

**CHAPTER 10 – ZONING  
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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	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	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: SEVERABILITY.** It is hereby declared to be the intention of the City that the several provisions of this Ordinance are severable 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 GRAMMAR.** 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, Structure or Use:** *Any building, structure or use located on the same lot and subordinate to a principal use that, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks and is reasonably necessary and incidental to the conduct of the primary use of such building, structure of use.* (Ordinance approved for Section 2.02 Definitions June 8, 2016.)
- 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 device which is designed to transmit or receive any electromagnetic, microwave, radio, television, or other frequency energy waves including but not limited to directional and omni-directional antennae such as microwave dishes, satellite dishes and whip antennae. (Ordinance approved for Section 2.02 Definitions December 14, 2016.)
- 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 (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff).  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)
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 Planned Unit Developments:** Are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

ZZ. **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.

AAA. **Commercial Use:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

BBB. **Commercial Wireless Telecommunication Service Facility:** A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development and related equipment.  
(Ordinance approved for Section 2.02 Definitions December 14, 2016.)

CCC. **Commercial Wireless Telecommunication Services:** Licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.  
(Ordinance approved for Section 2.02 Definitions December 14, 2016.)

DDD. **Commissioner:** The commissioner of the Department of Natural Resources.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

EEE. **Common Interest Development:** Any residential condominium, community apartment

house, or stock cooperative.

FFF. **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.

GGG. **Communication Tower:** *A structure which is designed to support an antenna and all supporting lines, cables, wires and braces.*  
(Ordinance approved for Section 2.02 Definitions December 14, 2016.)

HHH. **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.

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

JJJ. **Conditional Use:** *A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.*  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

KKK. **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.

LLL. **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.

MMM. **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.

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

OOO. **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.

PPP. **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.

QQQ. **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.

RRR. **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.

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

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

UUU. **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.

VVV. **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 *more than thirty inches (30")* above grade.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

WWW. **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.

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

YYY. **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.

ZZZ. **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.

AAAA. **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.

BBBB. **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.

CCCC. **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.

DDDD. **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.

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

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

GGGG. **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.

HHHH. **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, *bed and breakfast*, mobile homes or trailers.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

IIII. **Dwelling, Efficiency Apartment:** A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets, or dining alcove.

JJJJ. **Dwelling, Multiple-Family:** 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.

1. Apartment: A room or suite of rooms, available for rent which is occupied as a residence by a single family, or a group of individuals living together as a single-family unit.

2. Common Interest Communities: A development containing individually owned units and jointly owned and shared areas wherein the boundaries are defined by a common interest community in accordance with Minnesota statutes chapters 515, 515A or 515B, as amended.

3. Condominium: A multiple-family 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 sections 515.01 through 515.29.

4. Cooperative (Housing): A multiple-family dwelling owned and maintained by the residents and subject to the provisions of Minnesota statutes Chapter 515B. 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.

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

KKKK. **Dwelling, Nursing Home:** A State licensed facility or that part of a facility which provides nursing care to five (5) or more persons and does not include a facility or that part of a facility which is a hospital, a hospital with approved swing beds as defined in Minnesota Statutes section 144.562, clinic, doctor's office, diagnostic or treatment center, or a residential program licensed pursuant to Minnesota Statutes sections 245A.01 to 245A.16 or 252.28.

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

LLLL. **Dwelling, Senior Housing:** A dwelling with open occupancy limited to persons over fifty five (55) years of age.

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

MMMM. **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.

NNNN. **Dwelling, Townhouse:** Structures housing three (3) or more dwelling units contiguous to each other only by the sharing of one or more common walls with each unit having a separate entrance/exit, such structures to be of the townhouse or row house type as contrasted to multiple-family dwelling apartment structures.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

OOOO. **Dwelling, Townhouse, Detached:** A structure having the characteristics of a multiple-unit townhouse structure that has been separated into single dwelling units at the common side wall, typically with structure dimensions that have a narrow front and deep side walls and are typically without windows or features on at least one of the side walls.

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

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

2. Duplex: A two family dwelling with one unit above the other.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

QQQQ. **Dwelling, Unit:** A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers except within the shoreland overlay district where these uses shall be considered dwelling units.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

RRRR. **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.

SSSS. **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.

TTTT. **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.

UUUU. **Exterior Storage:** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

VVVV. **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.

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

XXXX. **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.

YYYY. **Feedlot, Animal:** See Animal Feedlot.

