-site, in compliance with the specifications of this Section.
 - k. The installation or construction of any structures or improvements within a park shall require a building permit as required by the City. All plans for such installation or construction shall meet the requirements of the Minnesota Department of Health and the City's zoning and building codes.

M. Location.

1. It shall be unlawful within this zoning district for any person to park any mobile or manufactured home on any street or highway, or other public place or on any tract of land owned by any person, occupied or unoccupied within the City, except as provided for in this Section.
2. Emergency or temporary stopping or parking is permitted on any public street or highway for not longer than three (3) hours subject to any other and further prohibitions, and parking regulations or ordinances for that street or highway.
3. No person shall park or occupy any mobile or manufactured home which is situated outside of an approved manufactured home park.

N. Inspection of manufactured home parks.

1. Compliance with Section: The City Council or duly authorized representatives are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Section, including the power to enter at reasonable times upon any private or public property for such purposes.
2. Registration Record: The City Council, County Sheriff, or their duly authorized representatives, shall have the power to inspect the register containing a record of all residents of the manufactured home park.
3. Access: It shall be the duty of the park management to give the City free access to all lots, at reasonable times, for the purpose of inspection.
4. Repairs: It shall be the duty of every occupant of a manufactured home park to give the owner thereof or his/her agent or employee access to any part of such manufactured home park at reasonable times for the purpose of making such repairs or alterations as are necessary to comply with this Section.
5. Emergency: Whenever the City Council finds that an emergency exists which requires immediate action to protect the public health or safety, an order may be ordered, without notice of hearing, reciting the existence of such an emergency and requiring that such action be taken as deemed necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this Section, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the City of Long Beach shall be afforded a hearing before the Planning Commission as soon as possible. Pending any such hearing, such emergency orders shall be in full force and effect unless later removed, modified, or changed by the Planning Commission or the City Council.

O. Required illumination of the park.

1. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night. Such illumination specifications shall be reviewed and approved by the City Council
2. All parts of the park system: 0.6 foot candle.
3. Potentially hazardous locations, such as major street intersections and steps or stepped ramps, to be individually illuminated with a minimum of 0.6 foot candle.

P. Walkways.

1. All parks shall be provided with safe, convenient, durable and convenient to maintain, all-season pedestrian access of adequate width for intended use, between individual manufactured homes, the park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
2. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall be a minimum of thirty-six (36) inches wide and shall be constructed adjacent to the concrete curb of all streets. Common walkways shall connect to municipal trails where feasible.
3. All manufactured homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street.

Q. Service buildings and other community service buildings.

1. The requirements of this section shall apply to service buildings, recreation buildings, and other community service facilities, indoor recreation areas, and commercial areas supplying essential goods or services for the exclusive use of park occupants.
2. Structural requirements of buildings: All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, insects, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
3. Barbecue pits, outdoor fireplaces, and cooking shelters: Cooking shelters, barbecue pits, and outdoor fireplaces shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring properties, and shall comply with all appropriate ordinances, laws, or other regulations. Wood burning stoves and incinerators are not allowed.

R. Refuse handling.

1. The storage, collection, and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards, or air pollution.

S. Insect and rodent control.

1. Grounds, buildings, and structures: Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with any requirements of the Pope County Health Department, Minnesota Department of Health, City Council, or other duly authorized authority over such matters.
2. Parks: Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
3. Storage areas: Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building material shall be stored at least one foot above ground.
4. Screens: Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

T. Fuel supply and storage.

1. Approved natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. No outside or buried fuel tanks will be allowed other than the manufactured home park approved underground common tanks.

U. Fire protection.

1. Litter, rubbish, and the like. Manufactured home parks shall be kept free of litter, rubbish, and other flammable material.
2. Fire extinguishers: Portable fire extinguishers rated for class A, B, and C fires shall be kept visible in services buildings and at other locations conveniently and readily accessible for use by all of the occupants and shall be maintained in good operating condition. Their capacity shall be not less than ten (10) pounds.

V. Miscellaneous requirements.

1. The following are responsibilities of the manufactured home park owners:
 - a. The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this Section and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
 - b. The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Section.
 - c. It shall be the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the date of arrival and departure of each manufactured home and the make, type and license number of each manufactured home. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duty necessitates acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

SECTION 9 – RC RESIDENTIAL & COMMERCIAL TRANSITION DISTRICT

SECTION:

- 9.01: Purpose
- 9.02: Permitted Uses
- 9.03: Conditional Uses
- 9.04: Interim Uses
- 9.05: Accessory Uses
- 9.06: Lot Area and Setback Requirements
- 9.07: Lot Coverage and Height

9.01: PURPOSE. The purpose of the RC, Residential & Commercial Transition District is to provide locations for limited commercial development while providing for the orderly transition to residential from commercial uses.

9.02: PERMITTED USES. Subject to applicable provisions of this Ordinance, the following are permitted uses in the RC District:

- M. Single-family detached dwellings.
- N. Single-family attached dwellings not exceeding four attached housing units.
- O. Multiple Family Dwellings (Townhouses & Apartments): three (3) to eight (8) units.
- P. Residential condominiums or cooperative housing (processed as a PUD).
- Q. Licensed day care facility serving twelve (12) or fewer persons.
- R. Group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- S. Existing commercial uses as of the date of adoption of this Ordinance.
- T. Parks, trails and playgrounds.
- U. Essential services.

9.03: CONDITIONAL USES. Subject to applicable provisions of this Ordinance, the following are conditional uses in the RC District and are governed by Section 19 of this Ordinance:

- D. Multiple Family Dwellings (Apartments): over eight (8) units.
- E. Congregate Care Housing.
- F. Church/worship facility, cemetery, crematory, mausoleum, government buildings, public utilities and public service uses, hospitals, homes for the aged, institutions of an education, philanthropic or charitable nature and related facilities when required for the public health, safety or welfare provided that:
 - 4. The requirements of Section 19 of this Ordinance relating to Conditional Uses are considered and satisfied.

5. When abutting a residential use in an area guided toward future residential development within the Long Beach Comprehensive Plan, no building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District and a landscaped buffer yard shall be provided. The required landscaped buffer yard shall screen the buildings/structures and parking lots from the view of the abutting residential use. The City Council shall approve the appropriateness of the landscaped buffer yard after consulting the standards for buffer yards contained in Section 11:16 of this Ordinance.
6. The requirements of Section 11.17 (Off-Street Parking and Loading) of this ordinance relating to off-street parking are considered and satisfied.

G. Bed and breakfast establishments, provided that:

19. A maximum of four (4) bed and breakfast units be established in the structure.
20. The facility shall have a State license (hotel and food), and comply with building and fire codes as may be required or applicable.
21. The facility shall be owner or manager occupied.
22. The bed and breakfast units are located within the principal structure.
23. Not more than one (1) full time person, who is not a resident of the structure, shall be employed by the bed and breakfast facility.
24. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.
25. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit.
26. Not more than one (1) identification sign not exceeding four (4) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally or externally illuminated.
27. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.

H. Restaurants.

I. Bars.

J. Hotels/Motels.

K. City Hall.

L. Sexual Oriented Uses provided that:

1. The requirements of Section 15 of this Ordinance relating to the sexually oriented uses are considered and satisfied.
2. All of City Code requirements in the Sexually Oriented Businesses Ordinance are met and satisfied.

M. Convenience Store with gasoline, provided that:

1. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.
 2. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
 3. Motor fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
 4. Wherever fuel pumps are to be installed, pump islands shall be installed.
 5. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
 6. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
- N. Resort facilities and incidental commercial services in connection with and incidental to the operation of a resort activity. New resort facilities and expansions shall be processed as commercial Planned Unit Developments and adhere to applicable Shoreland District requirements provided that:
1. Resort facilities shall be licensed by and meet the standards prescribed by the Minnesota Department of Health except where the provisions of this Ordinance are more restrictive, upon which the most restrictive provisions shall prevail.
- O. Campground facilities and incidental commercial services in connection with and incidental to the operation of a campground activity. New campground facilities and expansions shall be processed as commercial Planned Unit Developments and adhere to applicable Shoreland District requirements provided that:
1. Campground facilities shall be licensed by and meet the standards prescribed by the Minnesota Department of Health except where the provisions of this Ordinance are more restrictive, upon which the most restrictive provisions shall prevail.
 2. Each campsite shall have at least 2,000 square feet in area for primitive or dependent campsites and shall have at least 3,000 square feet in area for independent campsites.
 3. Campsites designed to provide water hook-up shall also provide hook-up to a central sewage disposal system which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and of this Ordinance.
 4. A Campground which allows camping units with self contained sewage systems shall provide some acceptable form of on-site sewage disposal for these units.
 5. Vegetative screening is installed to screening any residential uses adjacent to the campground.
 6. Adequate and safe ingress and egress access shall be provided to a public road.
- P. Marinas.

Q. Commercial Planned Unit Developments.

R. Medical offices and clinics, dental offices and clinics, professional offices and commercial (leased) offices, veterinary clinics (not including outside kennels) and funeral homes and mortuaries, provided that:

1. The site and related parking and service entrances are served by a collector street or street of sufficient capacity to accommodate the traffic which will be generated.
2. Adequate off-street parking is provided in conjunction with Section 11.17 of this Ordinance.
3. Vehicular entrances to parking of service areas shall create minimum conflict with through traffic movement.
4. When abutting a residential use, a buffer area with screening and landscaping in compliance with Section 11.16 of this Ordinance shall be provided.

B. All signs and visual communication devices shall be in compliance with Section 14 of this Ordinance.

S. Retail commercial activities provided that:

1. Merchandise is sold at retail.
2. The retail activity is not located within a structure whose principal use is residential.
3. No directly or indirectly illuminating sign or signs in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
4. No drive thru windows permitted.

9.04: INTERIM USES. Subject to applicable provisions of this Ordinance, the following are interim uses in the RC District and are governed by Section 20 of this Ordinance:

A. None.

9.05: ACCESSORY USES. Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the RC District:

A. Accessory uses incidental and customary to uses allowed as permitted, conditional and interim uses within this Section.

B. Home occupations as regulated by Section 13 of this Ordinance.

C. Fences as regulated by Section 11:20, of this Ordinance.

D. Personal or accessory antenna as provided under Section 11:19 of this Ordinance.

E. The storage of recreational vehicles and equipment.

F. Swimming pools, tennis courts and other recreational facilities for residential properties which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

G. Off-street parking.

- H. Except as otherwise limited, private recreational facilities, accessory to an existing principal permitted use on the same lot and which is operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.
- I. Signs as regulated by Section 14 (Signs) of this Ordinance.

9.06: LOT AREA AND SETBACK REQUIREMENTS. The following minimum requirements shall be observed in the RC District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

A. Lot Area:

1. Single Family:

- a. Minimum Lot Area: Fifteen thousand (15,000) square feet.
- b. Minimum Lot Width: Seventy-five (75) feet, as measured at the building setback line.
- c. Minimum Lot Width Corner Lot: Ninety-five (95) feet, as measured at the building setback line.
- d. Minimum Lot Depth: One hundred (125) feet.

2. Two Family:

- a. Minimum Lot Area Per Dwelling Unit: Seven thousand five hundred (7,500) square feet.
- b. Minimum Total Lot Area: Fifteen thousand (15,000) square feet.
- c. Minimum Lot Width: Seventy-five (75) feet, as measured at the building setback line.
- d. Minimum Lot Width Corner Lot: Ninety-five (95) feet, as measured at the building setback line.
- e. Minimum Lot Depth: One hundred (125) feet.

3. Townhouses up to four (4) attached housing units and Quadraminiums:

- a. Minimum Lot Area Per Dwelling Unit: Five thousand (5,000) square feet.
- b. Minimum Lot Width interior unit: Twenty-five (25) feet.
- c. Minimum Lot Width end unit: Thirty-five (35) feet.
- d. Minimum Lot Width End Unit Corner Lot: Fifty-five (55) feet.
- e. Minimum Lot Depth: One hundred and twenty-five (125) feet.

4. The basis of computing the lot area for all other residential uses, the following shall apply:

- a. Minimum Total Lot Area: Twenty thousand (20,000) square feet.
- b. 2,000 square feet for each efficiency unit; and/or
- c. 3,000 square feet of lot area for each one (1) bedroom unit; and/or

- d. 3,500 square feet of lot area for each two (2) bedroom unit; and/or
 - e. 4,000 square feet of lot area for each three (3) bedroom unit; and/or
 - f. For each additional bedroom (over 3) per unit, an additional 500 square feet of lot area.
 - g. Minimum Lot Width: One Hundred (100) feet.
 - h. Minimum Lot Depth: One Hundred (125) feet.
5. Commercial Uses.
- a. Minimum Lot Area: Fifteen thousand (15,000) square feet.
 - b. Minimum Lot Width: One Hundred (100) feet, as measured at the building setback line.
 - c. Minimum Lot Depth: One hundred (125) feet.
- B. Principal Structure Setbacks:
- 1. Single family detached, two family, triplexes and quadraminium dwellings.
 - a. Front yard: Thirty (30) feet.
 - b. Side yard (not adjacent to street right-of-ways): Ten (10) feet.
 - c. Rear yard: Twenty (20) feet.
 - 2. Multiple family dwellings:
 - d. Front yard: Thirty (30) feet.
 - e. Side yards (not adjacent to street right-of-ways): Twenty (20) feet plus one (1) foot of side yard setback for each one (1) foot of building height over twenty (20) feet.
 - f. Rear yard: Thirty (30) feet.
 - 3. Condominium and cooperative units.
 - a. Front yard: Thirty (30) feet.
 - b. Side yards (not adjacent to street right-of-ways): Twenty (20) feet plus one (1) foot of side yard setback for each one (1) foot of building height over twenty (20) feet.
 - c. Rear yard: Thirty (30) feet.
 - 4. Commercial structures:
 - a. Front yard: Thirty (30) feet.
 - b. Side yards (not adjacent to street right-of-ways): Twenty (20) feet plus one (1) foot of side yard setback for each one (1) foot of building height over twenty (20) feet.
 - c. Rear yard: Thirty (30) feet.
 - 5. Corner lots (side yards adjacent to street right-of-ways): Thirty (30) feet.

6. Where a lot is adjacent to a State Highway, the setback shall be fifty (50) feet.
 7. Minimum Structure Setback from Ordinary High Water (OHW) mark: Seventy-five (75) feet.
- C. Accessory Structures Setbacks as regulated by Section 11:06 of this Ordinance.

9.07: LOT COVERAGE AND HEIGHT. The following requirements shall be observed in the RC District:

- A. The ground area of single family detached dwellings, including detached garages, and single-family attached dwellings not exceeding four housing units shall not exceed twenty-five (25) percent lot coverage.
- B. The total ground area of all other permitted residential buildings excluding single family detached dwellings and single-family attached dwellings not exceeding four housing units shall not exceed forty-five (45) percent lot coverage.
- C. The total ground area of a commercial structure, including accessory buildings, shall not exceed seventy-five (75) percent lot coverage.
- D. All single family detached and attached dwellings not exceeding four housing units shall be limited to a maximum height of two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.
- E. Multiple family dwelling: Maximum building height is three (3) stories or forty-five (45) feet, whichever is less.
- F. Commercial structures shall be limited to a maximum height of thirty-five (35) feet.

9.08: MULTIPLE FAMILY APPEARANCE.

- C. All multiple family dwelling buildings shall be designed and constructed to have the equivalent of a front appearance on each exterior surface. All accessory or ancillary buildings, including garages, shall be designed and constructed with the same facing materials as the principal building. Such material shall be used in the same or better proportions as used on said principal building.
- D. Any detracting aspects (i.e. parking) of the multiple family dwelling development shall be integrated into the site design so as to minimize the impact on adjacent residential areas. Mitigation of these aspects shall include landscaping and fencing treatments.

SECTION 10 – PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

SECTION:

- 10.01 Purpose
- 10.02: General Requirements & Standards
- 10.03: Operating and Maintenance Requirements for PUD Common Open Space and Service Facilities
- 10.04: Special Requirements and Standards
- 10.05: Procedure for Processing
- 10.06: Data Required
- 10.07: Amendments and Administration

10.01: PURPOSE. The purpose of the PUD, Planned Unit Development Overlay District is to provide for areas which can be developed with some modification of the strict application of regulations of the normal zoning districts in accordance with the provisions and regulations contained herein and for the development as an integrated, coordinated unit as opposed to traditional parcel-by-parcel, approach to development. This Section is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. It is further intended that PUD's are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses. It is not the intent of this Section to establish a separate zoning district.

PUD's can be developed within any zoning district with the overall population density, number of living units or intensity of use permitted to be constructed in general conformance with the provisions of the basic zoning district in which it is located. Densities or intensities may be permitted higher than those permitted in the zoning district with the specific density or intensity determined by the Planning Commission and City Council.

- A. Public Benefit. Specifically, it is intended to encourage the efficient use of land and resources, to promote greater efficiency in public utility services and encourage innovation in the planning and building of all types of development. Rather than strictly enforcing the concept of uniformity of building types in each district this provision will encourage public benefits to be derived as a result of the PUD which include but are not limited to:
 - 1. Innovations in residential development so that the demands for housing of all economic levels may be met by greater variety in tenure, type, building design, and siting of dwellings and by the conservation and more efficient use of land in such developments.
 - 2. The preservation and enhancement of desirable site characteristics and open space such as natural topography, geologic features and historical sites and the prevention of soil erosion.
 - 3. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban areas.
 - 4. A more efficient use of land resulting in smaller networks of utilities and streets, thereby lowering housing costs and public investments.
 - 5. Developments and a development pattern in harmony and consistent with the objectives of the City's Comprehensive Plan.
 - 6. A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City.

7. Higher standards of site and building design through the use of trained and experienced Land Planners, Registered Architects and/or Landscape Architects

10.02: GENERAL REQUIREMENTS AND STANDARDS.

- A. **Ownership.** An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approval of the final plat shall be binding on all owners. The financial commitments incurred through any portion of the development shall be the responsibility of the ownership.
- B. **Consistency with Comprehensive Plan.** The proposed PUD shall be generally consistent with the adopted Long Beach Comprehensive Plan.
- C. **Permitted Uses.** All permitted, permitted accessory, or conditional uses contained in the underlying zoning district shall be treated as permitted, permitted accessory and conditional uses in PUD overlay district. Mixed use PUD's are permitted provided they meet the intent and purpose for which a PUD is permitted. Uses not listed as permitted or conditional in a specific district shall not be allowed in a PUD unless it is found that the use is complimentary to the functionality of the development and the other uses found therein.
- D. **Density.** Increased density shall be permitted to encourage the preservation of natural topography and geological features, however the provisions of this Section shall not require the City to provide concessions in setbacks, density or lot size to protect waterways or waterbodies, steep slopes or other areas which would normally not be developable.
- E. **Standards.** Every PUD shall conform to the standards prescribed in this section.
 1. **Relationship of PUD Site to Adjacent Areas.** The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD.
 2. **Minimum Development Size.** A Planned Unit Development for any parcel or track of land shall have a minimum net site area for each land use as set forth below:
 - a. Conservation uses – five (5) acres minimum
 - b. Residential uses – three (3) acres minimum
 - c. Commercial uses – one (1) acre minimum
 - d. Mixed Use PUD – three (3) acres minimum
 3. **Minimum Lot Size.** The minimum lot size requirements of other Sections of this ordinance do not apply to a PUD except that the minimum lot size requirements of the underlying zone shall serve as a guideline to determine the maximum dwelling unit density of a total development. The maximum dwelling unit density shall be determined by the area remaining after appropriate space for street right-of-ways and any other public dedications have been determined and subtracted from the total PUD area. If the property involved in the PUD includes land in more than one (1) zoning district, the number of dwelling units or the square footage of commercial or residential uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.

4. Set-Back and Side Yard Requirements. Notwithstanding other provisions of this Section, every lot in a PUD abutting the perimeter of the PUD shall conform to yard requirements for the underlying district. Side yards between buildings in a PUD shall be not less than twenty (20) feet but such buildings may be built without reference to the property lines of the individual lots on which they are built. Buildings shall be spaced no less than twenty (20) feet apart to allow emergency vehicles freedom to maneuver between buildings.
5. Access to Public Right-of-way. The site of a PUD shall abut, and the major internal street or streets serving the PUD shall be connected to at least one (1) improved public right-of-way street.
6. Utility Requirements. Utilities, including telephone, electrical systems, gas and cable installed within a PUD shall be placed underground. Utility appurtenances which can be effectively screened may be exempted from this requirement if the City finds that such exception will be consistent with the objective of this Section and the character of the proposed PUD.
7. Open Space. Common open space shall be either held in common ownership by all owners in the PUD or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.