ZZZZ. **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.

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

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

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

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

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

FFFFF. **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.

GGGGG. **Forest Land Conversion:** *The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.*  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

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

IIIII. **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.

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

KKKKK. **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.

LLLLL. **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.

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

NNNNN. **Guest Cottage:** *A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.*

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

OOOOO. **Height of Building:** The vertical distance between the highest adjoining ground level at the building or ten feet (10') above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

PPPPP. **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.

QQQQQ. **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.

RRRRR. **Impervious Surface:** A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; parking lots; storage areas; concrete, asphalt, or gravel driveways; and other similar surfaces.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

SSSSS. **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.

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

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

VVVVV. **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.

WWWWW. **Intensive Vegetation Clearing:** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

XXXXX. **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.

YYYYY. **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.

ZZZZZ. **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.

AAAAAA. **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 Chapter, designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

*(Ordinance approved for Section 2.02 Definitions June 8, 2016.)*

BBBBBB. **Lot Area:** The gross lot area is the total area of the horizontal plane included within the front, rear and side lot lines.

CCCCCC. **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.

DDDDDD. **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.

EEEEEE. **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.

FFFFFF. **Lot Line, Rear:** The lot line opposite and most distant from the lot frontage which connects the side lot lines.

GGGGGG. **Lot Line, Side:** Lot lines extending away from the lot frontage, which connects the front and rear lot lines.

HHHHHH. **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.

IIIIII. **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.

JJJJJJ. **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 City Council shall determine lot width for parcels of irregular shape.

*(Ordinance approved for Section 2.02 Definitions June 8, 2016.)*

KKKKKK. **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.

LLLLLL. **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.

MMMMMM. **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.

NNNNNN. **Lot, Interior:** A lot, other than corner lot, abutting only one street.

OOOOOO. **Lot, Key:** An interior lot, the front of which adjoins the side property line of a corner lot.

PPPPPP. **Lot, Reverse Corner:** A corner lot, the rear of which abuts a key lot.

QQQQQQ. **Lot, Through:** A lot with frontage on two (2) generally parallel streets.

RRRRRR. **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.

SSSSSS. **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.

TTTTTT. **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.

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

VVVVVV. **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.

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

XXXXXX. **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.

YYYYYY. **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.

ZZZZZZ. **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

AAAAAA. **Monopole:** A wireless communication facility which consists of a single unit without supporting members or structures, erected on the ground to support wireless communication antennas and connecting appurtenances.  
(Ordinance approved for Section 2.02 Definitions December 14, 2016.)

BBBBBB. **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.”

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

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

EEEEEEE. **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.

FFFFFFF. **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.

GGGGGGG. **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.

HHHHHHH. **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.

IIIIIII. **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.

JJJJJJJ. **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.

KKKKKKK. **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.

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

MMMMMMM. **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.

NNNNNNN. **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.

OOOOOOO. **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.

PPPPPPP. **Ordinary High Water Level (OHWL):** 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.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

QQQQQQQ. **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.

RRRRRRR.**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.

SSSSSSS. **Planned Unit Development (PUD):** *A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, timeshare condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.*  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

TTTTTTT. **Practical Difficulties:** *That the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.*  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

UUUUUUU.**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.

VVVVVVV. **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.

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

XXXXXXX. **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.

YYYYYYY. **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.

ZZZZZZZ. **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.

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

BBBBBBBB. **Public Waters:** Any waters as defined in Minnesota Statutes, section 103G.005, Subd. 15, 15a.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

CCCCCCCC. **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.

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

EEEEEEEE. **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.

FFFFFFF. **Residential Planned Unit Development:** A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

GGGGGGG. **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.

HHHHHHH. **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.

IIIIIII. **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.

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

KKKKKKK. **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 is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVRO’s (television, receive only) and satellite microwave antennas and the support structure thereof.  
(Ordinance approved for Section 2.02 Definitions December 14, 2016.)

LLLLLLL. **Satellite Dish Height:** Shall mean the height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.  
(Ordinance approved for Section 2.02 Definitions December 14, 2016.)

MMMMMMMM. **Semi-public Use:** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

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

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

OOOOOOOO. **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.

PPPPPPPP. **Setback:** The minimum horizontal distance by which a structure, parking area or other development feature must be separated from a lot line road, highway, other structure, sewage treatment system, an ordinary high water level, top of bluff, or other development feature. Setbacks from private streets are measured from the edge of the street easement or outlot.