10.03: OPERATING AND MAINTENANCE REQUIREMENTS FOR PUD COMMON OPEN SPACE AND SERVICE FACILITIES.

- A. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.
- B. Common open space and service facilities within a PUD shall be placed under the ownership of one or more of the following or may include a method deemed most appropriate by the City Council.
 1. Landlord control, where only use by tenants is anticipated.
 2. Property owners association, provided all of the following conditions are met:
 - a. Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document as specified in Minnesota Statutes Section 515B, as may be amended from time to time, shall be filed with the City Council prior to the filings of the declaration of documents or floor plans with the Chisago County Recorder's Office.
 - b. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
 - c. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation may be formed and if such an association or corporation is formed property owners must be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of

this requirement is to protect the property values of the individual owner through establishing effective private control.

- d. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City, or fails to pay taxes or assessments on properties as they become due, and in the event the City incurs any expenses not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.
 - e. Membership in the association must be mandatory for each owner and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it.
 - f. The open space restrictions must be permanent and not for a given period of years.
 - g. Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.
 - h. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.
3. Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.
- C. Parking. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required by Section 11.17 of this Zoning Ordinance.
 - D. Density. Site coverage regulations for the underlying district shall apply to the PUD overlay district
 - E. Street Width. Requirements outlined in the subdivision ordinance for street widths may be relaxed depending on the number of off-street parking locations and the anticipated density in the planned unit development. The Planning Commission, City Engineer and City's Emergency Services (Fire, Ambulance and Police) shall review each planned unit development to determine street width requirements.
 - F. Landscaping. In any PUD, the developer shall prepare and submit a landscaping plan as a part of the Final Plan, which shall include a detailed planting list with sizes and species indicated to be approved by the City Council. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.
 - G. Public services. The proposed project shall be served by all City services (water and sewer system) if feasible and available.
 - H. Building height. Height limitations shall be the same as imposed in the respective zoning districts.

- I. Planned unit development agreement. Prior to the issuance of a building permit as part of the PUD, the permit applicant, builder, or developer shall execute and deliver to the City Council a Planned Unit Development Agreement.

10.04: SPECIAL REQUIREMENTS AND STANDARDS.

- A. Residential Planned Unit Development – townhouses, condominiums, apartments and resorts
 1. Minimum unit lot frontage for townhouses shall be not less than twenty (20) feet.
 2. Dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned.
 3. No residential building shall have a single exterior wall longer than forty (40) feet without an offset in the exterior wall. Offsets between walls shall not exceed ten (10) feet.
- B. Increase in allowable density for units other than single-family. In proposed developments where uses other than single-family detached structures are proposed, the City will consider allowing an increase in the allowable density upon proof by the applicant that some of the following features are being provided as part of the proposed development:
 1. Preservation of natural site features, wetlands, lowlands, wooded areas, and the like, protected by the Minnesota Department of Natural Resources, by the City and/or Pope County ordinances. The City may, but shall not be required to, provide concessions in setbacks or density for areas, which would not normally be considered developable due to the presence of these features.
 2. Creation of park/public areas for active and passive park use or other public purposes such as schools, public buildings, and the like which meet the intent of the Park and Recreation goals of the Long Beach Comprehensive Plan and are consistent with the public dedication requirements for the proposed development.
 3. Landscaping plan showing additional boulevard trees, rear yard treatments, buffering from the existing developments, and the like, beyond required standards.
 4. Installation of public improvements designed to serve areas beyond the project boundary.

10.05: PROCEDURE FOR PROCESSING.

- A. Informational Meeting. Upon filing of an application for a PUD, the applicant of the proposed PUD shall arrange for and attend an informational meeting with the City and staff. At such conference, the applicant shall be prepared to generally describe their proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this ordinance before incurring substantial expense in the preparation of detailed plans, surveys, and other data.
- B. General concept plan.
 1. Purpose. The general concept plan provides an opportunity for the applicant to submit a plan to the City showing their basic intent and the general nature of the entire development without incurring substantial cost. This concept plan serves as the basis for the informational meeting so that the proposal may be considered at an early stage. The following elements of the proposed general concept plan represent the immediate significant elements which the City shall review and for which a decision shall be rendered:

- a. Overall maximum PUD density range.
 - b. General location of major streets and pedestrian walkways.
 - c. General location and extent of public and/or common open space.
 - d. General location of residential and non-residential land uses with approximate intensities of development.
 - e. Staging and timetable of development.
 - f. Other special criteria for development.
2. Process. The process for the filing and review of a PUD shall mirror the process for the filing of a sketch plan, preliminary and final plat, as outlined in the City's Subdivision Ordinance. A public hearing shall not be required for the General Concept Plan or the Final Plan. A hearing shall be conducted by the Planning Commission during the Development Stage Plan review, as outlined in this section.
 3. Optional submission of development stage plan. In cases of a single stage PUD or where the applicant wishes to begin the first stage of a multiple stage PUD more expeditiously, he or she may at his or her option submit development stage plans for the proposed PUD simultaneously with the submission of the general concept plan. In such case, the applicant shall comply with all the provisions of this Section applicable to submission of the development stage plan.
 4. Limitation of general concept plan approval. Unless a development stage plan has been filed within nine (9) months from the date the City Council grants general concept plan approval or, in any case, where applicant fails to file development stage and final plans to proceed with development in accordance with the provisions of this code and of an approved general concept plan, the approval may be revoked by the City Council. The City Council, at its discretion, may extend the filing date for a development stage plan when cause is demonstrated. Approval of the general concept plan should be limited to the general acceptability of the land uses proposed and their relationships to the area. Such action shall in no way bind the City Council to subsequent action on more detailed plans.

C. Development Stage Plan.

1. Purpose. The purpose of the development stage plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the final plan.
2. Submission of development stage plan. Upon approval of the general concept plan, the applicant shall file with the Zoning Administrator a development stage plan consisting of the information and submissions required under the development stage of the entire PUD, or for one (1) or more stages thereof in accordance with a staging plan approved as part of the general concept plan. The development stage plan shall refine, implement and be in substantial conformity with the approved general concept plan.
3. Review and action by Planning Commission. Upon receipt of a completed development stage plan, the City Council shall refer such plan to the appropriate City staff, Planning Commission and other agencies as deemed necessary for review.
4. Process.

- a. Developer makes application for subdivision (first phase of PUD, development stage plan) at least thirty (30) days prior to the Planning Commission meeting.
 - b. Following the submission of a complete application, the Planning Commission shall conduct a public hearing, following published notice and mailed notice to property owners within 350 feet of the proposed PUD. Notice shall occur not less than ten (10) or more than thirty (30) days prior to the hearing. Failure of a property owner to receive notice shall not invalidate the process. The Planning Commission shall review the development stage plan and submit a written report and recommendation to the City Council. If the Planning Commission fails to make a report within thirty (30) days after receipt of the application, the City Council may proceed without the report. Such report shall contain the findings and recommendations of the Planning Commission with respect to the conformity of the development stage plan to the approved general concept plan, with respect to the merit or lack of merit of any departure of the development stage plan from substantial conformity with the general concept plan, and with respect to the compliance of the development stage plan with the provisions of this code and all other applicable federal, state and local codes and ordinances.
 - c. Within sixty (60) days of the receipt of a complete application, the City Council will take action to grant approval, grant conditional approval, or deny approval of the plan.
 - d. Upon City Council approval, the City Attorney shall draft a PUD Development Agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor and the applicant.
 - e. Where the development stage plan is denied approval, City Council action shall be by resolution setting forth the reasons for its actions. A certified copy of the document evidencing said City Council action shall be delivered to the applicant. The applicant will have sixty (60) days to submit a revised development stage plan to the Planning Commission according to Section 10.05, Letter C. After the sixty (60) day period, a revised general concept plan must be submitted to the Planning Commission unless otherwise arranged.
 - f. If subsequent submittals of the development stage plan are denied approval two (2) times within one (1) year of the original submission date, the applicant will be required to submit a revised general concept plan according to Section 10.05, Letter B.
 - g. Limitation on Development Stage Plan approval. Unless a final plan covering the area designated in the first stage of the development stage plan has been filed within six (6) months from the date the City Council grants development stage plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this section and/or an approved development stage plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one (1) additional period of six months the filing deadline for any final plan when, for good cause, such extension is necessary. In any case where development plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the development stage plan approval for that portion of the PUD that has not received final plan approval, and re-establish the zoning and other ordinance provisions that would otherwise be applicable.
5. Review and evaluation criteria. The evaluation of the proposed development stage plan shall include, but not be limited to, the following criteria:
- a. Adequate property control is provided to protect the individual owner's rights and property values and the public responsibility for maintenance and upkeep.

- b. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project resident and the general public.
 - c. A sufficient amount of usable open space is provided.
 - d. The arrangement of buildings, structures and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses.
 - e. The architectural design of the project is visually compatible with the surrounding area. Architectural style or type of buildings shall not solely be a basis for denial or approval of the development stage plan. However, the overall appearance and compatibility of individual buildings to other site elements of surrounding development will be given primary consideration in the review stages of the Planning Commission and City Council.
 - f. The drainage and utility system plans are submitted to the City and shall be subject to approval of the City Engineer.
 - g. The development schedule insures a logical development of the site which will protect the public interest and conserve land.
 - h. Proposed unit and accessory use requirements are in compliance with the district provisions in which the development is planned.
6. Final plan.
- a. Purpose. The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City ordinances as the land use regulation applicable to the PUD.
 - b. Submission of the final plan. Upon approval of the development stage plan, the applicant shall file with the City Council a final plan consisting of the information and submissions required by the final plan stage, for the entire PUD or for one (1) or more stages. The final plan is intended only to add detail to, and to put in final form, the information contained in the general concept plan and the development stage plan which shall conform to the development stage plan in all respects.
 - c. Review of final plan. The City Council shall review the final plans to assure their compliance with the general concept and development stage plans. The City Council shall require appropriate revisions by the applicant wherever they do not comply. The City Council, shall notify the applicant in writing of their recommendations for approval, conditional approval or denial of the final plan.
 - d. City Council action. The City Council may approve the PUD final plan with a majority vote.
 - e. Recording of final plan. Within thirty (30) days of the City Council's notice of approval, the applicant shall record the final plan, or such portions thereof as are appropriate, with the Office of the Pope County Recorder.
 - f. Building and other permits. No building permit shall be granted on land for which a plan for a PUD is in the process of review or which does not conform to the approved final plan. Upon receiving notice from the Zoning Administrator that the approved final plan

has been recorded and upon appropriate application of the applicant, building and other permits may be issued to the applicant if the following conditions are met:

- i. Public open space, if applicable, has been deeded to the City and officially recorded.
 - ii. A development agreement has been approved and executed by all parties.
 - iii. The homeowner's association (if applicable) by-laws, covenants and deed restrictions have been approved by the City Council and officially recorded.
 - iv. The construction plans for proposed structures have been approved by the City Council.
 - v. All detailed site plans have been approved by the City Council.
7. Limitation of final plan approval. Within one (1) year after the approval of a final plan for PUD, or such shorter time as may be established by the appropriate development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension has been granted as hereinafter provided, automatically renders void the PUD permit and all approvals of the PUD plan. The area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

10.06: DATA REQUIRED.

- A. Development Stage Plan Requirements. An application for approval of a development plan for a proposed PUD shall be filed with the City Council by the owner(s) of title of property for which the PUD is proposed. A filing fee, as established from time to time by City Council Ordinance, shall accompany the Development Review Application. Ten (10) copies of the application and accompanying statements shall be submitted and shall include:
1. A vicinity map at a scale approved by the City Council showing property lines, streets, easements, existing zoning, and such other items as the Planning Commission may require to show the relationship of the proposed PUD to the comprehensive plan of the City, to existing schools and other community facilities and services, and to the surrounding area;
 2. A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed, the proposed lots and blocks and the off-street parking system;
 3. A written statement explaining in detail, and with supporting documentation, the specifics of the development plan as it relates to the type of dwelling units proposed and the resultant population, the extent and nature of non-residential development and the resulting traffic generated and parking demands created;
 4. The proposed schedule and/or phasing for the development of the site;
 5. The location, shape, size and character of public or private/common open space which is suitable for the PUD, in accordance with the Subdivision Ordinance requirements for park and open space dedication.
 6. The location and size of all utilities including telephone, electricity, gas, cable, water, sanitary sewer and storm sewer.

7. Landscape Plan including a detailed planting list.
 8. Size and location of all street right-of-ways and proposed paved widths, in conformance with the City's Subdivision Ordinance.
 9. A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUD's.
- B. Final Plan Data Requirements. A final application and its supporting documentation shall give the same information as is required of plats under the subdivision control ordinance of the City in addition to such other information as required by this ordinance and by the Planning Commission as a condition for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation, such as:
1. The location, size, use and arrangement, including height in stories and feet, and total square feet of ground area coverage and floor area, for proposed building, and existing buildings which will remain, if any.
 2. The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces, access alleys, and all other circulation elements including bicycle, pedestrian walkways, and the total site coverage of all circulation elements.
 3. Approximate area, and potential floor area, devoted to commercial or office uses.
 4. Schedule of construction. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.
 5. Care and maintenance of open spaces or service facilities. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned, operated and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted during the development stage.
 6. A preliminary and final plat prepared by a land surveyor, duly registered in the state, in accordance with Minnesota Statutes Section 505 and the City's Subdivision Ordinance, as may be amended from time to time, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located, and all dimensions are correct, and a notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas as required.
 7. Detailed utility and infrastructure construction plans, grading plan and drainage plan, approved by the City Council.
 8. A statement summarizing all changes which have been made to any document, plan data, or information previously submitted, together with revised copies of any such document, plan or data.
 9. Such other and further information as the Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

10. Title opinion provided by the developer showing good and marketable title in the names of the owners of the property. This opinion, together with an updated abstract, should be submitted to the City Council for review.
11. The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information required herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

10.07: AMENDMENTS AND ADMINISTRATION.

- A. Generally. Amendments may be made in the approved final plan when they have 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.
 1. Minor changes in location and height of buildings and structures may be authorized by the Planning Commission or City Council if requested, and if caused by unforeseen circumstances and if they are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure any more than ten percent than originally proposed in the development stage plan.
 2. All other changes in use, rearrangement of lots, blocks and open space must be authorized by the Planning Commission and City Council under procedures outlined in Section 10.05, Letter C, Development Stage Plan.
- B. Annual review. The City Council shall review each PUD at least once each year and shall make a report on the status of the development in each PUD District. If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the City Council setting forth the reasons for the lack of progress. If the City Council finds that the development has not occurred according to the establishing development schedule or is not otherwise reasonable in the view of the City Council, the City Council may initiate rezoning to remove the PUD Overlay District. It shall not be necessary for the City Council to find the rezoning to a PUD Overlay District was in error.

SECTION 11 – GENERAL REQUIREMENTS

SECTION:

- 11.01: Purpose
- 11.02: Dwelling Unit Restriction
- 11.03: Building Restriction
- 11.04: Height
- 11.05: Yards
- 11.06: Accessory Structures
- 11.07: Encroachment of Easements
- 11.08: Lighting and Glare
- 11.09: Liquid Storage, Emission, Noise, Odors, Particulate Matter and Waste
- 11.10: Outdoor Storage and Refuse
- 11.11: Excavation and Land Reclamation
- 11.12: Building Elevation
- 11.13: Erosion and Drainage
- 11.14: Connection to Public Sewer
- 11.15: Site Triangle
- 11.16: Landscaping and Screening
- 11.17: Off-street Parking and Loading
- 11.18: Residential Pools and Spas
- 11.19: Telecommunication Facilities
- 11.20: Wind Energy Conversion Systems (WECS)
- 11.21: Fences and Retaining Walls
- 11.22: Moving of Buildings

11.01: PURPOSE. The purpose of this Section is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

11.02: DWELLING UNIT RESTRICTION.

- A. No garage, tent, accessory building or motor home shall at any time be used as living quarters, temporarily or permanently unless situated in a permitted campground or resort.
- B. Tents, play houses or similar structures may be used for play or recreational purposes, but shall not be independent living quarters.
- C. Mobile homes, buildings, tents or other structures temporarily maintained by an individual or company on the premises associated with a work project and used exclusively to house labor or other personnel occupied in such work project shall be exempt from the requirements of this Ordinance, upon approval of the City Council. Such mobile homes, buildings, tents or other structures shall be removed within thirty (30) days from the completion of the work project.
- D. Number of occupants. Nothing in this Section limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

11.03: BUILDING RESTRICTION.

- A. All buildings shall be so placed that they will not obstruct future streets or alleys that may be constructed by the City in conformity with existing streets and according to the system and

standards employed by the City. The apparent front of the building shall face the front of the lot, as determined by the City Council.

- B. Except in the case of Planned Unit Developments, not more than one (1) principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the City Council shall be final, subject to the right of appeal to the Planning Commission and City Council.
- C. No dwelling shall hereafter be erected or altered unless the lot it is located on abuts a public street or an approved private street.
- D. Building Type and Construction.
 - 1. All dwellings shall be placed on a complete, permanent perimeter foundation which complies with the Building Code as adopted by the City Council.
 - 2. Rooflines of all dwellings must have at least a three-twelfths (3:12) pitch.
 - 3. The minimum widths of all dwellings shall be at least twenty-four (24) feet, measured from the face of the exterior wall across the narrowest portion. This shall not include the projection of a porch, sunroom or similar room, which is constructed as a permanent part of the principal structure.
 - 4. All dwellings shall be constructed of conventional exterior dwelling type material. No steel or metallic roofing is allowed on dwelling units, except in conformance with the Building Code.
 - 5. All dwellings shall be built according to the Building Code as adopted by the City Council, and all manufactured dwellings shall be built and installed in accordance with Minnesota Statutes Chapters 327.31 to 327.35, as may be amended from time to time.
 - 6. Standards of Section 31.03, D, 1-5, above, shall have no application to manufactured dwellings placed in a licensed manufactured home park which was approved prior to the adoption of this Ordinance.
 - 7. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as corten steel, shall be permitted in any residential zoning district except in association with farming operations. The use of galvanized or unfinished steel for an exterior wall or roof finish may be considered only when approved by the City Council.
 - 8. Exterior building finishes shall consist of durable finish-type materials of a high grade and quality. Commercial structures shall use commercial grade materials, unless specifically approved by the City Council.
 - 9. Storm Shelter: In cases where residential dwelling units are constructed slab on-grade, provisions shall be made to provide for storm protection either internally to the unit or in a separate storm shelter structure. External storm shelters shall be considered accessory structures and shall be subject to the other provisions of Section 11:06.

11.04: HEIGHT. Except for communication towers otherwise allowed by conditional use permit, the maximum height of all principal structures located in the zoning districts shall be as specified within each district. The following items may project ten (10) feet higher than the structure to which they are attached or fifty (50) feet, whichever is higher: belfries, chimneys or flues, church spires, cooling towers, cupolas and domes not containing useable space, elevator penthouses, flag poles, monuments, parapet walls, mechanical and electrical appurtenances.

- A. Applicants proposing structures constructed exclusively for or hosting telecommunications equipment shall provide written verification of approval from the Federal Communications Commission and the Federal Aviation Administration to the extent required by those agencies.
- B. The City shall require an applicant who proposes the construction of any structure with a height equal to or greater than two hundred (200) feet above ground level; or the alteration of any structure to a height which is equal to or greater than two hundred (200) feet above ground level to notify the Minnesota Department of Transportation Commissioner and the Federal Aviation Administration Commissioner of said proposal at least thirty (30) days prior to the City Council's consideration of said request, if notice is required by those agencies. Should notice be required by those agencies the applicant shall submit evidence to the City verifying the Minnesota Department of Transportation and the Federal Aviation Administration have been duly notified of said proposed structure prior to City Council approval.

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

11.06: ACCESSORY STRUCTURES.

- A. 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 an accessory.
- B. Site Plan Approval:
 - 1. Zoning Permit Required: Detached accessory buildings not exceeding one hundred twenty (120) square feet in floor area shall be allowed without issuance of a building permit, but shall comply with all other provisions of this title. The City Council or designee shall review the site plan and construction drawings to determine compliance with this Section and other applicable ordinances, laws, and regulations.
 - 2. Building Permit Required: Detached accessory buildings greater than one hundred twenty (120) square feet in floor area shall require a building permit. The City shall review the site plan and construction drawings to determine compliance with the building code and other applicable ordinances, laws, and regulations.
- C. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure. An accessory building, unless attached to and made a part of the principal structure shall not be closer than five (5) feet to the principal structure.
- D. Accessory garages located in rear yards shall be setback a minimum of five (5) feet from the rear lot line, except that rear-loading garages shall be setback ten (10) feet from the rear lot line.
- E. No accessory building shall be constructed in the required front yard.
- F. Within the RR, LD, MHD, MD and RC districts no detached accessory building shall exceed 1,200 square feet. Lots of greater than 43,560 sq. ft. (one acre) shall be exempt from this standard.
- G. No lot shall have more than two (2) detached accessory buildings. Lots of greater than 43,560 square feet (one acre) shall be exempt from this standard.
- H. The same or similar exterior building color shall be used on the accessory building and the principal building. Agricultural buildings shall not be allowed in the CD, LD, MHD, MH or RC

districts.

- I. Accessory buildings other than garages shall be limited to sixteen (16) feet in height to the top of the structure in the CD, LD, MHD, MH or RC districts.
- J. Detached garage side walls shall not exceed twelve (12) feet and the height of the roof shall not be greater than that of the principal structure on the lot and they shall feature a roof pitch which is similar to that of the principal structure.
- K. Ice Fishing Houses: Unless mounted on a trailer or equipped with wheels, ice fishing houses or other such structures used or designed to be used as temporary shelters shall be considered accessory buildings and shall be subject to the setback, square footage and other regulations of this title.

11.07: ENCROACHMENT OF EASEMENTS.

- A. The purpose of this section is to increase public safety by requiring that proposed structures, plantings, fences and similar items be set back from pipeline, drainage and utility easements.
- B. Applicability: This section applies to all developments or projects.
- C. Setback: Buildings and places of public assembly subject to this section shall not be constructed closer to the pipeline than the boundary of the pipeline easement. Structures shall not be placed or constructed in utility or drainage easements.

11.08: LIGHTING AND GLARE. Any lighting used to illuminate an off-street parking area, sign or other structures shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The sources of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles (meter reading) as measured from said property.

11.09: LIQUID STORAGE, EMISSIONS, NOISE, ODORS, PARTICULATE MATTER AND WASTE.

- A. Bulk Liquid Storage: All uses associated with the bulk storage and transport of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshal's and Minnesota Department of Agriculture offices and have documents from those offices stating the use is in compliance.
- B. Emissions:
 - 1. Radiation Emission: All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.
 - 2. Electrical Emission: All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission and Minnesota Public Utilities Commission.
- C. Noise: Noises emanated from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation NPC, as amended.

- D. Odors: The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC, as amended.
- E. Smoke, Dust and Other Particulate Matter: The emission of smoke, dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1015, as amended.
- F. Waste:
 - 1. All waste generated shall be disposed in a manner consistent with all Minnesota Pollution Control Agency rules.
 - 2. Any accumulation of waste generated on any premises not stored in containers which comply with the City Code and Minnesota Pollution Control Agency rules, or any accumulation of mixed municipal solid waste generated on any premises which has remained thereof for more than one week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored and disposed in a manner consistent with Minnesota Pollution Control Agency rules is a nuisance and may be abated and the cost of abatement may be assessed against the property where the nuisance is found.
 - 3. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises is prohibited, except as specifically provided in this Ordinance.

11.10: OUTDOOR STORAGE AND REFUSE.

- A. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open, when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property values in the area.
- B. Waste materials are to be picked up and disposed of in accordance with any and all City standards applicable to refuse/waste materials. Excluded waste materials must be disposed of in a safe and appropriate manner in accordance with local, state, and federal law. Release of excluded waste materials to public or independent sewage treatment systems, the environment, or the solid waste stream is strictly prohibited. The Disposal Service shall, upon collection, immediately assume title to and liability for solid waste materials, recyclables, and demolition debris.
- C. Waste and Recycling Receptacles: In all districts, all waste and recycling materials shall be stored within an approved receptacle. All enclosures and receptacles shall be kept in a good state of repair and waste receptacles shall include secure tops or covers to properly contain the waste.
- D. Refuse: Any accumulation of refuse on any premises not stored in containers which comply with City Code, or any accumulation of refuse on any premises which has remained thereon for more than one (1) week is declared to be a nuisance and may be abated pursuant to the City's Nuisance Ordinance, as may be amended.
- E. Junked, Dismantled Vehicles: All unlicensed, unregistered or inoperable motor vehicles, household furnishings or appliances, or parts thereof, may not be stored on any property, public or private, unless housed within a lawfully erected building.
- F. Outdoor Storage: Residential Uses.

1. All outside storage of materials and equipment for residential uses (excluding farms) shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:
 - a. Clothes line pole and wire.
 - b. Any total combination of five (5) or fewer licensed and operational recreational or power sports vehicles (RV's, trailers not to exceed 22 feet which are used for hauling/storing recreational/power sport vehicles, boats, snowmobiles, etc.) and/or seasonal automobiles may be parked or stored on the property outside a home, provided:
 - i. If they are stored in the front yard, they are stored entirely on an established driveway, entirely on the owner's property.
 - ii. If stored in the side yard they are at least five (5) feet from the property line.
 - iii. If stored in the rear yard they are at least ten (10) feet from the rear lot line and five (5) feet from a side lot line.
 - iv. If stored on a corner lot they are not closer than twenty (20) feet from the property line abutting a side street.
 - v. Each vehicle stored on an open trailer shall be counted as one item. In addition each open or enclosed trailer shall count as one vehicle or item.
 - c. Construction and landscaping material currently being used on the premises.
 - d. On and off-street parking of currently registered and operable passenger vehicles and trucks.
 - e. Lawn furniture or furniture used and constructed explicitly for outdoor use.
 - f. Rear or side yard exterior storage of firewood for the purpose of consumption only by the person(s) on whose property it is stored.
 - g. Swing sets and children's playhouses, provided they are stored or located in the side or rear yard.
 - h. Flag poles.
 - i. Landscaping: environmental and ornamental landscaping and lawn and garden décor.
 - j. Portable sporting equipment such as basketball hoops.
 - k. Other items typically found in yards and approved by the City council.
- B. Storage and/or parking of commercial vehicles and/or equipment, or any combination thereof, exceeding twenty-two (22) feet in length or eight (8) feet in height are prohibited in residential districts except the RC Residential/Commercial Transition District.

G. Commercial and Industrial Outdoor Storage.

- A. Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall conform to the following conditions:

1. The area occupied is not within a required front or required side yard.
2. The storage area is totally fenced, fully screened, and/or landscaped according to a plan approved by the City council.
3. The storage area is covered to control dust and storm water drainage with bituminous surfacing, concrete or a comparable substitute approved by the City who may at his/her discretion refer the item to the Planning Commission and City Council for approval.
4. All lighting shall be directed away from the public right-of-way and from neighboring residences.

11.11: EXCAVATION AND LAND RECLAMATION. No person shall within the City fill, excavate, dig or grade the surface of the earth nor open any pits or excavated areas in the earth nor do any other acts where it will raise or lower the average grade of any land by more than three (3) feet, except as provided for storm water ponds in conformance with the applicable Long Beach City Code, as may be amended from time to time. All applications for land reclamation or mining shall require a conditional use permit.

11.12: BUILDING ELEVATION. Ground Water Elevation: Unless approved by the City Council, the lowest floor, including basement floor, of all structures shall be at a level at least three (3) feet above the highest known ground water table elevation. If requested by the City, the ground water table elevation shall be determined by a licensed soils engineer using soil borings, peizometers, or the observation of mottled soils

11.13: EROSION AND DRAINAGE.

- A. No land shall be developed and no use shall be permitted that will result in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties. Such runoff shall be property channeled into a storm drain, watercourse, ponding area, or other public facilities subject to the review and approval of the City Council.
- B. In the case of all new multiple family lots, commercial, industrial and institutional developments, the drainage plans shall be submitted to the City and the final drainage plan shall be subject to his written approval by the City Council. No modification in grade and drainage flow through fill, cuts, erection of retaining walls, or other such actions shall be permitted until such plans have been reviewed and received written approval from the City Council.
- C. Unless approved by the City Council, the top of the foundation and garage floor of all structures shall be at least eighteen (18) inches above the grade of the crown of the street.
- D. Property and streets adjacent to the site of a land disturbance shall be protected from sediment deposition. This shall be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters, dikes, or sediment basins, by stockpiling sod in appropriate locations, or by a combination of such measures.
- E. All storm sewer inlets which are functioning during construction shall be protected so that sediment laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- F. All residential, commercial, industrial, and institutional developments satisfy the provisions of the Subdivision Ordinance in regard to storm water management.
- G. All on-site storm water conveyance channels shall be designed and constructed to withstand the design volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion

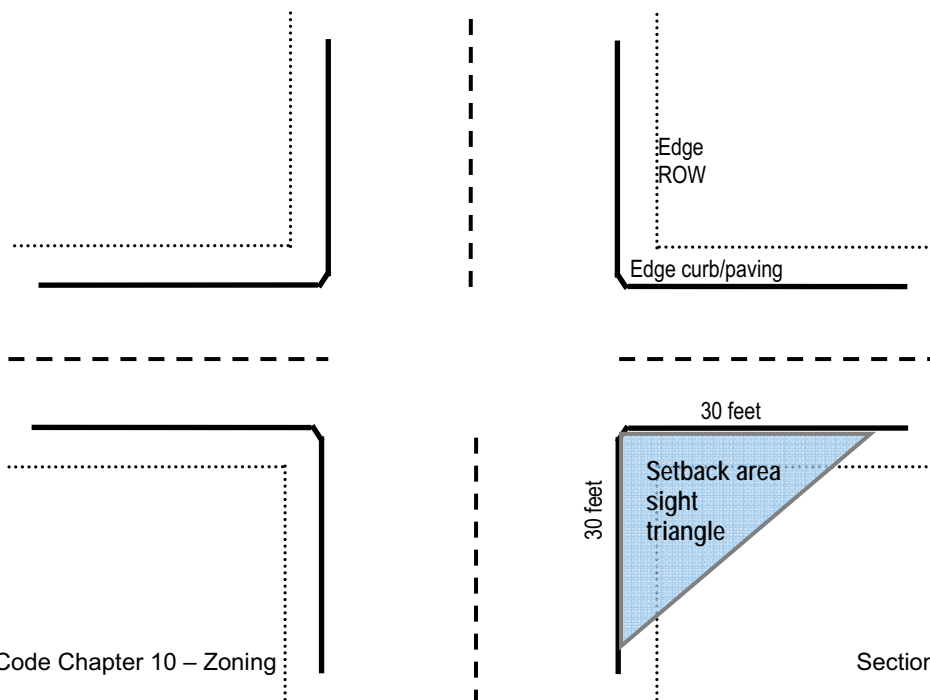
controls must be provided at the outlets of all storm sewer pipes.

- H. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized forthwith after land disturbing activity is complete.
- I. Whenever construction vehicles access public roads, provision shall be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day. Sediment shall be removed from roads by shoveling or sweeping.
- J. All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.
- K. All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed.
- L. The City may issue stop work orders for any violation of this Section.

11.14: CONNECTION TO PUBLIC SEWER.

- A. At such time as a public sewer becomes available to a property serviced by a private waste water disposal system, a direct connection shall be made to the public sewer within one (1) year, subject to compliance with other City ordinances.
- B. All newly constructed principal structures must be connected to the City's public sewer services when:
 - 1. Said sewer facilities are within three hundred (300) feet from the proposed development.
- C. Where municipal sewers are not available all sewage facilities must be connected to approved septic tanks and disposal fields.

11.15: SITE TRIANGLE. On corner lots in all districts, no structure or planting in excess of twenty-four (24) inches above the street centerline grade shall be permitted within a triangular area as defined in this Ordinance.



Site Triangle: The triangular area of a corner lot formed by the street lines and a line connecting them at points thirty (30) feet from the intersection of the street lines or in the case of a rounded corner from the intersection of the street property lines extended. On streets having an angle of intersection of 90 degrees or more, said line connecting the intersecting streets is moved one foot further from the intersection along each street for each 10 degrees by which the angle of the intersecting streets exceeds 90 degrees.

11.16: LANDSCAPING AND SCREENING.

- A. In all zoning districts, all usable open space as defined by this Ordinance shall be planted and maintained in grass, sodding, shrubs or other suitable vegetation or treatment as specified unless devoted to drives, sidewalks or patios, within six (6) months of the issuance of the certificate of occupancy or completion of the project.
- B. All screening required by the provisions of this Ordinance shall consist of either:
 - 1. A green belt planting strip consisting of vegetative cover of sufficient width and density to provide an effective screen; or
 - 2. A fence constructed of masonry, brick, wood or steel, which is compatible with surrounding structures and buildings.

11.17: OFF-STREET PARKING AND LOADING.

- A. Scope of Regulations: The off-street parking requirements of this section shall apply within all zoning districts.
- B. Computation: When in the process of determining the number of off-street parking spaces there occurs a fraction of a space, such fraction shall be deemed as a requirement for an additional whole space. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the City Council.
- C. General Provisions:
 - 1. Added Floor Area. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
 - 2. Floor Area Defined. For the purpose of this section, "Floor Area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, less ten (10) percent.
 - 3. Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings, including additions thereto, requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by this Section.
 - 4. Dwellings – Same Lot. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
 - 5. Enlargement into Parking Area. Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the

original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area.

6. Use of Garage Space. No person shall alter a garage to be used as living space in any district, unless other legal provisions are made to provide the required parking for the use on the lot. Garages intended to be used to meet off-street parking requirements shall not be used instead for the storage of goods and materials unless additional off-street parking spaces are provided on site in accordance with this Section.
7. Access Distance. No curb cut access or driveway shall be located less than fifteen (15) feet from the intersection of two (2) or more street right-of-ways for residential uses, and thirty (30) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines.
8. Curbcut Setback. Curb cut or driveways shall be a minimum of five (5) feet from the side property lines.
9. Number of Curbcuts. All properties shall be entitled to at least one (1) curb cut or driveway access. Single-family uses shall be limited to one (1) curb cut or driveway access per property. A second curb cut or driveway access may be permitted by the City Council if:
 - a. The second access is at least thirty (30) feet from the edge of the primary access.
 - b. The setbacks for the driveway or curb cut access points are met.
 - c. Impervious surface lot coverage requirements are met.
 - d. The installation of the second curb cut or driveway access will not result in two access points from the lot onto a collector street, minor arterial or arterial street.
 - e. It is determined the second curb cut or driveway access will not result in conflicts with traffic flow or endanger public safety.
 - f. On corner lots, both access points or driveways shall be onto the same street right-of-way.
10. Surfacing. All driveways and all of the areas intended to be utilized for parking space for five (5) or more vehicles shall be surfaced with a bituminous paving on a suitable base, or reinforced concrete, decorative interlocking pavers or equivalent material approved by the City. Alternative surfaces may be permitted in parking lot areas in industrial districts, provided the parking lot area is not adjacent to the street right-of-way, is not located in the front yard, and is not intended for use by employee and customer parking. These "truck parking" areas are subject to Planning Commission and City Council approval.
11. Compliance. Parking lots existing on or before the date of adoption of this Ordinance do not have to be brought into compliance with these standards until such time as any of the following events occur:
 - a. A new structure is constructed on the property served by the parking lot.
 - b. An addition is constructed to any existing structure located on the property served by the parking lot.
 - c. A change in the use of the property served by the parking lot occurs which results in a remodeling of the structure requiring the issuance of a building permit.

12. Site plan. There shall be provided by the developer/owner off-street parking spaces as described on a parking plan, submitted in accordance with the parking requirements and approved by the City for all uses as hereinafter specified. All plans submitted for a building permit on residential developments with multi-family dwellings and all other developments requiring parking spaces shall include a site plan to be approved by the City Council. Such site plan shall be a part of the building permit and no certificate of occupancy shall be issued until all items shown on the site plan for parking facilities have been completed. The site plan should include at least the following:

- a. Zoning, setbacks, and statement of use.
 - b. North point and scale.
 - c. All adjacent streets and alleys.
 - d. Sidewalks, curbs, gutters, and boulevard trees.
 - e. Entire ownership of lot or parcel being developed.
 - f. Completely dimensioned parking spaces and driving lane(s), if applicable.
 - g. Owner's name and current address.
 - h. Description of surface.
 - i. Drainage plan.
- D. Parking of commercial vehicles or equipment. No commercial vehicles, earth moving equipment or equipment exceeding 12,000 pounds gross weight shall be parked, stored, or otherwise continued in a residential district unless stored in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises or unless the property has a pre-existing use of the lot for commercial vehicle or equipment storage and the City Council has approved the continued use through the issuance of an interim use permit.
- E. Parking and storage of certain vehicles. Automotive vehicles or trailers of any type without current registration or in an inoperable condition shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- F. Front Yard Parking. There shall be no parking allowed on any residential front yard area, except for a paved or otherwise improved driveway. Parking of recreational vehicles shall be allowed on required side and rear yard areas; however, said parking shall not encroach on any required setback.
- G. Reduction and Use of Parking. Subject to the review and processing of an interim use permit of this Section, the City Council may reduce the number of required off-street parking spaces when the applicant can demonstrate in documented form a need which is less than required. In such situations, the City shall require a site plan illustrating "Proof of Parking" availability. The plan shall illustrate where the additional parking will be located and how the traffic circulation will coordinate with the site plan and existing parking lot should use or needs change. The City Council shall also consider:
1. The on street parking available by the site.
 2. The expected usage of the site and parking demand.

3. Surrounding land uses and zoning districts.
 4. The provisions of this Section affecting the parking lot or loading area.
 5. Any other associated aspect that the City Council deems necessary to evaluate the request.
 6. The applicant shall install the additional required off-street parking within three (3) months of written notification by the City.
- H. Screening and Landscaping. All open automobile parking areas for commercial, industrial or institutional uses containing five or more parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence, densely-planted compact hedge, trees or other effective screen, not less than five (5) feet nor more than eight (8) feet in height, as determined by the City Council. However, the City Council may waive this requirement if the closest point of such parking area is at least seventy-five (75) feet from the nearest residential property line.
- I. Signs. Incidental, accessory signs shall be permitted on parking areas in accordance with the provisions specified under Section 14.
- J. Area of parking spaces. Loading space and drive aisles shall not be construed as supplying off-street parking space.
- K. Parking space minimum requirements.
1. Single-family residential: two (2) spaces per dwelling unit.
 2. Two-family residential: two (2) spaces per dwelling unit.
 3. Senior housing: one (1) space per dwelling unit.
 4. Multiple family residential three (3) to eight (8) units: two (2) spaces per dwelling unit.
 5. Multiple family residential over eight (8) units: one and one half (1 1/2) spaces per dwelling unit.
 6. Residential condominiums or cooperative housing processed as a PUD: one and one half (1 1/2) spaces per dwelling unit.
 7. Commercial uses: five (5) spaces per one thousand (1,000) square feet of retail sales floor area.
 8. Bed and Breakfast: one (1) space for each unit.
 9. Automobile repair stations: three (3) spaces for each stall plus one (1) for each attendant on the major shift.
 10. Auditorium, stadium, gymnasium, community center: one (1) space for each four (4) permanent seats in the largest assembly area, plus one (1) seat for each two-hundred (250) square feet of office area.
 11. Office building, professional offices, banks: one (1) space for each two-hundred fifty (250) square feet of business area.
 12. Drive-in restaurants: five (5) spaces for each one hundred (100) square feet of business area.

13. Hotel and Motel: one (1) space per dwelling unit.
 14. Restaurants and other food dispensing establishment, except drive-in restaurant: one (1) space for each four (4) seats, plus one (1) space for each two (2) employees on the shift.
 15. Furniture, automobile and boat sales, and appliance sales: one (1) space for each four hundred (400) square feet of gross floor area in the first twenty-five thousand (25,000) square feet, and one (1) space for each six hundred (600) square feet of gross floor area thereafter.
 16. Hospitals, rest homes, nursing homes, and the like: one (1) space for each four (4) beds, plus one (1) space for each employee on the major shift.
 17. Bowling alleys: five (5) spaces for each lane or alley.
 18. Car wash: five (5) spaces, plus five (5) spaces for each wash lane.
 19. Skating rink or dance hall: one (1) space for each two hundred fifty (250) square feet of gross floor area.
 20. Miniature golf course, archery range, golf, driving range: ten (10) spaces respectively.
 21. Uses Not Specified or Precisely Identified: Calculated by the City Council based upon, but not limited to, characteristics for similar uses and professional studies.
- L. Parking Lot Standards. In all districts where off-street parking lots are permitted or required such off-street parking shall be constructed and maintained subject to the following regulations:
1. Adequate ingress and egress shall be provided.
 2. Such parking lots shall be constructed and maintained in a useable condition, with a hard surface consisting of concrete, bituminous, pavement or paver stone designed to drain and dispose of surface water. Recycled bituminous or concrete shall be prohibited except as permitted in an industrial area by variance.
 3. Whenever such parking lot boundary adjoins property zoned for residential use, a setback of ten (10) feet from said lot line shall be required, and maintained.
 4. Necessary curbs or other protection against damages to adjoining properties, streets and sidewalks shall be provided and maintained.
 5. Plans for the construction of any such parking lot must be approved by the City Council before construction is started. No such land shall be used for parking until approved by the City Council.
 6. No sign shall be so located as to restrict the sight, orderly operation and traffic movement within any parking area. Only signs necessary for the orderly operation of traffic movement or parking regulation shall be permitted in any parking area. Such signs shall not be considered part of the permitted advertising space and shall be subject to signage regulations.
 7. Except in the case of single-family, two-family, and townhouse developments, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley and such design does not require backing onto the public street.