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

QQQQQQQQ. **Sewage Treatment System:** A septic tank and soil absorption system or other individual or cluster type sewage treatment system.

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

RRRRRRRR. **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.

SSSSSSSS. **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.

TTTTTTTT. **Shoreland:** Land located within the following distances from public waters: one thousand feet (1,000') from the ordinary high water level of a lake, pond, or flowage; and three hundred (300') from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

UUUUUUUU. **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).

VVVVVVVV. **Significant Historic Site:** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

WWWWWWW. **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.

XXXXXXXX. **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.

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

ZZZZZZZ. **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 section. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty feet (50') or more, which are not bluffs.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

AAAAAAAA. **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.

BBBBBBBB. **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.

CCCCCCCC. **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.

DDDDDDDD. **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 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.

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

GGGGGGGG. **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 Chapter, the term "structure" includes "buildings."  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

HHHHHHHH. **Subdivision:** Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

IIIIIIII. **Support Structure, Antenna:** *Any building, water tower or other structure other than a tower which can be used for location of antennas.*  
(Ordinance approved for Section 2.02 Definitions December 14, 2016.)

JJJJJJJJJ. **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.

KKKKKKKKK. **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.

LLLLLLLLL. **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.

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

NNNNNNNNN. **Top of the Bluff:** *The higher point of a fifty foot (50') segment with an average slope exceeding eighteen percent (18%).*  
(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

OOOOOOOOO. **Tower, Antenna:** *A self-supporting lattice, guyed or monopole structure constructed from grade which supports personal wireless service antennas or similar apparatus above grade. The term antenna tower shall not include amateur radio operators' equipment, as licensed by the FCC.*  
(Ordinance approved for Section 2.02 Definitions December 14, 2016.)

PPPPPPPPP. **Tower Height:** *The height as determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower, including all antennae or other attachments.*  
(Ordinance approved for Section 2.02 Definitions December 14, 2016.)

QQQQQQQQQ. **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.

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

SSSSSSSSS. **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.

TTTTTTTTT. **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.

UUUUUUUUU. **Variance:** A modification of or variation from the literal provisions of this Ordinance consistent with the state enabling statute for municipalities, as applied to a specific

property and granted pursuant to the standards and procedures of this Ordinance, except that a variance shall not be used for modification of the allowable uses within a district and shall not allow uses that are prohibited.

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

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

WWWWWWWWW. **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.

XXXXXXXXXX. **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.

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

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

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

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

BBBBBBBBB. **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 to wetlands types in the United States Fish and Wildlife Service Circular No. 39, 1971 edition.)

(Ordinance approved for Section 2.02 Definitions June 8, 2016.)

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.

CCCCCCCCC. **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.

DDDDDDDDD. **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.

EEEEEEEEEE. **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.

FFFFFFFFFF. **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.

GGGGGGGGGG. **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.).

HHHHHHHHHH. **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.

F. Antennas being added to an existing support structure and towers or amateur radio support structures not exceeding forty feet (40') in height.

*(Ordinance approved for Section 4.03 Permitted Uses December 14, 2016.)*

**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.

E. All towers and amateur radio support structures exceeding forty feet (40') in height and satellite dishes greater than one (1) meter in diameter.

*(Ordinance approved for Section 4.04 Conditional Uses December 14, 2016.)*

**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.

E. Antennas being added to an existing support structure and towers or amateur radio support structures not exceeding forty feet (40') in height.

*(Ordinance approved for Section 5.02 Permitted Uses December 14, 2016.)*

**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.

D. 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.

E. Golf courses and country clubs.

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

G. All towers and amateur radio support structures exceeding forty feet (40') in height and satellite dishes greater than one (1) meter in diameter.

*(Ordinance approved for Section 5.03 Conditional Uses December 14, 2016.)*

**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:

- 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 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 of this Ordinance.
- J. Gardening and other horticultural uses.
- K. 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.
- G. Antennas being added to an existing support structure and towers or amateur radio support structures not exceeding forty feet (40') in height.  
*(Ordinance approved for Section 6.02 Permitted Uses December 14, 2016.)*

**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:

- A. 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 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. All towers and amateur radio support structures exceeding forty feet (40') in height and satellite dishes greater than one (1) meter in diameter.  
(Ordinance approved for Section 6.03 Conditional Uses December 14, 2016.)

**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:

- A. None.