8. Except in the cases of single-family, two-family and townhouses, parking lot areas shall comply with the following standards:

ANGLE OF PARKING (ALONG CURB)	STANDARD STALL WIDTH	HANDICAP STALL WIDTH	STANDARD STALL DEPTH	MINIMUM DRIVEWAY WIDTH
Zero degrees	9'	11'	21'	12'
30 degrees	9'	16'	18'	12'
45 degrees	9'	16'	20'	13'
60 degrees	9'	16'	21'	18'
90 degrees	9'	16'	18'	24'

- M. Drainage and Surfacing. Driveways shall not exceed a grade of six (6) percent and all parking lots except those for less than five (5) vehicles shall be graded according to a drainage plan which has been approved by the City council. Catch basins, sumps and underground storm sewers may be required.
- N. Striping. All lots for five (5) or more vehicles shall have the organization of spaces painted on the surface according to the plan approved by the City Council.
- O. Maintenance. It shall be the responsibility of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.
- P. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance, and shall be in compliance with Section 11:08.
- Q. The standards outlined in Letters L, M, N, O & P shall not be applicable to parking provided for low density residential, public parks or other similar publicly owned property. In considering a request for variance or modification, the City shall consider the location of the property, size of the parking area, use of the parking area, adjacent property uses and the impact on the general well being of the community.
- R. Joint parking. Joint parking areas for several uses in the same block or in the same vicinity may be permissible, if the number of stalls provided is equal to the sum total of the individual requirements and provided that it is found by the Planning Commission, upon application thereto, that the parking demand generated by the different uses including in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a store generating different demand for parking during its daytime business hours and thereafter generating peak demand for parking after such daytime hours, and in similar cases. The Planning Commission may recommend to the City Council the reduction of the total number of parking stalls to be jointly provided. The joint use of parking facilities shall be protected by covenants that run with the lots housing all the joint users and the lot or lots on which the parking facility which satisfies the parking requirements of this Section is provided. Those covenants shall grant a perpetual easement for parking to the joint principal use lots. The form, manner of execution, and content of such covenants must be approved by the City Council and the document containing the covenants must be recorded at the County Recorder's Office.

11.18: RESIDENTIAL POOLS AND SPAS.

A. Definitions.

1. Residential swimming pools shall be defined as any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by the owner's family and their

guests and which is over twenty-four (24) inches in depth and has a surface area exceeding two hundred (200) square feet.

2. Spa shall be defined as a unit primarily designed for therapeutic use which is not drained, cleaned or refilled for each individual. It may be included but not limited to hydro-jet circulation, hot water, cold water mineral baths, air induction bubbles or any combination thereof. Industry terminology for a spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, etc.

B. Requirements.

1. Utility Lines. Pools and spas shall not be located beneath utility lines or over underground utility lines of any type.
2. Fencing. All permanent outdoor pools hereafter constructed shall be completely enclosed by a fence or wall of the non-climbing type so as to be impenetrable by toddlers and shall be equipped with self-closing and self-latching devices.
3. Covers/Ladders. All outdoor spas and semi-permanent pools shall have either a fence as described in Section 11:18, B (2), be drained of water and/or have a cover. The cover shall be attached so as to be impenetrable by toddlers. When not in use temporary ladders shall be removed from pools.

11.19: TELECOMMUNICATION FACILITIES.

A. Co-Location Requirements.

1. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless it can be documented by the applicant, by a qualified and licensed engineer, that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower, commercial building or public structure within one (1) mile radius of the proposed tower site. The applicant must demonstrate a good faith effort to co-locate equipment on existing towers or structures within the one (1) mile radius.
2. Any proposed commercial wireless telecommunication service tower shall be designed to accommodate both the applicant's antennae and comparable antennae for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennae upon the tower and to accept antennae mounted at varying heights.

B. Tower Design Requirements. Proposed or modified towers and antennae shall meet the following design requirements:

1. Towers and antennae shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.
2. Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment. Towers must be self-supporting without the use of wires, cables, beams, or other means.

C. Construction Requirements.

1. All antennae, towers, and accessory structures shall comply with all applicable provisions of this ordinance.

2. A qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and Electronics Industry Association shall certify towers.
 3. No part of any antenna or tower nor any lines, cable, equipment, wires, or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
 4. Towers and associated antennae shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
 5. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 6. A security fence to discourage climbing of the tower shall protect every tower affixed to the ground, unless waived by the City.
 7. Tower locations should provide the maximum amount of screening possible for off-site views of the facility. Existing on-site vegetation shall be preserved to the maximum extent practicable. The area around the base of the tower and any accessory structures shall be landscaped and/or screened.
- D. Lights and Other Attachments. No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency (FAA) or the Federal Communications Commission (FCC), nor shall any tower have constructed on, or attached to, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- E. Accessory Utility Buildings. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning district in which the tower site is located. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- F. Antennae Mounted on Roofs, Walls, and Existing Towers. The placement of wireless telecommunication antennae on roofs, walls, and existing towers may be approved by the City Council, provided the antennae meet the requirements of this ordinance.

11.20: WIND ENERGY CONVERSION SYSTEMS (WECS).

- A. The purpose of this Section is to establish standards and procedures by which the installation and operation of commercial and non-commercial wind energy conversion systems (WECS) shall be governed within the City.
- B. Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section.
- C. Definitions:

1. Commercial Wind Energy Conversion System (WECS): A WECS of equal to or greater than 40kW in total nameplate generating capacity.
2. Feeder Line: A power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electrical power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation servicing the WECS.
3. Meteorological Tower: Towers erected to measure wind speed and direction plus other data relevant to sighting WECS. Meteorological towers shall be regulated as commercial towers under Section 11.18 relating to Telecommunication Facilities, as may be amended.
4. Non-commercial Wind Energy Conversion System (WECS): A WECS of less than 40kW in total name plate generating capacity.
5. Rotor Diameter: The diameter of the circle described by the moving rotor blades.
6. WECS Tower: A vertical structure that supports an electrical generator, rotor blades, and/or meteorological equipment used in the operation of a WECS.
7. WECS Total Height: The highest point above ground reached by a rotor tip or any other part of the WECS.
8. WECS Tower Height: The total height of the WECS exclusive of the rotor blades.
9. Wind Energy Conversion System (WECS): An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed to the electrical grid.
10. Wind Turbine: Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

D. Conditional Use Permit Required.

1. The erection of a wind energy conversion system shall require a conditional use permit, as prescribed by Section 19 of this Ordinance.
2. Commercial wind energy conversion systems shall only be allowed as conditional uses within the RR Rural Residential District on lots at least ten (10) acres in area. The acreage restriction is required to protect WECS from encroachment by other uses or structures and to accommodate required setback between the WECS and property lines.
3. Non-commercial wind energy conversion systems shall be allowed as conditional uses within the RR Rural Residential District on lots at least ten (10) acres in area. The acreage restriction is required to protect WECS from encroachment by other uses or structures and to accommodate required setback between the WECS and property lines.
4. All applications for a WECS conditional use permit shall be accompanied by a site plan drawn to scale and dimensioned displaying following:
 - a. The names of project applicants and property owners.

- b. Project address and legal description.
- c. A description of the project including: nameplate generating capacity, proposed tower height, and proposed rotor diameter.
- d. Proposed site layout.
- e. Engineer's certification of structure design, electrical design, and fall zone.
- f. Location and height of all existing and proposed buildings, structures, above ground utilities, and trees on the lot, including both existing and proposed structures and guy wire anchors.
- g. Location and height of all adjacent buildings, structures, aboveground utilities and trees located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
- h. An elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.
- i. A written statement or map describing how the proposed structure relates to existing arrival/departure corridors utilized by air ambulances.
- j. In addition, applications for commercial WECS shall include:
 - i. An FAA permit application, if required.
 - ii. A decommissioning plan.

E. Performance Standards:

1. A WECS shall not interfere with hospital heliport approach/departure corridors as defined by the Minnesota Department of Transportation.
2. Setbacks.
 - a. No part of a WECS (including guy wire anchors) shall be located within or above any required front, side, or rear yard setback.
 - b. WECS towers shall be setback from all property lines a total of 110% of the WECS total height.
3. Blade arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure or tree.
4. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 miles per hour or greater).
5. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
 - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - b. A locked anti-climb device shall be installed on the tower.

- c. Towers capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
- 6. WECS shall have a sign posted at the base of the tower containing the following information: A high voltage warning, the manufacturer's name, an emergency phone number, and emergency shutdown procedures.
- 7. WECS shall not have affixed or attached any lights, reflectors, flashers, or any other illumination, except for illumination devices required by FAA regulations or as required by the City if within heliport arrival or departure corridors as defined by the Minnesota Department of Transportation.
- 8. WECS shall be designed and constructed so as not to cause radio and television interference.
- 9. Noises emanating from the operation of WECS maintain compliance with Minnesota Pollution Control Standards.
- 10. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented on it.
- 11. Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code. Drawings and engineering calculations shall be certified by a Minnesota licensed engineer.
- 12. WECS electrical equipment and connections shall be designed and installed in adherence to the Electrical Code.
- F. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- G. Any WECS or tower which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

11.21: FENCES & RETAINING WALLS.

- A. Permit Required: No person, except on a farm and related to farming, shall hereafter construct or cause to be constructed or erected within the City, any fence or retaining wall without first making an application for and securing a permit.
- B. Locations: Boundary Line Fences:
 - 1. Such a fence of wood, etc. which requires periodic maintenance shall be located no closer than three (3) feet from any side or rear yard lot line on the property of the person constructing or causing the construction of said fence.
 - 2. An exception to the above restriction involving an encroachment up to the side or rear property line shall be allowed by administrative permit provided that a fence agreement addressing construction, maintenance, and repair responsibilities, as well as trespass rights, is established between the adjoining property owners and said agreement is filed with the County Recorder against the titles of the respective properties.
 - 3. The City may require the owner of the property upon which a fence now exists, or may

require any applicant for a fence permit to establish the boundary lines of the property by a survey thereof to be made by any registered land surveyor.

- C. Construction and Maintenance: Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the City Council shall commence proper proceedings for the abatement thereof. Like fences, wherever permitted shall be constructed in such a manner, that no barbed ends shall be at the top. Electric fences shall only be permitted in the RR District when related to farming, and on farms in other districts when related to farming, but not as boundary fences. Barbed wire fences shall only be permitted on farms except as hereinafter provided.
- D. Site Triangle: On corner lots in all districts, no fence, excepting chain link, in excess of twenty-four (24) inches above the street centerline grade shall be permitted within the site triangle area as defined in this Section.
- F. Residential Fencing and Screening:
 - 1. Except as provided herein, fences shall be at least five (5) percent open for passage of air, light, and drainage.
 - 2. Except as provided herein, fences outside the buildable area of a lot may not exceed six (6) feet in height.
 - 3. Except as provided herein, fences within the buildable area of a lot or in the case of a rear lot lie at least ten (10) feet from the rear lot line, may not exceed eight (8) feet in height.
 - 4. Fences extending across front yards shall not exceed forty-two (42) inches in height and shall be at least seventy-five (75) percent open space for passage of air and light.
- G. Business Fencing:
 - 1. Business fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require a conditional use permit.
 - 2. Business fences with barbed wire security arms shall be erected a minimum of six (6) feet in height (measured without the security arm). The security arm shall be angled in such a manner that it extends only over the property of the fence permit holder and does not endanger the public. Such security fencing shall be prohibited when located along a property line abutting a residential use.
- H. Special Purpose Fences: Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the City by issuance of a conditional use permit approved by the City Council. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended.
- I. Retaining Walls: Retaining walls which have a toe within fifteen (15) feet of a street and run essentially parallel to the street may have a maximum exposed height of five (5) feet at any point along the wall. An additional two (2) feet in height is permitted when the wall is faced with a decorative masonry or stone, subject to approval of the City Council. A maximum of two (2) successive walls are permitted, provided that they are at least five (5) feet apart and have a slope between walls not to exceed 2:1 horizontal to vertical steepness.

- J. Materials: All exposed retaining walls and cribwalls which may be visible to surrounding properties or streets shall be constructed with stone, textured poured concrete, or textured decorative colored masonry block with colored grout where grout is used to blend with the color of the natural hillside.

11:22: Moving of Buildings.

- A. Definitions. For purposes of this Section the terms defined in this subsection have the meaning given them.

- 1. Building: Means a structure designed, built or occupied as a shelter and roofed enclosure for persons, animals or property, and used or intended to be used for residential, business, mercantile, storage, commercial, industrial, residential assembly, educational or recreational, or other purposes.
- 2. Removal Location: Is any location in the City to which a building may properly be moved and on which such building may properly be located after such moving under the provisions of this Section.

- B. Permit Requirements.

- 5. No person shall move, remove, raise or hold up or move any building, larger than 120 square feet in size, along or across any highway, street or alley, within the limits of the City, without first obtaining a permit from the City. This permit shall not be required for a building that is in transit through the city when the mover has been permitted by a lawfully issued permit from the county or the state.
- 6. Other jurisdiction authorization for movement over streets and roads other than the City streets must be obtained from the appropriate authorities under whose jurisdiction such streets and roads or highways come.
- 7. Manufactured homes being moved in or out of the MH district, which were in existence prior to the adoption of this ordinance shall not be required to obtain a moving permit, provided a building permit has been issued for the home.
- 8. Contents of application:
 - a. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms, condition of exterior and interior, and photographs showing ground and street elevations.
 - b. A legal description of the premises from which the building is to be moved.
 - c. A legal description of the premises to which it is proposed such building be moved, if located in the City.
 - d. The portion of the premises to be occupied by the building when moved, if located in the City.
 - e. The highways, streets and alleys over, along or across which the building is proposed to be moved.
 - f. Proposed moving date and hours.
 - g. The owner of a building to be moved into the City, shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any encumbrances, that all taxes and any other charges against the same are paid in full.

The applicant shall file with the application a written statement or bill of sale or other sufficient evidence that the applicant is entitled to move the building.

- h. The application shall be accompanied by the permit fee, as set by City Council.
 - i. Upon receipt of an application the building official shall procure an estimate of the expense to be incurred in removing and replacing any property of the City, as a result of moving the building through the City, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the permit the building official shall require the applicant deposit of a sum of money equal to twice the amount of the estimated expense.
9. Designated streets for removal. The City shall procure a list of designated streets over which the building may be moved. The City shall have the list approved by the Pope County Sheriff's Department and shall reproduce the list upon the permit in writing. In making their determinations, the City and the Pope County Sheriff's Department shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.
10. Duties of permittee.
- a. Use designated streets. The permittee shall move a building only over streets designated for such use in the written permit.
 - b. Notice: time change. The permittee shall notify the building official in writing of a desired change in moving date and hours as proposed in the application.
 - c. Notice: damage. The permittee shall notify the building official in writing, of any and all damage done to property belonging to the City within twenty-four (24) hours after the damage or injury has occurred.
 - d. Display lights. The permittee shall cause red lights to be displayed during the night time on every side of the building while it is on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.
 - e. Street occupancy period. The permittee shall remove the building from the City streets after twenty-four (24) hours of such occupancy, unless an extension is granted by the City.
 - f. Compliance with law. The permittee shall comply with the building code, the zoning code and all other applicable regulations and laws upon relocating the building in the City.
 - g. Original premises. The permittee shall remove all rubbish and materials, and fill all excavations to existing grade at the original building site, when located in the City, so that the premises are left in a safe and sanitary condition.
 - h. Utilities. The City council or designee must certify that; all sewer charges payable against the property within the City from which the building is to be moved have been paid and that all sewer connections have been plugged or discontinued at the property line or at the main; and that all taxes against the property have been paid in full.
 - i. Grading and Grassing. The permittee shall install or cause to be installed a finished grade on all parts of the premises on to which such building is moved, including the planting or installation of live sodding on all parts of the plot or parcel involved.

- j. Drainage. The permittee shall construct and provide all necessary and proper drainage for the premises on to which such building is moved. Such drainage shall be installed and constructed according to plans to be submitted by the owner and approved by the City.
 - k. Lateral support requirements. Whenever the premises or parcel of land onto which such building is moved is graded by cutting or filling any part thereof, all slopes in excess of twelve (12) percent thus created shall be finished, graded and sodded wherever possible, or shall be maintained by the erection of retaining walls. Such walls to be erected by the owner, or their designee, of such premises pursuant to plans and under the supervision of the City.
11. Miscellaneous Conditions.
- a. Character of neighborhood. No permit shall be issued under this Section unless and until the City is satisfied that the building proposed to be moved will in its destination location conform to the general character and to the type of architecture of the neighborhood.
 - b. Scope. It is not intended by this Section to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When this Section imposes a greater restriction than is imposed or required by any other section, rule, regulation or by easements, covenants, or agreements, the provisions of this section shall control.
12. Enforcement.
- a. Expense above deposit. The permittee is liable for any expense, damage or costs in excess of the deposited amounts or securities. The City may prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such amounts.
 - b. Original premises. When necessary, because the permittee has not complied with this section, the City shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition. The cost thereof shall be charged against the general deposit.
13. Hours. No building shall be moved across any railroad or bridge, unless the hour be specified and approved by the company or governmental unit controlling such tracks or bridge.
14. Moving buildings into City. A person desiring to move a building into the City from outside the City shall notify the building official prior to the process of moving of such building in sufficient time so that the building official may make all necessary inspections in order to determine whether such building complies with the applicable section of this code.

SECTION 12 – NON-CONFORMING BUILDINGS, STRUCTURES AND USES

SECTION:

- 12.01: Purpose
- 12.02 Non-conforming Lots
- 12.03: Non-conforming Uses or Structures
- 12.04: Structural Changes
- 12.05: Maintenance
- 12.06: Restoration and Alterations Required By Law for the Benefit of Health, Safety and Welfare

12.01: PURPOSE. It is the purpose of this Section to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures and uses will be operated and maintained. This Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Ordinance that all non-conforming uses shall be eventually brought into conformity.

12.02: NON-CONFORMING LOTS.

- A. No lot of record shall be reduced in size below the district requirements of this Ordinance.
- B. A lot of record shall be deemed buildable even though the lot area and/or dimensions are less than those required for the district provided the following conditions are met:
 - 1. Evidence is provided that the lot in question met minimum requirements for the division of property under ordinance regulation in effect at the time the property was divided.
 - 2. It has frontage on a public street.
 - 3. The lot is at least sixty percent (60%) of the minimum lot area and lot width required as specified in the applicable district and other provisions of the Ordinance are complied with.
 - 4. If two (2) or more lots are in single ownership and if all or part of the lots do not meet the width and area requirements of this Ordinance, the contiguous lots shall be considered to be an undivided parcel for the purposes of this Ordinance and the Subdivision Ordinance.

12.03 NON-CONFORMING USES OR STRUCTURES: Non-conforming use or structure may be continued subject to the following limitations and such further regulations as the City Council may require for securing the purposes of this Ordinance.

- A. A non-conforming use of land or structure shall not be enlarged or increased in size or land area, nor shall such non-conforming use be moved to any part of the parcel of land upon which the same was not conducted prior to the adoption of the Ordinance.
- B. A non-conforming use shall not be changed unless the changed to a conforming or more conforming use; such use shall not thereafter be changed to a non-conforming use.
- C. If any existing non-conforming use of building or land is discontinued for a period of one (1) year it cannot be resumed.
- D. If a structure occupied by a legal non-conforming use or a legal non-conforming structure is

destroyed by fire or other peril to the extent that repair or replacement costs exceeds fifty percent (50%) of the assessors estimated market value of the structure and no building permit has been applied for within 180 days of when the structure is damaged, the structure shall not be replaced or repaired except in conformity with this Ordinance. In the event of a building permit to replace or repair such a building is applied for within 180 days of when the structure is damaged, the City may impose reasonable conditions on a building permit issued thereto to mitigate any newly created impact on adjacent property.