**6.05: ACCESSORY USES.** Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the LD 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, 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 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 of this Ordinance.
- J. Gardening and other horticultural uses where no sale of products is conducted on the premises.
- K. 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:

- A. Multiple Family Dwellings (Townhouses & Apartments): three (3) to eight (8) units.
- B. Residential condominiums or cooperative housing (processed as a PUD).
- C. State licensed residential facility serving from seven (7) through sixteen (16) persons.
- D. Group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve thirteen (13) to sixteen (16) children.
- E. Parks, trails and playgrounds.
- F. Essential services.
- G. Antennas being added to an existing support structure and towers or amateur radio support structures not exceeding forty feet (40') in height.  
(Ordinance approved for Section 7.02 Permitted Uses December 14, 2016.)

**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.

D. All towers and amateur radio support structures exceeding forty feet (40') in height and satellite dishes greater than one (1) meter in diameter.  
(Ordinance approved for Section 7.03 Conditional Uses December 14, 2016.)

**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:

- 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. 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.
- D. Off-street parking.
- E. 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.
- F. 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.
- G. Antennas being added to an existing support structure and towers or amateur radio support structures not exceeding forty feet (40') in height.  
(Ordinance approved for Section 8.02 Permitted Uses December 14, 2016.)

**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:

- A. All towers and amateur radio support structures exceeding forty feet (40') in height and satellite dishes greater than one (1) meter in diameter.  
(Ordinance approved for Section 8.03 Conditional Uses December 14, 2016.)

**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:

- A. Single-family detached dwellings.
- B. Single-family attached dwellings not exceeding four attached housing units.
- C. Multiple Family Dwellings (Townhouses & Apartments): three (3) to eight (8) units.
- D. Residential condominiums or cooperative housing (processed as a PUD).
- E. Licensed day care facility serving twelve (12) or fewer persons.
- F. Group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- G. Existing commercial uses as of the date of adoption of this Ordinance.
- H. Parks, trails and playgrounds.
- I. Essential services.
- J. Antennas being added to an existing support structure and towers or amateur radio support structures not exceeding forty feet (40') in height.  
*(Ordinance approved for Section 9.02 Permitted Uses December 14, 2016.)*

**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:

- 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 (Off-Street Parking and Loading) of this ordinance relating to off-street parking are considered and satisfied.

D. 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.

E. Restaurants.

F. Bars.

G. Hotels/Motels.

H. City Hall.

I. 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.

- J. Convenience Store with gasoline, provided that:
3. 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.
  4. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
  5. 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.
  6. Wherever fuel pumps are to be installed, pump islands shall be installed.
  7. 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.
  8. 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.
- K. 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:
9. 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.
- L. 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:
10. 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.
  11. 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.
  12. 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.
  13. A Campground which allows camping units with self contained sewage systems shall provide some acceptable form of on-site sewage disposal for these units.
  14. Vegetative screening is installed to screening any residential uses adjacent to the campground.
  15. Adequate and safe ingress and egress access shall be provided to a public road.

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N. Commercial Planned Unit Developments.

O. 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.

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

P. 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.

Q. All towers and amateur radio support structures exceeding forty feet (40') in height and satellite dishes greater than one (1) meter in diameter.  
(Ordinance approved for Section 9.03 Conditional Uses December 14, 2016.)

**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: Towers, Antennas and 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

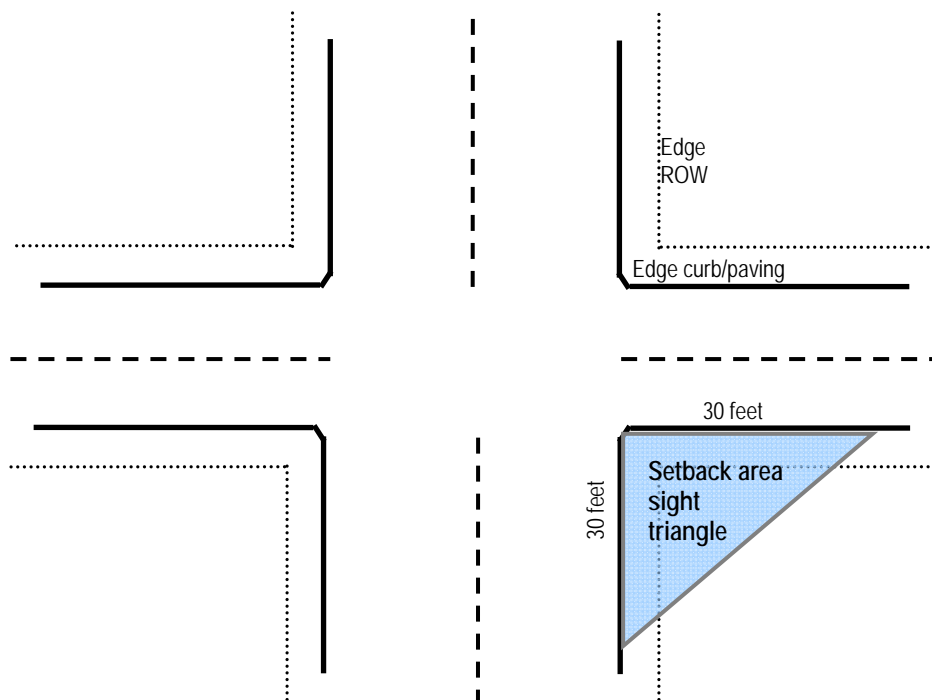
controls must be provided at the outlets of all storm sewer pipes.

- 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: TOWERS, ANTENNAS AND TELECOMMUNICATION FACILITIES.**

A. Findings.

1. The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 ("the Act") governs the construction, placement, and modification of personal wireless service facilities.
2. Consistent with the Act, the general purpose of this section is to manage the placement, construction, and modification of towers, antennas and related facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City.

B. Purpose and Intent.

1. In furtherance of the goals of the City and within the framework of the Act and state law, the City will give due consideration to the City's comprehensive plan, zoning districts, existing land uses, and environmentally sensitive areas in approving sites for the location of towers, antennas and related facilities. Specifically, the purposes of this section are:
  - a. To provide for wireless telecommunication services for the residents and businesses of the City.
  - b. To minimize adverse visual impacts of towers, antennas and facilities through design, siting, landscaping, and innovative camouflaging techniques.
  - c. To promote and encourage shared use and collocation of towers and antenna support structures so as to reduce the number of towers needed to serve the area.
  - d. To avoid damage to adjacent properties caused by telecommunication towers, antennas and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound.

C. General Standards.

The following standards shall apply to all towers, antennas and related facilities.

1. Abandoned or Unused Towers, Antennas and Associated Facilities. Abandoned or unused towers, antennas or portions of towers and associated facilities shall be removed as follows.
  - a. All abandoned or unused towers, antennas and associated facilities shall be removed within twelve (12) months of cessation of operations at the site unless a time extension is approved by the City Council. In the event that a tower, antenna or associated facility is not removed within ninety (90) days of written notice by the City, the tower and associated facilities may be removed by the City of Long Beach and the costs of removal assessed against the property pursuant to state law and the City code.
  - b. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna location. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.
2. All tower or antennas shall be in compliance with all City code requirements and as applicable shall require related permits.
3. Structural design, mounting and installation of the tower or antenna shall be in compliance with manufacturer's specifications, and as may be necessary as determined by the City, shall be verified and approved by a structural engineer.
4. Towers shall be required to meet Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) requirements and shall not be artificially lighted unless required by the FAA to do so. If the tower does require artificial lighting, a letter stating this need and a description of the lighting shall be provided to the City Council prior to approval. The lighting, unless required by the FAA to be otherwise, must be diffused.
5. When applicable, proposals to erect new towers or antennas shall be accompanied by any required Federal, State, or local agency licenses or permits.
6. If a new tower is to be constructed, it shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional use, including, but not limited to, other cellular communication companies, local police, fire and ambulance companies. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
7. Provide documentation or studies utilized to determine the necessary location and height of the antenna.
8. Proof of insurance coverage required. The applicant shall provide evidence satisfactory to the City that its tower or antennas thereon are adequately insured for personal injury and property damage liability. Upon request, the holder of a conditional use permit issued under this section shall submit to the City a photocopy of a certificate of insurance showing that the tower or antenna facility is insured for that calendar year.
9. Right-of-way. Except as approved by the City, no part of any tower, antenna or facilities, nor any lines, cable, equipment, wires or braces shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk or property line.
10. City property. The City may authorize the use of City property for towers or antennas in

accordance with the procedures of this section. The City has no obligation to allow the use of City property for this purpose.

11. Engineer Certification. Towers must be designed and certified by a licensed and qualified professional engineer to conform to the latest structural standards and wind loading requirements and the Electronics Industry Association and the provisions of the National Electric Code.