- E. Alterations may be made to a residential building containing non-conforming residential unit when alterations will improve the livability of the unit provided the number of dwelling unit in the building is not increased.

12:04 STRUCTURAL CHANGES. No existing structure devoted to a non-conforming use shall be enlarged, extended, reconstructed, moved or structurally altered except in changing the use of the structure to a conforming use.

12:05 MAINTENANCE. Maintenance of a building or other structure containing or used for a non-conforming use will be permitted when it includes necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use.

12:06 RESORATION AND ALTERATIONS REQUIRED BY LAW FOR THE BENEFIT OF HEATLH, SAFETY AND WELFARE. Nothing in this Ordinance shall prevent the strengthening, restoration or alteration of a structure or building maintained for a non-conforming use when such action is required by: (1) Americans With Disabilities Act of 1990 (ADA) or it amendments, (2) Occupational Safety and Health Act (OSHA) or it amendments, or (3) any other state or federal law which requires changes based on health, safety or welfare. This Ordinance shall not prevent such strengthening, restoration, or alterations even if the building is enlarged so long as the purpose of the restoration, strengthening or alteration is required by ADA, OSHA or other state or federal law dealing with health, safety and welfare. Proof of such requirement shall be provided by the applicant.

SECTION 13 – HOME OCCUPATIONS

SECTION:

- 13.01: Purpose
- 13.02: Conditions
- 13.03: General Provisions
- 13.04: Procedures and Permits
- 13.05: Requirements, Type I Home Occupation
- 13.06: Requirements, Type II Home Occupation
- 13.07: Non-Conforming Use
- 13.08: Inspection
- 13.09: Violations

13.01: PURPOSE: Home Occupation regulations are established to ensure that Home Occupations will not adversely affect the character and livability of the surrounding neighborhood and that a Home Occupation remains accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of Home Occupations can be conducted with little or no effect on the surrounding neighborhood. In addition, this Section is intended to provide a mechanism enabling the distinction between Type I Home Occupations and Type II or Extended Home Occupations, so that Extended Home Occupations may be reviewed through a permitting process.

13.02: CONDITIONS. Home Occupations are allowed as accessory uses if they satisfy the following conditions:

- A. Maintain the integrity of the neighborhood and preserve the residential character of neighborhoods by encouraging compatible land uses.
- B. Provide residents of the City with an option to utilize their residences as places to enhance or fulfill personal economic goals as long as the choice of Home Occupations does not infringe on the residential rights of neighbors.
- C. Assure that public and private services such as street, sewer, water or electrical systems are not burdened by Home Occupations to the extent that usage exceeds that which is normally associated with the residence.

13.03: GENERAL PROVISIONS. All Home Occupations whether Type I or Type II shall comply with the following general provisions:

- A. Machine shops, body shops, repair of internal combustion engines (other than small engine repair), welding, manufacturing, or any other objectionable use as determined by the City Council shall not be permitted as a Home Occupation.
- B. No manufacturing business shall be allowed.
- C. The Home Occupation shall be clearly incidental and subordinate to the residential use of the dwelling.
- D. Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings, or the property itself shall be prohibited.
- E. The Home Occupation shall meet all applicable Fire and Building Codes.

- F. Exterior display or storage of equipment or materials is prohibited.
- G. Signage is permitted as allowed in Section 14 (Signs), for the zoning district in which the Home Occupation is located.
- H. No Home Occupation shall produce light glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- I. No equipment shall be used in the Home Occupation which will create electrical interference to surrounding properties.
- J. Shipment and delivery of products, merchandise, or supplies shall be limited to between 8:00 a.m. and 6:00 p.m. and shall occur only in single rear axle straight-trucks or smaller vehicles normally used to serve residential neighborhoods.
- K. No Home Occupation shall be conducted between the hours of nine o'clock (9:00) PM and seven o'clock (7:00) AM unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities. The City Council shall have the authority to further restrict the hours of operation as necessary to meet the purpose of this section.
- L. On the premises, retail sales shall be prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the Home Occupation, except for the occasional sale of items that are primarily sold mail order or sold over the Internet or incidental to the products or goods produced or fabricated on the premises.

13.04: PROCEDURES AND PERMITS.

- A. Type I Home Occupation. Any Type I Home Occupation may operate without a specific permit so long as they meet the conditions and minimum requirements of the Ordinance.
- B. Type II Home Occupation. Any Type II Home Occupation, as described in this Ordinance, shall be required to obtain a Home Occupation certificate from the City, subject to payment of a filing fee as established by the City Council. Issued Home Occupation certificates are not transferable. The certificate shall be renewed biannually. The certificate shall also be renewed if the Home Occupation is transferred to a new owner or operator, if the character or intensity, or if the location of the Home Occupation changes. All Home Occupation owners shall be required to complete a questionnaire describing its operations, to be kept on file with the City.

13.05: REQUIREMENTS, TYPE I HOME OCCUPATION.

- A. Description: Type I Home Occupations include and but are not limited to: art studio, dressmaking, secretarial services, day care for up to twelve (12) children, family day care, foster care, professional offices such as legal, accounting, insurance or computer technician and teaching with musical, dancing and other instructions which consist of no more than two (2) pupils at a time, the sale of products whose name brand are not marketed and sold in a wholesale or retail outlet, and similar uses, none of which shall involve regularly scheduled client visits. Home Occupations shall be limited to the performance of services only. In person retail sales from the premises are prohibited.
- B. Provisions:
 - 1. Only persons residing on the premises may be engaged in the conduct of the Home Occupation.
 - 2. All Type I Home Occupations shall be conducted entirely within the principal dwelling and may not be conducted in accessory buildings or attached garage.

3. Type I Home Occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway, where no vehicle is parked closer than fifteen (15) feet from the curb line or edge of paved surface.
4. There shall be no separate business entrance.
5. Infrequent client visits shall be permitted by appointment only.

13.06: REQUIREMENTS, TYPE II HOME OCCUPATION.

- A. Description: Examples of Type II Home Occupations may include but are not limited to: barber and beauty services, day care-group nursery, dog-grooming, photography studio, group lessons, saw sharpening, small appliances and small engine repair, stock-in-trade and the like.
- B. Provisions:
 1. No person other than a resident shall conduct the Home Occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the intent of this Section.
 2. On premises retail sales shall be prohibited except for the retail sales of products or goods used, produced or fabricated on the premises as a result of the Home Occupation.
 3. A separate accessory building may be devoted solely to the Type II Home Occupation activities.

13.07: NON-CONFORMING USE. Existing Home Occupations lawfully existing on the effective date hereof, may continue as non-conforming uses. They shall, however, be required to obtain permits for their continued operation. Any existing Home Occupation that is discontinued for a period of more than thirty (30) days, or is in violation of the provisions under which it was initially established, shall be brought into conformity with the provisions of this Section.

13.08: INSPECTION. The City hereby reserves the right to inspect the premises in which the Home Occupation is being conducted to ensure compliance with the provisions of this Section or any conditions imposed.

13.09: VIOLATIONS. Any Home Occupation found to be in violation of this Section shall be served with notice from the City. If the violation is not corrected within ten (10) days, the license for the Home Occupation shall be revoked.

SECTION 14 – SIGNS

SECTION:

- 14.01: Findings
- 14.02: Purpose and Intent
- 14.03: Effect
- 14.04: Applicability
- 14.05: Definitions
- 14.06: Prohibited Signs
- 14.07: Exemptions
- 14.08: Permit Required
- 14.09: Review Criteria
- 14.10: Construction and Maintenance Standards
- 14.11: Permitted Signs
- 14.12: General Regulations and Standards
- 14.13: Temporary Signs
- 14.14: Subdivision Signs
- 14.15: Development Project Signs
- 14.16: Electronic Variable Message Signs
- 14.17: Non-Conforming Signs
- 14.18: Fees
- 14.19: Violations/Penalties
- 14.20: Severability

14.01: FINDINGS.

- A. Exterior signs have a substantial impact on the character and quality of the environment.
- B. Signs provide an important medium through which individuals may convey a variety of messages.
- C. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
- D. The City's zoning regulations include the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community.
- E. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.
- F. The City recognizes the interdependence of land values and aesthetics and can provide through this Ordinance a method by which the City may implement this interdependence to the benefit of its constituents.

14.02: PURPOSE AND INTENT. It is not the purpose or intent of this Section to regulate the message displayed on any sign; nor is it the purpose or intent of this Section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this Ordinance is to:

- A. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare.

- B. Establish standards which permit property owners the opportunity to identify and advertise themselves, goods, or services; to preserve and protect the value of land, buildings and landscapes and promote the attractiveness of the community; to ensure that signs in the City are not a safety hazard to lives and/or property; to eliminate confusion in locating goods, services and facilities, and to preserve order and to encourage business to erect permanent signs and discourage temporary and/or portable signs.
- C. Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property.
- D. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
- E. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.

14.03: EFFECT. A sign may be erected, mounted, displayed or maintained in the City if it is in conformance with the provisions of this Section. The effect of this section, as more specifically set forth herein, is to:

- A. Allow a variety of sign types in commercial districts, and a more limited variety of signs in other districts, subject to the standards set forth in this Section.
- B. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this Section.
- C. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- D. Provide for the enforcement of the provisions of this Section.

14.04: APPLICABILITY.

- A. Sign Permit Required. To ensure compliance with the regulations of this Section, a sign permit shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that are exempt from permits enumerated in Section 14:07 (Exemptions). See Section 14.08 (Permit Required) for sign permit application and processing requirements.
- B. Sign Standards. The sign standards provided in this Section are intended to apply to signs in each zoning district in the City. Only signs authorized by this Section shall be allowed.
- C. New Zoning Districts. If a new zoning district is created after the enactment of this Section, the City Council shall have the authority to make determinations as to the applicability of appropriate sign regulations until this Section is amended to govern the new zoning district.
- D. Review Criteria. The review criteria in Section 14.09 (Review Criteria) will be used in the evaluation of sign permit applications to ensure that signs are well designed, compatible with their surroundings, and do not detract from the overall visual quality of the City.

14.05: DEFINITIONS. The following words and phrases, when used in this Section, shall have the following meanings, unless the context clearly indicates otherwise:

- A. **Abandoned Sign:** Any sign and/or its supporting Sign Structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of the principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a special use permit or a variance shall also be subject to the definition of Abandoned Sign.
- B. **Awning:** A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework (compare "Marquee").
- C. **Awning Sign:** A Building Sign or graphic printed on or in some fashion attached directly to the Awning material.
- D. **Balloon Sign:** A Temporary Sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter. A simple helium balloon is not considered as balloon sign.
- E. **Bench Sign:** A sign located on any part of the surface of a bench or seat.
- F. **Billboard Sign:** A sign which advertises an establishment, service, merchandise, use, entertainment, activity, produce or message which is not conducted, sold, produced, manufactured or furnished upon the parcel or lot where the sign is located.
- G. **Building Sign:** Any sign attached to or supported primarily by any Building.
- H. **Canopy:** A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway, unlike an Awning which extends generally the length of a wall.
- I. **Canopy Sign:** A Building Sign that is part of or attached to a Canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A Canopy sign is not a Marquee.
- J. **City Identification Sign:** A sign placed at a point of entry to the City of Long Beach for the purpose of informing a person that they are entering the City of Long Beach.
- K. **Community Promotion Sign:** Sign which solicits support for or advertises a civic event, community use, social institutions, or public use. Such signs may include, but shall not be limited to, seasonal holidays, school activities, community programs and activities or location of places or events of community or tourist interest and may include business advertising provided that the same shall constitute not more than 15% of the sign.
- L. **Construction Sign:** A sign temporarily placed on a construction Site identifying the project, and/or owner, developer, prime contractor, subcontractor, lender, architect, and may include other information regarding the project.
- M. **Development Sign:** Any sign located at the entrance to a residential development or subdivision, for the purpose of identifying the subdivision.
- N. **Elevation Area:** The area of all walls that face any lot line.



- O. Erect, Erected: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.
- P. Flag: Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.
- Q. Flashing Sign: A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.
- R. Freestanding Sign: A permanent or Temporary Sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.
- S. Gooseneck Lighting: A slender curved type of external lamp.
- T. Grade: Grade shall be construed to be the average final ground Elevation after construction within 50 feet of the sign. Earth mounding criteria for landscaping and screening shall be excluded when calculating the final Grade for sign height computation.
- U. Height of Sign: The height of the sign shall be computed as the vertical distance measured from the highest attached component of the sign to either the average Grade or the top of the nearest curb of the street on which the sign fronts, whichever is greatest.
- V. Illuminated Sign: Any sign which contains an element designed to emanate artificial light internally or externally.
- W. Informational Sign: A sign with a purpose secondary to the use on the lot on which it is located that provides directives and/or identifying messages strictly for the convenience of the public, including signs which identify rest rooms, waste receptacles, addresses, doorbells, public interest signs or signs indicating the private nature of a road, driveway or premises, signs prohibiting or otherwise controlling hunting or fishing upon particular premises, and signs indicating ownership of a property mailboxes or building entrances.
- X. Interior Sign: A sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater. These signs are not meant to be seen from the exterior of a building.
- Y. Kiosk: A freestanding structure with two or more sides used to display community and visitor information, business directories and maps.
- Z. Legally Established Nonconforming Sign: Any sign and its support structure lawfully erected prior to December 5, 2006 which fails to conform to the requirements of this Ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.
- AA. Marquee: Any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.
- BB. Marquee Sign: Any Building Sign painted, mounted, constructed or attached in any manner, on a Marquee.

CC. Memorial Sign: A sign, tablet, or plaque memorializing a person, event, structure or event.

DD. Monument Sign: Any Freestanding Sign with its Sign Face mounted on the ground or mounted on a base at least ¾ as wide as the sign.



Monument



Multi-Tenant

EE. Multiple Tenant Site: Any commercial site which has more than one (1) tenant, either with separate ground level exterior public entrance or shared entrance.

FF. Off-premise Advertising Sign: A sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located.

GG. On-premise Advertising Sign: A sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

HH. Owner: In the case of a lot, the legal owner of the lot as officially recorded by Stearns County, and including fee owners, contract for deed purchasers and ground lessees. In the case of a sign, the owner of the sign including any lessees.

II. Permanent Sign: A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

JJ. Pole Sign: See Pylon Sign.

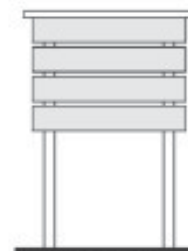
KK. Portable Sign: Any sign which is clearly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.



Projecting

LL. Projecting Sign: Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

MM. Pylon Sign: Any Freestanding Sign which has one or two supportive structure(s) anchored in the ground and which has a Sign Face elevated above ground level by pole(s) or beam(s) and with the area below the Sign Face open.



Pole/Pylon

NN. Real Estate Sign: A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary residential development project signs.

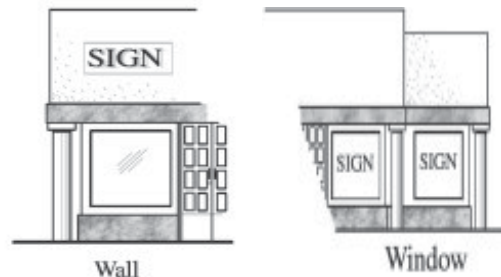
OO. Roof Sign: Any sign Erected and constructed wholly on and above the Roof of a building, supported by the Roof structure, and extending vertically above the highest portion of the Roof.

PP. Roof Sign, Integral: Any Building Sign erected or constructed as an integral or essentially integral part of a normal Roof structure of any design, so that no part of the sign extends vertically above the highest portion of the Roof and so that no part of the sign is separated from the rest of the Roof by a space of more than six (6) inches.

- QQ. Rotating Sign: A sign or portion of a sign which turns about on an axis, excluding barbershop poles.
- RR. Sandwich Board Sign: A Temporary Sign that is so designed to be self-supporting by design. Often times this sign is of the folding type and when collapsed is flat in nature, therefore “sandwiches” together.
- SS. Search Light: Is any apparatus designed to project a beam of light for the purpose of drawing the attention of the public during hours of darkness.
- TT. Sign: Any letter, word or symbol, poster, picture, statuary, reading matter or graphic representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.
- UU. Sign Face: The surface of the sign upon, against, or through which the message of the sign is exhibited.
- VV. Sign Structure: Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.
- WW. Suspended Sign: Any Building Sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.
- XX. Temporary Sign: Any sign that is used only temporarily and is not permanently mounted which is to be in place for a specified period of time.
- YY. Total Site Signage: The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific Site.

ZZ. Video Screen Sign: A sign comprised of a video screen displaying advertising content in animated or motion picture form.

AAA. Wall Sign: Any Building Sign attached parallel to, or entirely within two (2) feet of a wall, painted on the wall surface of, or Erected and confined within the limits of an outside wall of any building or structure, or displayed on a Canopy which is supported by such wall or building.



BBB. Window Sign: Any Building Sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is painted or placed inside a window or upon the window panes or glass and is Visible from the exterior of the window.

14.06: PROHIBITED SIGNS. The following signs are unauthorized signs and are prohibited by this section:

- A. Any sign, signal marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare or that prevents ingress or egress from any door, window or fire escape.

- B. Off-premise Advertising Signs; including Billboards other than directional or logo signs or civic signs as permitted by MNDOT and the City of Long Beach.
- C. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
- D. Roof signs unless placed on parapet or incorporated into the building as an integral roof sign to provide overall finished appearance.
- E. Rotating Signs.
- F. Abandoned Signs.
- G. Search Lights.
- H. Bench Signs except City approved Memorial benches.
- I. Balloon signs greater than 24" in diameter.
- J. Signs within public right-of-way or easements, excepting the following:
 1. As Erected by an official unit of government or public utility for the direction of traffic or necessary public information.
 2. Directional signage upon finding that the signs are needed for the direction of traffic or necessary public information.
 3. Community Promotion Signs or Kiosks as authorized by the City. To ensure that the safety of the public is not compromised, the size, location and method of erection of such signs shall be subject to approval by the City.

14.07: EXEMPTIONS. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its Erection and maintenance, and its compliance with the provisions of this Section or any other law or Ordinance regulating the same.

- A. The changing of the display surface on a painted or printed sign that does not involve any other structural alterations provided it meets all dimensional requirements of this Ordinance and does not provide off-site advertising unless specifically allowed by this Section.
- B. Official public notices or signs required by local, state or federal regulations.
- C. Governmental signs, including but not limited to: traffic control and other regulatory purpose signs, street signs, City Identification Signs, informational signs, park or preserve Identification Signs danger signs, railroad crossings and flags, badges or insignia of any governmental agency.
- D. Residential home security signs and home occupation signs, provided such total signage on a lot shall not exceed two (2) square feet in area, and such signs shall not be placed or maintained in the public right-of-way and shall not be illuminated.
- E. Historical plaques by recognized historical agencies, provided such signs shall not be placed or maintained in the public right-of-way, shall not be illuminated, and shall not exceed six (6) square feet in area.
- F. Interior Signs used within a building, which are positioned so as to not be readable from the outside of a building.

- G. Informational Signs not exceeding two (2) square feet in area displayed strictly for the convenience of the public, and which set forth no advertising, including signs which identify rest rooms, waste receptacles, addresses, doorbells, public interest signs or signs indicating the private nature of a road, driveway or premises, signs prohibiting or otherwise controlling hunting or fishing upon particular premises, and signs indicating ownership of a property mailboxes or building entrances. The City shall determine that the proposed location, sign material, manner of affixing or anchoring, size, and any illumination are safe and proper.
- H. Community Promotion Signs and Kiosks.
- I. Political campaign signs are permitted on private property in any zoning district subject to the express consent of the owner or occupant of such property and in accordance Minnesota Statute 211B.045 provided that:
 - 1. No such sign is located within a hundred (100) feet of any polling site.
 - 2. No such sign is placed within the public right-of-way.
 - 3. No such sign is posted prior to August 1st.
 - 4. The political campaign sign is removed within ten (10) days following the election.
- J. Temporary on site and off site real estate signs pertaining to the sale or rental of real property, provided these signs shall be limited to one (1) sign per property totaling no more than six (6) square feet in Sign Face area. These signs shall be removed within seven (7) calendar days form the time of the sale, lease or rent.
- K. Memorial Signs or tablets.
- L. Construction Signs recognizing a party that is actually contributing to the project (architects, engineers, or contractors) placed on a site where construction is occurring, provided they do not exceed four (4) square feet and are removed after a certificate of occupancy is issued.
- M. Window Signs indicating the store hours or names of credit institutions, provided that the total area of such sign or signs does not exceed two (2) square feet.
- N. Temporary residential signs advertising garage sales, provided such signage on a parcel shall not exceed eight (8) square feet in area, and such signs shall not be placed or maintained in the public right-of-way and shall not be illuminated.
- O. Temporary Emergency or Special Situation Signs not specifically defined in this Section if a valid need is known to exist by virtue of an emergency or special situation such as highway construction. The duration, location, size and other conditions regarding the sign shall be established by the City at the time of approval.
- P. Signs located on vending machines bearing the brand name of the product being sold or the price of such product.
- Q. Revolving barbershop pole sign, only advertising barber or hair grooming services provided that it does not exceed thirty-six (36) inches in height.
- R. Any Temporary Sign located on a City-authorized Kiosk.
- S. Non-commercial art. Any outdoor artwork, mural, sculpture and the like may be displayed on a lot, provided that it does not contain any commercial message or logo and does not create a sight

visibility hazard, and is not of an obscene nature as defined by the United States Supreme Court. Where such outdoor art is part of a site that is subject to the Planning Commission's jurisdiction, the outdoor art shall be considered part of the development that is subject to the Planning Commission's review and approval.

- T. Signs for one and two-family residential dwellings identifying the occupant or street address, provided that such signs are less than two (2) square feet in area.

14.08: PERMIT REQUIRED. Except when exempted in Section 14.07, no sign shall be erected, altered, reconstructed, maintained or moved in the City without first securing a permit from the City. Application for a permit shall be made on forms provided by the City and shall contain the following information:

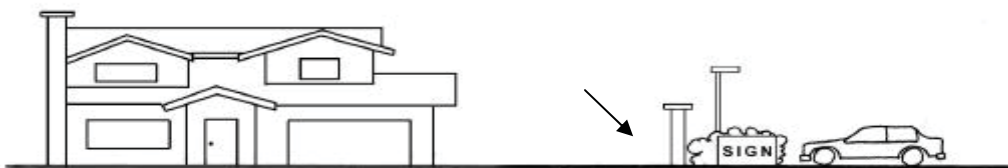
- A. Names, addresses and telephone numbers of the applicant(s), lot owner(s) and sign contractor.
- B. The address at which any signs are to be erected.
- C. Legal description at which the signs are to be Erected and the street on which they are to front.
- D. A complete set of plans showing the necessary Elevations, distances, size and details to fully and clearly represent the construction, attachment, design and placement of the signs.
- E. A drawing showing the location on lot and/or on building, and all existing signage on the premises.
- F. A color drawing of the proposed sign showing its dimensions and describing materials, lettering, colors, illumination and support structure.
- G. Type of sign (i.e. wall sign, monument sign, etc.).
- H. Certification by applicant indicating the application complies with all requirements of this Section.
- I. If the proposed sign is within a state trunk highway right of way, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.
- J. Underwriter Laboratories label, if an electrical sign.
- K. Any other information that may be necessary so that the City may determine the compliance of the sign with this Ordinance. If requested, engineering data showing that the structure is designed to accommodate dead load and wind pressure, in any direction.
- L. Message for the purpose of determining compliance with off-site advertising provisions.
- M. Value.

14.09: REVIEW CRITERIA. The following guidelines should be considered in the design of all signs within the City. The content of the message or speech displayed on the sign will be reviewed and/or considered only to determine compliance with these regulations. The City will consider approval for the sign or sign application based on the following criteria:

- A. Compliance. Whether the sign complies with all provisions of this Section and any other plans for the project as previously approved by the City, as applicable.
- B. Health, Welfare, Safety and Convenience. Whether the proposed sign will have any detrimental effect upon the general health, welfare, safety and convenience of person residing and working within the neighborhood, and shall not be detrimental or injurious to the neighborhood.

- C. Sign Relationship. Whether the proposed sign will promote a desirable relationship of structures to one another, to open spaces, aesthetic values and topography both on the site and in surrounding neighborhoods.
- D. Sign Appropriateness. Whether the height, area, setback and overall mass as well as parts of any structure (building, walls, signs, lighting, etc.) and landscaping, will be appropriate to the sign, the neighborhood and the community.
- E. Location on Premises. The location of the sign upon the premises.
- F. Existing Signs. The location of existing signs, if any, upon the premises or in the immediate area.
- G. Proportionate Size and Scale. The scale of signs should be appropriate for the building on which they are placed and the area in which they are located. The size and shape of a sign should be proportionate with the scale of the structure.
- H. Reduce Sign Impact. Because residential and commercial uses generally exist in close proximity, signs shall be designed and located so that they have little or no impact on adjacent residential neighborhoods.

Reduce Sign Impact



Screening Wall or Fence

- I. Pedestrian-Oriented Signs Encouraged. It is desirable and encouraged to include a pedestrian-oriented sign as one of the permitted signs for a business within those districts of which the purpose is to promote Pedestrian Scale. Pedestrian-oriented signs are signs that are designed for and directed toward pedestrians so that they can easily and comfortably read the sign as they stand adjacent to the business.

Pedestrian Oriented



- J. Effect on Vehicle and Pedestrian Traffic. Whether the effect of the sign upon ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways.

- K. Concealment of Equipment and Utilities. Whether all mechanical equipment, appurtenances, and utilities, shall be concealed from view and integral to the sign design including electrical boxes, wires or switches.
- L. Sign Material Compatibility with Climate. Whether the architectural character and design of a sign shall be cognizant of the climate and other environmental factors of this region by using exterior materials of a nature which will withstand prolonged exposure to the elements with only minimum maintenance required.

14.10: CONSTRUCTION AND MAINTENANCE STANDARDS. All signs shall be designed, constructed and maintained in accordance with the following standards:

- B. The size and style of graphics, its scale, proportion, design, material and texture as well as the size and style of the letter shall relate to the building to which it refers and/or is attached to and with the property and the district that surrounds it.
- C. Signs shall be consistent and harmonious with the architectural style of the subject and surrounding properties.
- D. If the architecture of the building allows for specific locations for signs, signage should be limited to those areas.
- E. Signs should be an integral part of the design of storefront alterations and new construction. Signs should not obscure architectural elements of structures.
- F. The design and alignment of signs on multiple use buildings shall be coordinated so as to achieve a unified appearance.
- G. Unless otherwise noted, all signs shall be constructed of quality, permanent materials and shall be permanently attached.
- H. Window signs permanently affixed to the external or internal side of windows shall be a medium or premium grade vinyl, digital image using solvent coloring, or other similar type material and shall be maintained in good order.
- I. Permanent, freestanding signs shall integrate elements of high-quality, natural materials such as stone, glass, wood, brick and similar materials as they relate to the building. This shall be done by either:
 - 1. Providing a landscaping base around the base of the sign which incorporates brick, stone, granite or other applicable materials as they relate to the principal building.
 - 2. Incorporating brick, stone, granite or other applicable materials as they relate to the principal building into the supporting framework of the sign and/or face.
- J. All signs shall comply with applicable provisions of any applicable Building Code and Electrical Code.
- K. All signs shall contain current information. Outdated signs or signs with outdated information shall be removed by the property owner.
- L. Painting, repainting, cleaning, and normal maintenance and repair of a sign or Sign Structure is required to protect the sign and prevent its deterioration and maintain its neat appearance. Such maintenance is allowed without permit unless a structural change is made.

- M. All signs shall be maintained in good condition and areas within six (6) feet around the sign shall be kept free from debris, tall vegetation and from anything else that would constitute a nuisance.

14.11: PERMITTED SIGNS.

- A. The following signs are permitted in the RR, LD, MHD and MH Districts, upon issuance of a sign permit:

- 1. Subdivision Signs as regulated by this Section.
- 2. Development Signs as regulated by this Section.

- B. The following signs are permitted in the RC District.

- 1. On-Premises (Permanent and Temporary) Advertising Signs as regulated within this Section.
- 2. Subdivision Signs as regulated by this Section.
- 3. Development Signs as regulated within this Section.

- 4. Temporary Sandwich Board Signs provided the total square footage per sign shall not exceed twelve (12) square feet or six (6) square feet per side. A temporary Sandwich Board Sign permit shall conform to the following:

- a. The property owner shall sign a hold harmless agreement indemnifying the City of Long Beach in any action arising out of the location of said sign within the public right-of-way.
- b. Said signs shall be placed during daylight hours only, sunrise to sunset.
- c. Signs shall only be placed in front of the location the sign serves.
- d. The Pope County Sheriff's Department shall remove all signs that are in violation.

- 5. MNDOT Logo Signs, General Motorized Signs and/or Directional Signs. Freestanding signs located in right-of-way or on properties along State Highway 28/29 which identify tourist-oriented businesses such as gasoline service stations, restaurants, motels and regional commercial uses, as permitted by Minnesota Statute 160.292 through 160.297. These signs, and MNDOT required trailblazing signs, may be allowed along State Highway 28/29, only as an extension of MNDOT requirements, in locations designated by MNDOT, with the written permission of the land owner. Necessary permits shall be obtained from MNDOT prior to installation of the signs.



Example Only

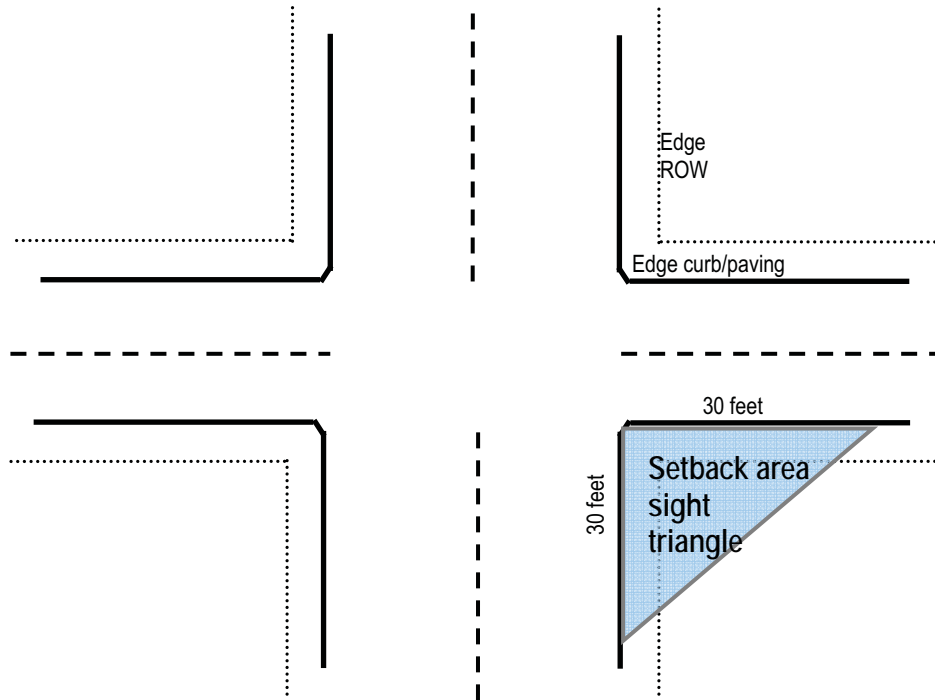
- 6. Signs that are placed on exterior walls of buildings shall not extend more than four (4) inches from a building's wall surface.

7. Awning, Canopy and Sign Projection: Awnings or canopies shall provide a minimum clearance of ten (10) feet from the ground and project no closer than two (2) feet from the edge of the street. Projecting signs shall project no more than two (2) feet from the building and have an undersign clearance of at least ten (10) feet.
8. Window Signs may be placed inside of the commercial buildings, provided not more than fifty percent (50%) of the window is covered.

14.12: GENERAL REGULATIONS AND STANDARDS.

A. Setbacks, Square Footage and Height.

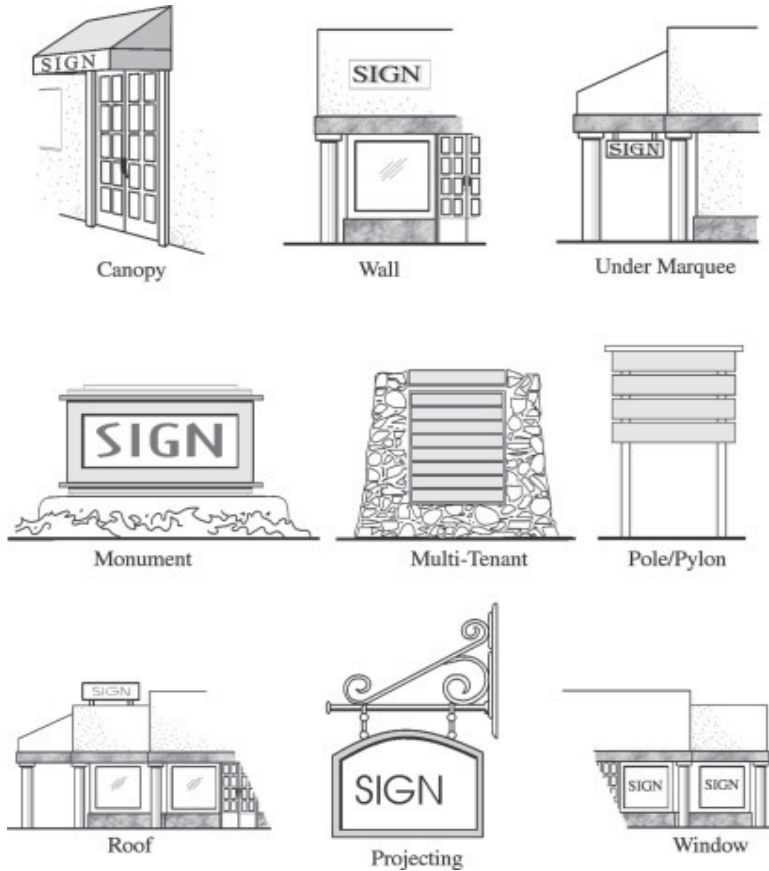
1. All signs in the CD, RR, LD, MHD, MH and RC districts shall be set back a minimum of five (5) feet from all property lines. Freestanding or pole signs shall be setback a minimum of five (5) feet from the front property line and a minimum of either five (5) feet or a distance equal to the height of the sign, whichever is greater, from the side property lines.
2. Signs on corner lots shall be setback thirty (30) feet from the edge of the rights-of-way of intersecting streets so as to preserve the a sight triangle. The sight triangle is the area of visibility required on a corner to allow for the safe operation of vehicles, pedestrians and cyclists in the proximity of intersecting streets, sidewalks and bicycle paths. The City may require a greater setback because of public safety reasons that may include, but not be limited to, the following concerns: vehicle sight-distances, distance from an intersection, or function of the adjoining right-of-way.



3. Maximum square footage of signs in the CD, RR, LD, MHD, MH and RC District:
 - a. The aggregate square footage of sign space per lot shall not exceed ten (10) percent of the ground area of the principal structure on the lot.
 - b. Aggregate wall sign area shall not exceed twenty (20) percent of the area of the facade to which it is affixed.
 - c. No individual sign shall exceed one hundred (100) square feet of area per surface.

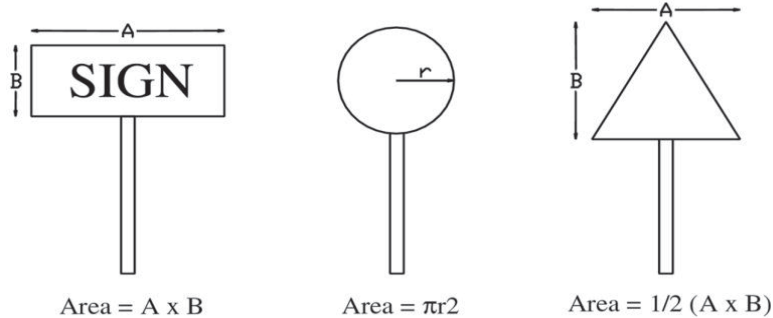
4. Maximum Height: Freestanding signs shall not exceed twenty-five (25) feet in height as measured from the elevation of the centerline of the adjoining roadway, except that at those sites at which the elevation of the abutting property is higher than the centerline of the adjoining roadway, the height of any such sign shall not exceed twenty-five (25) feet as measured from the elevation of said abutting property at the site of such sign. All freestanding signs must have at least fourteen (14) feet of underside clearance, unless they are enclosed at the base by landscaping and protected to avoid the underneath passage of persons or autos.

B. Sign Types.

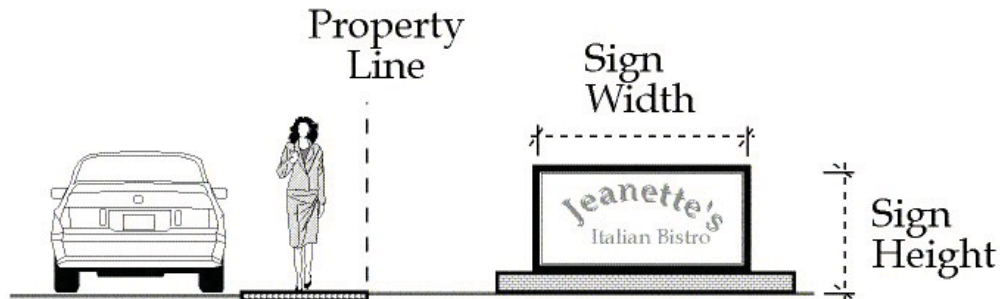


- C. Sign Area Measurement. The outer dimensions of the frame/cabinet surrounding the sign face. Double-faced (back-to-back, abutting) freestanding signs shall be considered as a single sign face if the copy is identical on both faces.

Measurement of Sign Area Examples



- D. Sign Height. The height of a freestanding sign will be measured from the average grade within the perimeter of the sign to the uppermost point of the sign.



- E. Sign Illumination. If a sign is illuminated the illumination must be directed toward and limited to the sign's surface and not trespass onto adjacent property or in any way distract traffic.

14.13: TEMPORARY SIGNS. Temporary signs other than those signs exempted by this Section may be permitted on a lot no more than four (4) times in any calendar year for a time period not exceeding a total of thirty (30) days in any calendar year. Temporary signs are regulated as follows:

1. Temporary signs shall not exceed twenty-four (24) square feet and the advertisement contained on any Temporary Sign shall pertain to the business conducted on the premises on which the sign is erected.
2. There shall be no more than two (2) temporary signs per business at any one time which may include no more than one (1) Wall and (1) Freestanding Sign. Multi-tenant developments may be allowed two portable signs per Site.
3. Temporary signs shall not be located as to obstruct with vehicular traffic or visibility for vehicles at intersections, and the clear space for pedestrian passage shall not be reduced to less than four (4) feet.
4. Temporary signs shall have no more than two (2) faces.
5. Temporary signs shall be secured in a manner as to prevent them from being moved or blown over by the wind.

6. Temporary signs shall be professionally made and constructed of durable, weather-resistant materials such as aluminum, plastic or wood finished surfaces and shall be maintained in good conditions throughout the term of the permit.
7. If any Temporary Sign is not removed by the expiration date of the permit, the City may remove it and charge the costs of removal to the individual or enterprise responsible or property owner.

14.14: SUBDIVISION SIGNS. A Monument Sign intended to permanently identify a residential development shall be permitted under the following conditions:

- B. There shall be an entity established to the satisfaction of the City such as a homeowners association, which shall be clearly responsible for the perpetual maintenance of said monument sign.
- C. The Monument Sign shall not exceed six (6) feet in height and shall not exceed forty (40) square feet of sign area.
- D. The Monument Sign shall be a minimum of thirty (30) feet from any existing or future residence.
- E. Landscaping shall be provided around the base of the monument sign.
- F. The City, at the discretion of the City Council, may deny a permit for a Monument Sign where it is determined that the Monument Sign may create an undue burden upon the City by virtue of its size, location, building materials or potential need for maintenance.
- G. No commercial advertising is allowed on any Subdivision sign.
- H. A Subdivision sign may be permitted within a right of way with City Council approval.

14.15: DEVELOPMENT PROJECT SIGNS. Sign permits are required for temporary on and off-premise signs for the purpose of selling/promoting a development project and for providing direction to the project. Regulations pertaining to such signs shall be as follows:

- A. On-premise signs shall not exceed thirty-two (32) square feet in area per sign; two (2) signs are permitted if the development is fifteen (15) acres or larger or if the development has more than one (1) street frontage.
- B. Off-premise signs shall not exceed thirty-two (32) square feet in area per sign; evidence of permission of the property Owner for Erecting such sign shall be required; there shall be no more than one (1) sign per development at any street intersection; where signs for two (2) or more developments are located in close proximity, they shall be placed so as not to obscure the line of vision to the signs from the roadway motorist.
- C. On and off-premise development project signs shall be setback ten (10) feet from all property lines. Such signs shall be removed when seventy-five (75) percent of the units are occupied.

14.16: ELECTRONIC VARIABLE MESSAGE SIGNS. The preferred sign type relating to the electronic variable message sign (EVM) is a monument type. If the EVM is displayed in a Pylon Sign type, said sign shall include a landscaped base wherein planter boxes, shrubs, flowers, etc. are maintained. Electronic message signs may be allowed under applicable provisions of this Ordinance provided that:

- A. The sign shall be at least fifty (50) feet from any Residential District or use.

- B. The variable message sign shall not exceed twenty-five (25) percent of the maximum allowable aggregate sign area for the use to which it pertains, the area allowed for an electronic variable message sign is included within the total allowable signage area.
- C. Modes which cause the message to flash are prohibited.
- D. The sign may only be used to promote activities, products, or services pertaining to the subject property; time and temperature; or other public service oriented messages.
- E. Landscaping shall be provided around the base of the monument sign.

14.17: NON-CONFORMING SIGNS. It is recognized that signs exist which were lawful before this Section was enacted, but will be prohibited under the terms of this Section. It is the intent of this Section that nonconforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this Section to permit legal nonconforming signs existing on June 10, 2009 to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- A. No sign shall be enlarged or altered in a way which increases its nonconformity.
- B. If the use of the nonconforming sign or sign structure is discontinued for a period of one year, the sign or sign structure shall not be reconstructed or used except in conformity with the provisions of this Section.
- C. Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than fifty (50) percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this Section.
- D. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- E. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which is it located.
- F. When a building loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted or recovered in a neutral color or a color or material which will harmonize with the structure.

14.18: FEES. Permit fees shall be as established by the City and shall be in such amounts as the City determines in its reasonable discretion to be necessary to finance the administration and enforcement of this Section.

14.19: VIOLATIONS/PENALTIES. If, upon inspection, the City determines a sign permitted by the City to be unsafe, un-maintained, or abandoned, the City may issue a written order to the Owner of the sign and/or occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within ten (10) working days after receipt of notice from the City. In cases of emergency, the City may cause the immediate removal of a dangerous or defective sign. Signs removed in this manner must present an imminent hazard to the public safety.

Failure to correct any violation of this Section shall result in the City pursuing enforcement action following notification to the property owner, with the City having the authority to carry out any/all of the following enforcement remedies:

- A. The City shall have the authority to withhold or deny any/all permit or approval until the violation is appropriately corrected.
- B. The City shall have the authority to issue a stop work order on the property in violation.
- C. The City shall have the authority to require that the violation be abated by completely removing or stopping the item or use which has been identified in the zoning violation notice. Abatement action by the City shall not proceed until after a hearing before the City Council.
- D. The City shall have the authority to seek an injunction in court to stop any violation of this Section.
- E. The City shall have the authority to assess charges against any property in violation of any of the provisions of this Section.
- F. The City shall have the authority to institute appropriate misdemeanor action or misdemeanor criminal action for a violation of this Section.
- G. Violation of this Section is a misdemeanor. Each day that the violation continues is a separate offense.

14.20: SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Section. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 15 – SEXUALLY ORIENTED USES

SECTION:

- 15.01: Purpose
- 15.02: General Provisions
- 15.03: Sexually Oriented Uses, Principal
- 15.04: Sexually Oriented Uses, Accessory

15.01: PURPOSE. The purpose of this Ordinance is to establish provisions for the opportunity as well as controls of sexually oriented uses within the city.

15.02: GENERAL PROVISIONS. "Sexually oriented uses" as defined in this Section shall be subject to the following general provisions:

- A. Activities classified as "obscene" as defined by Minnesota statutes section 617.241 are not permitted and are prohibited.
- B. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
- C. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also used to dispense or consume alcoholic beverages.
- D. A sexually oriented use which does not qualify as an accessory use shall be classified as a sexually oriented use, principal.
- E. Minnesota statutes section 617.242 shall not apply.

15.03: SEXUALLY ORIENTED USES, PRINCIPAL.

- A. Sexually oriented uses, principal shall be located at least five hundred (500) radial feet, as measured in a straight line from the closest point of the property line of the parcel upon which the sexually oriented use, principal is located to the property line of:
 - 1. Residentially zoned property other than the RC district.
 - 2. A licensed daycare center.
 - 3. A public or private educational facility classified as a preschool, elementary, junior high or senior high.
 - 4. A public library.
 - 5. A public park.
 - 6. Another sexually oriented use, principal.
 - 7. An on/off-sale liquor establishment.
- B. "Sexually oriented use, principal" activities, as defined by this Section, shall be classified as one use. No two (2) sexually oriented uses, principal shall be located in the same building or upon the same property and each use shall be subject to Letter A of this sub-section.

- C. Sexually oriented uses, principal shall, in addition to other sign requirements established by this code, also adhere to the following signing regulations:
 - 1. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted.
 - 2. Shall not contain material classified as advertising.
 - 3. Shall comply with the requirements of size and number for the district in which they are located.

15.04: SEXUALLY ORIENTED USES, ACCESSORY.

- A. Sexually oriented uses, accessory shall:
 - 1. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located.
 - 2. Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation.
 - 3. Not involve or include any activity except the sale or rental of merchandise.
- B. Sexually oriented uses, accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:
 - 1. Movie Rentals: Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operator.
 - 2. Magazines: Publications classified or qualifying as sexually oriented uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 - 3. Other Use: Sexually oriented uses, accessory not specifically cited shall comply with the intent of this Section subject to the approval of the City Council.
- C. Sexually oriented uses, accessory shall be prohibited from both internal and external advertising and signing of sexually oriented materials and products.
- D. Sexually oriented uses, accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.

SECTION 16 – AMENDMENTS TO ZONING ORDINANCE

SECTION:

- 16.01: Initiate
- 16.02: Application and Procedure
- 16.03: Approvals Required
- 16.04: Effective Date
- 16.05: Criteria

- 16.01: INITIATE.** The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. The procedural requirements of Section 16.02 shall not apply to such proposed amendments initiated by the City except to the extent required by Minnesota State Statute. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate.
- 16.02: APPLICATION AND PROCEDURE.** An amendment to this Ordinance (text or map) requires a public hearing and is to be processed in accordance with the procedures set forth in Section 21 (Zoning Applications Procedures), of this Ordinance. The information required for all amendment applications generally consists of items outlined in Section 21 (Zoning Applications Procedures) of this Ordinance, and shall be submitted unless exempted by the City.
- 16.03: APPROVALS REQUIRED.** Approval of a proposed amendment shall require a majority vote of all members of the City Council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial shall require a two-thirds ($\frac{2}{3}$) majority vote of all members of the City Council which is four (4) out of five (5) members of the City Council.
- 16.04: EFFECTIVE DATE.** The amendment shall not become effective until such time as the City Council approves an Ordinance and the Ordinance is published in the official newspaper.
- 16.05: CRITERIA.** The Planning Commission and City Council shall consider possible effects of the proposed amendment. Factors to be considered in determining the possible effects of the proposed amendment shall include, but are not limited to, the following:
- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan.
 - B. The proposed application is or will be compatible with present and future land uses of the area.
 - C. The proposed application conforms to all performance standards contained in this Ordinance.
 - D. The proposed application can be accommodated with existing public services and will not overburden the City's service capacity.
 - E. Traffic generation by the proposed use is within capabilities of streets serving the property.

SECTION 17 – AMENDMENTS TO COMPREHENSIVE PLAN

SECTION:

- 17.01: Purpose
- 17.02: Initiate
- 17.03: Application and Procedure
- 17.04: Criteria
- 17.05: Map Change
- 17.06: Compatibility Factors
- 17.07: Supplemental Data
- 17.08: Coordination with other Plans

17.01: PURPOSE. The adopted Comprehensive Plan is the official statement of the City that sets forth major policies concerning desired future development of the community. The Comprehensive Plan is the controlling land use planning instrument for the City, and as such land development regulations and related actions are required to conform with the Comprehensive Plan. This Section pertains to lands within the City limits. Those portions of the Comprehensive Plan that apply to areas outside the City limits but within an urban growth boundary shall be amended in accordance with applicable procedures set forth in the Plan or Joint Agreements, as applicable.

17.02: INITIATE. Comprehensive Plan amendments may be initiated by an application submitted by the property owners or their authorized agents or a majority vote of the City Council. Comprehensive Plan Amendments filed in conjunction with an annexation application shall be reviewed concurrently. The procedural requirements of Section 21 (Zoning Application Procedures) of this Ordinance shall not apply to such proposed amendments initiated by the City except to the extent required by Minnesota State Statute. Any person owning real estate within the City may initiate a request to amend the Comprehensive Plan.

17.03: APPLICATION AND PROCEDURE. Application for a Comprehensive Plan amendment (text or map) requires a public hearing and is to be in accordance with the procedures set forth in Section 21, (Zoning Application Procedures) of this Ordinance. The information required as applicable for all amendment applications generally consists of items outlined in Section 21 (Zoning Application Procedures) of this Ordinance, and shall be submitted unless exempted by the City.

17.04: CRITERIA. Factors to be considered in determining the possible effects of the proposed Comprehensive Plan amendment shall include, without limitation, the following:

- A. Response to changing conditions and community attitudes.
- B. Whether there is a public need for the change and the change being proposed is the best means of meeting the identified public need.
- C. Whether there is a net benefit to the community that will result from the change.

17.05: MAP CHANGE. To change a future land use map designation, the proposed map amendment must do one of the following:

- A. Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies.
- B. Better implement applicable Comprehensive Plan policies than the current map designation.
- C. Correct an obvious mapping error.

D. Address an identified deficiency in the Comprehensive Plan.

17.06: COMPATIBILITY FACTORS. In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan Future Land Use Map:

A. Visual elements (scale, structural design and form, materials, and so forth).

B. Noise effects.

C. Noxious odors.

D. Lighting.

E. Signage.

F. Landscaping for buffering and screening.

G. Traffic.

H. Effects on off-site parking.

I. Effects on land, air and water quality.

17.07: SUPPLEMENTAL DATA. The applicant may need to provide documentation to address the public facilities and services elements that may be necessary for the proposed designation. Such services may include water, sewer, storm drainage, transportation, police and fire protection, and schools.

17.08: COORDINATION WITH OTHER PLANS. The Comprehensive Plan amendment(s) may be coordinated with, and take into consideration, the Comprehensive Plans adopted by Counties, Townships or Cities with which the City has, in part, common borders or related regional issues.

SECTION 18 – VARIANCES

SECTION:

- 18.01: Purpose
- 18.02: Undue Hardship
- 18.03: Application and Procedure
- 18.04: Criteria
- 18.05: Conditions
- 18.06: Expiration of Variance
- 18.07: Shoreland Management District

18.01: PURPOSE. The purpose of this Section is to provide for deviations from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance.

18.02: UNDUE HARDSHIP. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by this 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 shall not constitute an undue hardship if reasonable use for the property exists under the terms of the Ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

18.03: APPLICATION AND PROCEDURE. A variance requires a public hearing and is to be processed in accordance with the procedures set forth in Section 21, (Zoning Application Procedures) of this Ordinance. The information required for all zoning applications generally consists of items outlined in Section 21 (Zoning Application Procedures) of this Ordinance, and shall be submitted unless exempted by the City.

18.04: CRITERIA. The City Council shall not approve any variance request unless they find failure to grant the variance will result in undue hardship on the applicant, and, as may be applicable, the following criteria have been met:

- A. **Physical Characteristics.** That because of the particular physical surroundings, shape, or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- B. **Unique to Parcel.** That the conditions upon which an application for a variance is based, are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.
- C. **Purely Financial.** That the purpose of the variance is not based exclusively upon a financial hardship, or a desire to increase the value or income potential of the parcel of land.
- D. **Self-Created.** That the alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons having an interest in the parcel of land and is not a self-created hardship.

- E. Public Welfare. That the granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.
- F. Nuisance Avoided. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, or endanger the public safety.
- G. Minimum Action. That the requested variance is the minimum action required to eliminate the hardship.
- H. Use Variance. That the requested variance does not involve a use that is not allowed within the respective zoning district.

18.05: CONDITIONS. Conditions may be imposed in the granting of a variance to ensure compliance with and to protect adjacent properties and the public interest.

18.06: EXPIRATION OF VARIANCE. Unless otherwise specified, the approved variance shall become null and void within one (1) year of the date of approval unless the property owner or applicant has substantially commenced construction of any building, structure, addition or alteration, or request as part of the approved variance or unless a petition for a time extension has been granted by the City Council. Such extension request shall be submitted in writing at least thirty (30) days prior to expiration of the variance and shall state facts showing a good faith effort to complete work permitted under the original approval.

18.07: SHORELAND MANAGEMENT DISTRICT. A variance may not circumvent the general purposes and intent of the Shoreland Management District Ordinance. No variance may be granted that would allow any use that is prohibited in the underlying zoning district in which the subject property is located. The Commission of the Department of Natural Resources or its assigned agent (Area Hydrologist) shall be notified in writing and said notice shall be postmarked at least ten (10) days in advance of the public hearing of any request of a variance included within the Shoreland Management Area. Notice of final action for any of the applications identified above shall be sent to the Commissioner of the Department of Natural Resources and postmarked within ten (10) days of final action.

SECTION 19 – CONDITIONAL USE PERMITS

SECTION:

- 19.01: Purpose
- 19.02: Application and Procedure
- 19.03: Criteria
- 19.04: Conditional Approval
- 19.05: Lapse of Permit
- 19.06: Shoreland Management District

19.01: PURPOSE. The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety and to require conditions related to the establishment of said use necessary to carry out the intent and purpose of the Ordinance.

19.02: APPLICATION AND PROCEDURE. A conditional use permit requires a public hearing and is to be processed in accordance with the procedures set forth in Ordinance 21 (Zoning Application Procedures) of this Ordinance. The information required for all zoning applications generally consists of items outlined in Section 21 (Zoning Application Procedures) of this Ordinance, and shall be submitted unless exempted by the City.

19.03: CRITERIA. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the City Council within the guidelines as mandated by State Statutes. At a minimum, the Planning Commission shall consider the following standards as it would apply to the particular use at the proposed location. The request:

- A. Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.
- B. Will be harmonious with the applicable specific and general objectives of the Comprehensive Plan of the City and this Ordinance.
- C. The proposed use is or will be compatible with the future land use map of the Comprehensive Plan of the City.
- D. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- E. The proposed use will not tend to or actually depreciate the area in which it is proposed.
- F. Will not be hazardous or disturbing to existing or future neighboring uses.
- G. Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water, sewer systems, and schools.
- H. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- I. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

- J. Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic or surrounding public thoroughfares.
- K. Traffic generation by the proposed use is within capabilities of streets serving the property.
- L. Will have adequate facilities to provide sufficient off-street parking and loading space to serve the proposed use.
- M. The proposed use conforms with all performance standards contained within this Ordinance.
- N. Will not result in the complete or extreme destruction, loss or damage of a natural, scenic, or historic feature of major importance.
- O. Will conform to the type of uses that are generally permitted within the district.

19.04: CONDITIONAL APPROVAL. In recommending or approving any conditional use permit, the City may impose conditions which are considered necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Ordinance. These conditions may include but are not limited to the following:

- A. Ingress and egress to property and proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- B. Negative or undue effects on nearby property as they may relate to off-street parking and loading areas, economic effects, noise, glare, or odor.
- C. The location and design of refuse and service areas as they may relate to the site, public right of ways and nearby properties.
- D. Location, availability and compatibility of utilities.
- E. Diking, fencing, berming, screening, landscaping or other facilities to protect adjacent or nearby property.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
- G. Required yard setbacks and other open space.
- H. General compatibility with adjacent and other property in the district.

19.05: LAPSE OF PERMIT. If within one year after granting a conditional use permit, the authorized use has not commenced as permitted by the conditional use permit or conditions have not have been completed or utilized, then such a conditional use permit shall become null and void unless a petition for extension of time in which to complete or to utilize the use has been granted by the City Council. Such extension shall be required in writing and filed with the City at least thirty (30) days before the expiration of the original conditional use permit. The request for extension shall state facts showing a good faith attempt to complete or use the use permitted in the conditional use permit. Such petition shall be presented to the City Council for decision.

19.06: SHORELAND MANAGEMENT DISTRICT. The Commission of the Department of Natural Resources or its assigned agent (Area Hydrologist) shall be notified in writing and said notice shall be postmarked at least ten (10) days in advance of the public hearing of any request of a

conditional use permit included within the Shoreland Management District. Notice of final action for any of the applications identified above shall be sent to the Commissioner of the Department of Natural Resources and postmarked within ten (10) days of final action.

SECTION 20 – INTERIM USES

SECTION:

- 20.01: Purpose and Intent
- 20.02: Application and Procedure
- 20.03: General Standards
- 20.04: Termination

20.01: PURPOSE AND INTENT. The purpose and intent of allowing interim uses is:

- A. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
- B. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- C. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

20.02: APPLICATION AND PROCEDURE. Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a conditional use permit as established by Section 19 (Conditional Use Permits) of this Ordinance. An interim use permit requires a public hearing and is to be processed in accordance with the procedures set forth in Section 21 (Zoning Application Procedures) of this Ordinance. The information required for all zoning applications generally consists of items outlined in Section 21 (Zoning Application Procedures) of this Ordinance, and shall be submitted unless exempted by the City.

20.03: GENERAL STANDARDS. An interim use shall comply with the following:

- A. Meet the standards of a conditional use permit set forth in Section 19 (Conditional Use Permits) of this Ordinance.
- B. The use is allowed as an interim use in the respective zoning district.
- C. The date or event that will terminate the use can be identified with certainty.
- D. The use will not impose additional unreasonable costs on the public.
- E. The user agrees to any conditions that the City Council deems appropriate for permission of the use.

20.04: TERMINATION. An interim use shall terminate on the happening of any of the following events, whichever occurs first:

- A. The date stated in the permit.
- B. Upon violation of conditions under which the permit was issued.
- C. Upon change in the City's zoning regulations rendering the use non-conforming.

- D. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

SECTION 21 – ZONING APPLICATION PROCEDURES

SECTION:

- 21.01: Scope
- 21.02: Application
- 21.03: Site Plan/Certificate of Survey
- 21.04: Supplemental Data
- 21.05: Pre-Application Meeting
- 21.06: Incomplete Application
- 21.07: Further Data
- 21.08: Technical Reports
- 21.09: Notice of Hearing
- 21.10: Public Hearing
- 21.11: Notice to Applicant
- 21.12: Filing of Notice of Action
- 21.13: Reconsideration
- 21.14: Inspection
- 21.15: Timeline
- 21.16: Certificate of Taxes Paid

21.01: SCOPE. Certain applications of this Ordinance require study and action by the City Council, the Planning Commission, city staff, the applicant, and various experts, in varying combinations dependent upon the nature of the request. These include proposed conditional use permits, interim use permits, variances, zoning ordinance text or map amendments, comprehensive plan text or map amendments and appeals on zoning questions. An application shall be processed in accordance with the procedure set forth below.

21.02: APPLICATION. Applications shall be filed with the City on an official application form(s) provided by the City. Said applications shall be accompanied by a fee as established by Ordinance. In addition, the application shall also be accompanied by detailed written and graphic materials fully explaining the rationale for the proposed change, development or use. The number of copies to be provided and any additional data shall be determined by the City. Applications must be complete before they are accepted. The application shall be accompanied by detailed illustrations containing such information as is necessary to show compliance with this Section.

21.03: SITE PLAN/CERTIFICATE OF SURVEY. A site plan of the subject property (in some instances a certificate of survey prepared by a licensed land surveyor may be required as deemed necessary by the City), depicting the following, as applicable:

- A. Name and address of developer/owner.
- B. Name and address of architect/designer, if applicable.
- C. Date of plan preparation and dates and descriptions of all revisions.
- D. Name of project or development.
- E. All proposed improvements, including (unless waived by the City):
 - 1. Required and proposed setbacks.
 - 2. Location, setback and dimensions of all existing and proposed buildings and structures.

3. Location of all adjacent buildings located within one-hundred (100) feet of the exterior boundaries of the property in question.
4. Location, number, dimensions and setbacks of proposed parking spaces and drive aisles.
5. Location, number and dimensions of proposed loading spaces.
6. Location, width and setbacks of proposed curb cuts and driveways.
7. Vehicular and pedestrian circulation.
8. Sidewalks, trails and walkways.
9. Location and type of all proposed lighting, including details of all proposed fixtures.
10. Location of recreation and service areas.
11. Location of all proposed outdoor storage including details for screening.
12. Location of all exterior heating, ventilation and air conditioning equipment including details for screening.
13. Location of rooftop equipment and proposed screening.
14. Location of proposed fire lanes and fire hydrants.
15. Proposed building exterior materials and color.
16. Existing and/or proposed sign locations and dimensions.
17. Existing and/or proposed drainage by contours (two foot maximum).
18. Location and proposed ownership of existing and/or proposed stormwater facilities.
19. Existing and proposed landscaping by size and type of plant material.
20. Provisions for storage and disposal of waste, garbage and recyclables, including details for screening exterior trash/recycling enclosures.
21. Location, size and type of water and sewer system and proposed service connections.

21.04: SUPPLEMENTAL DATA. Additional information, data and other plans and information as required by the City may be required including but not limited to:

- A. Color drawings or rendering and/or sample exterior building materials proposed for all principal and accessory buildings.
- B. Typical floor plan and room plan drawn to scale with a summary of square footage for each use or activity.
- C. Vicinity map showing the property in relation to near by highways or major street intersections.
- D. When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program.
- E. If applicable, evidence of compliance with federal, state, and local pollution and nuisance laws

and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.

21.05: PRE-APPLICATION MEETING. A pre-application meeting shall be required by City staff at which the appropriate application procedure, requirement and applicable provisions relating to the request will be reviewed and explained.

21.06: INCOMPLETE APPLICATION. An application will be deemed complete unless the City sends written notice within fifteen (15) business days of submission of the application indicating that it is not complete and indicating what information is missing. This notice shall be considered given by its deposit in the U.S. Mail, first class postage prepaid, addressed to any listed applicant at the address given on the application form.

21.07: FURTHER DATA. The City Council, Planning Commission and City staff may request additional information from the applicant concerning the application or may retain expert opinions at the expense of the applicant, or may require as a condition of proceeding with its consideration of any matter, that the applicant furnish expert opinion and data at the expense of the applicant.

21.08: TECHNICAL REPORTS. The City shall instruct the appropriate persons to prepare technical reports where applicable, and provide general assistance in preparing a recommendation on the action to the Planning Commission and City Council. The technical reports are to be entered in and made part of the record of the Planning Commission and forwarded to the City Council.

21.09: NOTICE OF HEARING.

- A. The City shall set a date for public hearing for applications involving any of the following:
 - 1. Zoning Ordinance and/or Comprehensive Plan Amendments.
 - 2. Conditional Use Permits.
 - 3. Interim Use Permits.
 - 4. Variances.
- B. Notice of such hearing shall consist of a legal property description, a general description of the property location, and a description of the request. Said notice shall be published in the official newspaper at least ten (10) days prior to the hearing and no more than thirty (30) days prior to the hearing. Written notices shall be mailed not less than ten (10) days prior to the hearing and no more than thirty (30) days prior to the hearing to all owners of property, according to the records available to the City within three hundred and fifty (350) feet of each parcel included in the request. In addition the public hearing notice shall be mailed to the Department of Natural Resource Area Hydrologist, County Highway Department and/or the Minnesota Department of Transportation if the application impacts shorelands, county highways or state highways.
- C. Failure of the City to send, or a property owner to receive notice shall not invalidate any proceeding under this Section, provided that a bona fide attempt has been made to comply with the requirements of this Section.

21.10: PUBLIC HEARING.

- A. Presentation of Application. The applicant or a representative of the applicant shall appear before the Planning Commission in order to present the case for the application and to answer questions concerning the request.
- B. Recommendation of the Planning Commission. The Planning Commission shall recommend

such actions or conditions relating to the application as it deems necessary or desirable to carry out the intent and purpose of this Ordinance and the Comprehensive Plan. Such recommendation shall be either included in the minutes or be in the form of a written resolution forwarded to the City Council.

- C. Record before City Council. The City shall place the report and recommendation of the Planning Commission and staff on the agenda for the next regular City Council meeting after the Planning Commission action. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- D. City Council Review. Subject to the limitations of Minnesota Statutes Section 15.99, as amended, supplemented or replaced from time to time, the City Council shall act upon an application after it has received the report and recommendation from the Planning Commission and City staff. If, upon receiving the reports and recommendations of the Planning Commission and the City staff, the City Council desires further consideration of finds that inconsistencies exist in the review process, data submitted or recommended action, the City Council may, before taking final action, refer the matter back to the Planning Commission with a statement detailing the reasons for referral. This procedure shall be followed only one (1) time on the application, except for good cause. The City Council may refer an application back to the Planning Commission if it determines that changes in the application made after the Planning Commission recommendation require such action.
- E. City Council Action. Upon receiving the report and recommendation of the Planning Commission and the City Staff, the City Council (i) may, as it deems necessary, set and hold a second public hearing, and (ii) shall make findings of fact and impose many condition on approval that it considers necessary to protect the public health, safety and welfare and shall make its decision as to the application.

21.11: NOTICE TO APPLICANT. The City shall notify the applicant of the decision of the City Council in writing, including any relevant resolution and findings that may have been passed by the City Council.

21.12: FILING OF NOTICE OF ACTION. A certified copy of any Zoning Ordinance amendment, conditional use permit, or variance authorized shall be filed with County recorder if the action has been approved.

21.13: RECONSIDERATION. Whenever an application has been considered and denied by the City Council, a similar application affecting substantially the same property shall not be considered again by the Planning Commission or City Council before the expiration of the six (6) months from the date of it denial and any succeeding denials.

21.14: INSPECTION. The City reserves the right upon issuing any zoning approval to inspect the premises to ensure compliance with the provisions of this Section or any conditions additionally imposed.

21.15: TIMELINE. Pursuant to Minnesota Statutes Section 15.99, as amended, supplemented or replace from time to time, an application shall be approved or denied within sixty (60) days from the date of it official and complete submission unless extended by the City in accordance with Minnesota Statutes or a time waiver is granted in writing by the applicant.

21.16: CERTIFICATE OF TAXES PAID. Prior to approving any application for zoning or land use request, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates.

SECTION 22 – BUILDING PERMITS REQUIRED

SECTION:

- 22.01: Building Permits Required
- 22.02: Certificate of Survey Required – Property Pins Exposed, Project Staked
- 22.03: Expiration and Extension of Building Permit
- 22.04: Certification of Taxes Paid

22.01: BUILDING PERMITS REQUIRED. Except as hereinafter provided, no person, firm, or corporation shall construct, erect, structurally alter, demolish or move any building or structure or parts thereof within the corporate limits of the City of Long Beach without first securing a building permit from the City. The review and approval of site improvements pursuant to the requirements of City adopted Building and Fire codes shall be in addition to the site and building design plan review process established under Section 23 (Administrative Site and Building Plan Review) of this Ordinance, if applicable. The site plan approval process established under Section 23 (Administrative Site and Building Plan Review) of this Ordinance does not imply compliance with the requirements of Building and Fire codes. Application for a building permit shall be made on form(s) to be furnished by the City.

22.02: CERTIFICATE OF SURVEY REQUIRED – PROPERTY PINS EXPOSED, PROJECT STAKED. Construction projects exempt from the application requirements of Section 23 (Administrative Site and Building Plan Review) which involve new construction, additions and enlargements may be required to submit a certificate of survey if the property pins are not found or established. Furthermore, property pins must be exposed and the project staked out prior to the issuance of a building permit, unless specifically waived by the City.

22.03: EXPIRATION AND EXTENSION OF BUILDING PERMIT. Expiration of permits shall be in accordance with the Building Code unless otherwise specified. If the work for which a permit was issued does not commence within 180 days or if the work is suspended or abandoned for a period of 180 days, the permit shall be considered void and invalid. The City may grant, in writing, extensions for periods of not more than 180 days each. The extension shall be requested in writing prior to the expiration of the permit and justifiable cause demonstrated. The decision of the City may be appealed to the Board of Adjustment and Appeals.

22.04: CERTIFICATE OF TAXES PAID. Prior to approving an application for building permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest or City utility fees due upon the parcel of land to which the application relates.

**SECTION 23 – ADMINISTRATIVE SITE AND BUILDING PLAN REVIEW
(NEW MULTIPLE FAMILY DWELLINGS, COMMERCIAL, INDUSTRIAL
AND INSTITUTIONAL CONSTRUCTION)**

SECTION:

- 23.01: Purpose
- 23.02: General Provisions
- 23.03: Information Requirement
- 23.04: Enforcement
- 23.05: Certification of Taxes Paid

23.01: PURPOSE. The purpose of this Section is to establish a formal plan review procedure for new multiple family dwellings, commercial, industrial and institutional construction and provide regulations pertaining to the enforcement of site design and construction standards as agreed to by the contractor through their officially submitted plan documents.

23.02: GENERAL PROVISIONS.

- A. Plan Required. In addition to other plan requirements outlined in this Section, site and building plans will be required and shall be submitted to and approved by the City prior to the issuance of any building permit.
- B. Planning Commission Review. All building and site plans for new multiple family dwellings, commercial, industrial and institutional construction shall be subject to review and approval of the Planning Commission.
- C. Plan Agreements. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor, owner and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard or specification without prior submission of a plan modification request to the City for their review and approval.

23.03: INFORMATION REQUIREMENT. The information required for all site and building plan review applications generally consists of the following items and shall be submitted unless exempted by the City:

- A. Site Plan. A site plan of the subject property (in some instances a certificate of survey prepared by a licensed land surveyor may be required as deemed necessary by the City), depicting the following, as applicable:
 - 1. Location of all buildings on lots including both existing and proposed structures.
 - 2. Location of all adjacent buildings located within one hundred (100) feet of the exterior boundaries of the property in question.
 - 3. Location and number of existing and proposed parking spaces.
 - 4. Vehicular circulation (area and on site).
 - 5. Architectural elevations (type and materials used on all external surfaces).
 - 6. Location and type of all proposed exterior lights.
 - 7. Curb cuts, driveway, number of parking spaces and loading areas.

8. Site plan details such as trash receptacles, screening, etc.

B. Dimension Plan:

1. Lot dimensions and area.
2. Dimensions of proposed and existing structures.
3. "Typical" floor plan and "typical" room plan.
4. Setbacks of all existing buildings and structures located on the property in question.
5. Proposed setbacks of future buildings or structures.
6. Sanitary sewer and water plan with estimated use per day.

C. Grading Plan:

1. Existing contours.
2. Proposed grading elevations.
3. Drainage configuration.
4. Storm sewer catch basins and invert elevations.
5. Spot elevations.
6. Proposed road profile.

D. Landscape Plan:

1. Location of all existing trees, type, diameter and which trees will be removed.
2. Location, type and diameter of all proposed plantings.
3. Location and material used for all screening devices.

23.04: ENFORCEMENT. The City shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this Section has been officially documented.

23.05: CERTIFICATION OF TAXES PAID. Prior to approving an application for plan review, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest or City utility fees due upon the parcel of land to which the application relates.

SECTION 24 – BOARD OF ADJUSTMENT AND APPEALS

SECTION

- 24.01: Board Designation
- 24.02: Powers and Duties
- 24.03: Applicability
- 24.04: Procedures
- 24.05: Stay of Proceedings
- 24.06: Appeals

24.01: BOARD DESIGNATION. The Planning Commission shall serve as the Board of Adjustment and Appeals and shall have the duties as set forth by Minnesota Statutes.

24.02: POWERS AND DUTIES. The Board of Adjustment and Appeals shall have the power and duties of hearing and deciding appeals or requests on the following cases:

- A. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the City in the enforcement of this Ordinance.
- B. Requests for variance from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.
- C. Appeals from any action of the City in denying or granting a building permit.

24.03: APPLICABILITY. An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Ordinance. City opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

24.04: PROCEDURES.

- A. An appeal from the ruling of an administrative officer of the City shall be made by the property owner or their agent within thirty (30) days after the making of the order being appealed.
- B. The property owner or their agent shall file with the City a notice of appeal stating the specific grounds upon which the appeal is made.
- C. Any appeal filed shall be comprehensive and include all matters subject to question. Subsequent appeals filed by the same individual or group which are intended to cause unjustifiable delay in the decision making process shall not be accepted by the City.
- D. The filing of an appeal shall be accompanied by a fee as provided for by the City.
- E. The Board of Adjustment and Appeals shall make a Finding of Fact and its decision by resolution within sixty (60) days from the date at which the Board of Adjustment and Appeals first considered the appeal.

24.05: STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action being appealed unless it is certified to the Board of Adjustment and Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, on notice to the City.

24.06: APPEALS. Any person or persons or any board, taxpayer, department or bureau of the City aggrieved by any decision of the Board of Adjustment and Appeals, shall have the right to seek review within thirty (30) days of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Section 462 as such Statute may be from time to time amended, supplemented or replaced.

SECTION 25 – FEES AND COST RECOVERY

SECTION:

- 25.01: Purpose
- 25.02: Schedule of Fees
- 25.03: Base Zoning Fee
- 25.04: Cost Recovery

- 25.01: PURPOSE.** The costs to the City for receiving, analyzing, processing, hearing and final process for requests of changes, modifications, or special consideration under this Ordinance, such as requests for rezoning (map or text), comprehensive plan amendments, conditional use permits, variances and site and building plan reviews are considered to be unique to the applicant requesting such consideration, and it is the intent of this Section to provide that all costs of the City incurred by such requests shall be borne by the applicant. The reimbursement to the City, in addition to the base fee, shall be limited to actual costs of the City. Actual costs shall include all engineering, legal, planning or other consultant fees or costs paid by the City for other consultants for expert review of a development application.
- 25.02: SCHEDULE OF FEES.** The City Council shall establish a schedule of fees, charges and expenses, and a collection procedure for building permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in City Hall and may be altered from time to time by Ordinance adoption by the City Council.
- 25.03: BASE ZONING FEE.** Each applicant shall pay a non-refundable base zoning fee at the time an application is presented to the City for a zoning request. This fee is intended to reimburse the City for its reasonable costs for administrative processing of a development application. If this fee proves to be insufficient to cover such costs, such additional cost will be charged to the applicant.
- 25.04: COST RECOVERY.** In the event additional review by the City or its assigns is anticipated and/or needed during zoning application review and the City incurs professional fees, either legal, engineering or professional planners or any other cost, including but not limited to postage and publication expenses, or other similar circumstance, the applicants shall reimburse the City for those fees, and the City officials may require an escrow deposit, cashier's check or letter of credit for these fees prior to the final action on the application for development plan review. Such escrow or letter of credit shall be in the form approved by the City or its representative. The City shall have the authority to use the provisions of the Minnesota Statutes Chapter 429, as amended, supplemented or replaced from time to time, to assess costs against any property in violation of any of the provisions of this Section, and any such assessment shall, at the time at which taxes are certified to the County Auditor, be certified for collection in the manner that other special assessments are so certified.

SECTION 26 – PERFORMANCE AGREEMENT

SECTION:

26.01: Purpose and Procedure

26.01: PURPOSE AND PROCEDURE. Upon approval of a conditional use permit, variance, site and/or building plan the City may require the applicant to enter into a performance agreement prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said agreement shall guarantee conformance and compliance with the conditions of the approval and the codes of the City. The performance agreement shall include, without limitation, the following items and conditions:

- A. **Performance Security.** The applicant may be required to provide financial security to assure compliance with the agreement and conditions of the approval. The security shall be in the form of cash escrow or irrevocable letter of credit. Other security arrangements may be allowed at the sole discretion of the City. The security shall be in an amount determined by the City Council under the direction and approval of the City Council, to cover estimated costs of labor and materials for the proposed improvements or development. The proposed improvements or development may be implemented in stages with prior approval of the City Council.
- B. **Security Release.** The City may hold any required financial security until the proposed improvements or development are completed and a certificate of occupancy indicating compliance with the application approval and Building Code of the City has been issued by the City, or a certificate of completion has been issued by the City.
- C. **Security Forfeiture.** Failure of the applicant to comply with the conditions of the application approval and/or the ordinances of the City shall result in forfeiture of the security.
- D. **Hold Harmless and Indemnification of City.** The applicant shall agree to indemnify and hold harmless the City, its agents, employees, representatives and consultants against any and all claims, demands, losses, damages, and expenses (including attorney's fees) arising out of, related to or resulting from the applicant's negligent or intentional acts, or any violation of any safety law, regulation or code in the implementation of the performance agreement, without regard to any inspection or review made or not made by the City, its agents, employees, representatives or consultants or failure to take any other prudent precaution.
- E. **Fees.** The applicant shall agree in writing to pay any and all reasonable attorney's fees, consultant fees and related costs incurred by the City to enforce the terms and conditions of any application approval or provisions of any performance agreement relating to said permits. The performance agreement shall also include additional standard conditions as approved from time to time by the City Council, as well as specific conditions related to the approval. This Section is not a limitation on reasonable conditions to be included in any specific performance agreement.

SECTION 27 – ENFORCEMENT AND PENALTIES

SECTION:

- 27.01: Enforcement
- 27.02: Enforcement Procedure
- 27.03: Correction of Zoning Violation
- 27.04: Enforcement Remedies

27.01: ENFORCEMENT. The Zoning Ordinance shall be administered and enforced by the City. It shall be unlawful to violate a provision of this Ordinance. The City may institute in the name of the City of Long Beach any appropriate actions or proceedings against a violator.

27.02: ENFORCEMENT PROCEDURE. For the enforcement of the provisions of the Zoning Ordinance, the first zoning violation notice shall be sent by regular mail and the second notice will be sent by certified mail, return receipt requested to the property owner of which the violation is taking place. A copy of all zoning violation notices shall be sent to the City Council, Planning Commission, Local Law Enforcement Agency and City and/or County Attorney. All zoning violation notices shall contain the following information:

- A. A description of the violation that is taking place.
- B. A picture (if possible) of the violation that is taking place.
- C. Legal description, location and/or address of the property at which the violation is taking place.
- D. Identification of the section of the Zoning Ordinance that is being violated.
- E. Date the violation was discovered.
- F. Steps necessary to correct the violation.
- G. Deadline in which the violation must be corrected, which is at the discretion of the City, but which in no case may be longer than thirty (30) days from the date the first notice was mailed.

27.03: CORRECTIONS OF ZONING VIOLATION. Upon correction of the violation in the manner stipulated by the zoning violation notice at any point during this enforcement process, the City shall take no further enforcement activity with respect to such specific violation incident.

27.04: ENFORCEMENT REMEDIES. Failure to correct the zoning violation shall result in the City pursuing enforcement action following notification to the property owner, with the City having the authority to carry out the following enforcement remedies:

- A. Withhold permits. The City shall have the authority to withhold or deny any and all permits or City approvals until the violation is corrected to the satisfaction of the City.
- B. Stop Work Order. The City shall have the authority to issue a stop work order on the property in violation.
- C. Abatement. The City shall have the authority to require that the violation be abated by the completely removing or stopping the item or use which has been identified in the zoning violation notice. Abatement action by the City shall not proceed until after a hearing before the City Council.

- D. Injunctive Relief. The City shall have the authority to seek an injunction in court to stop any violation of this Ordinance.
- E. Civil Remedies. The City shall have the authority to institute appropriate civil action including injunctive and other equitable processes to enforce the provisions of this Section and at the discretion of the civil court, shall recover reasonable court costs and attorney's fees that are incurred due to the enforcement of the subject violation.
- F. Assessment. The City shall have the authority to sue the provisions of Minnesota Statutes Chapter 429, as amended, supplemented or replaced from time to time, to assess charges against any property in violation of any of the provisions of this Ordinance and any such assessment shall, at the time at which taxes are certified to the County Auditor, be certified for collection in the manner that other special assessments are so certified.
- G. Criminal Remedies. The City shall have the authority to institute appropriate misdemeanor action or misdemeanor criminal action for a violation of this Ordinance. All violations not otherwise noted shall be petty misdemeanors with a fine not to exceed Three Hundred and No/100 Dollars (\$300.00) per violation. All violations specifically noted as misdemeanors shall, upon conviction, be punished by fine or imprisonment pursuant to State law definitions of a misdemeanor in effect upon the date of conviction.
- H. Cumulative Remedies. The powers and remedies of this Section shall not be individually limited and are not exclusive. Failure to exercise any remedy shall not be a waiver of that remedy.

**SECTION 28 – SHORELAND MANAGEMENT OVERLAY DISTRICT
(RESERVED)**

**SECTION 29 – WELLHEAD PROTECTION OVERLAY DISTRICT
(RESERVED)**