12. Signs and Advertising. The use of any portion of a tower for signs, other than warning or equipment information signs, is prohibited.

13. Public Safety Telecommunication Interference. Commercial wireless telecommunications services shall not interfere with public safety telecommunications. Before the introduction of new service or changes in existing services, telecommunication providers shall notify the City at least ten (10) days in advance of any changes and allow the City to monitor interference levels during the testing process.

#### D. Exemptions.

1. No permits are required for the following.

a. Household television antennas extending less than ten feet (10') above the highest point of a residential structure.

b. Satellite dish receiving antennas one (1) meter or less in diameter.

c. Adjustment, repair or replacement of the elements of an antenna, provided that such work does not constitute a clear safety hazard.

d. Antennas and antenna support structures used by the City for city purposes.

e. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components or previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emission levels, and provided that such work does not constitute a clear safety hazard.

f. Two-way communication transmitters used on a temporary basis by a "911" emergency services, including fire, police and emergency aid or ambulance service.

g. Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, watercraft, or aircraft. This includes cellular phones.

#### E. Tower Locations.

Antennas being added to an existing support structure and towers not exceeding forty feet (40') in height may be erected after the issuance of a building permit in all zoning districts. All towers exceeding forty feet (40') in height may be allowed only by a conditional use permit in all zoning districts. All towers shall be of a monopole construction and subject to the regulations of the City of Long Beach City code.

#### F. Application Process.

1. Building Permit Required. A person desiring to construct any tower, antenna or telecommunication facility must submit an application to the City for a building permit. In addition to the building permit, certain towers, antennas or telecommunication facilities may

require a conditional use permit to be approved by the City Council. Towers, antennas or telecommunication facilities may not be constructed in any zoning district unless the appropriate building permit has been issued by the building official and any required conditional use permit has been approved by the City Council.

2. Application Requirements. An application for a tower shall meet the requirements of section 22 (Building Permits Required) of this chapter and if required either section 19 (Conditional Use Permits) both of this chapter in addition to submitting the following.

a. Legal description of the parcel on which the tower is proposed to be located.

b. Documentation such as coverage maps showing the need for a tower at the proposed site in order to close a gap in the applicant's wireless telecommunications service, or a gap in the service provided by a person intending to place telecommunications facilities on the tower.

c. An inventory of existing towers, antennas, or sites approved for towers or antennas, that are either within the city or are sited in a location from which the applicant could provide service within the city, including specific information about the location, height and design of each tower and documentation showing that such existing facilities are unavailable or unsuitable to meet the applicant's need for a tower.

d. Separation distance of the proposed tower from the other towers described in the inventory of existing sites.

e. A structural engineering report certifying the ability of the tower to accommodate co-location of additional wireless service provider facilities and a statement by the applicant regarding accommodation for co-location of additional antennas for future users.

f. The setback distance between the proposed tower and the nearest platted residential property, and unplatted residentially zoned properties.

g. Proof that all necessary consents or approvals have been applied for from appropriate federal, state or other local agencies.

h. Other information deemed by the City to be necessary.

G. Setback and Height Requirements.

1. The following setbacks shall apply.

a. The setback of the tower shall be at a ratio of one foot (1') of setback for every one foot (1') of height of tower (i.e. a one hundred foot (100') tower would require a one hundred foot (100') foot setback from all property lines and street right-of-way).

2. The following maximum height requirement shall apply.

a. Towers exceeding two hundred feet (200') in height shall be prohibited.

H. Amateur Radio Towers.

Amateur radio support structures (towers) shall not exceed a height above ground level of forty feet (40'), unless a conditional use permit has been granted. They shall be mounted on the roof of a dwelling or other building or located in the rear yard unless there is not sufficient space to erect them in those locations. They shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio

service, antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturers specifications.

I. Satellite Dishes.

Satellite dishes greater than one (1) meter in diameter shall be allowed only by a conditional use permit in all districts. Design plans shall include provisions for screening and shall be submitted with the conditional use permit application.

J. Co-location Requirements.

All commercial towers erected, constructed or located within the City of Long Beach shall comply with the following requirements.

1. Search Area. A proposal for a new tower shall not be approved unless the applicant has provided proof that the proposed tower cannot be accommodated on an existing or approved tower or building within a one (1) mile search radius of the proposed tower, due to one (1) or more the following reasons.

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

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

c. Existing or approved towers and buildings within the search radius cannot accommodate the planned antenna at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

d. Other unforeseen reasons that make it unfeasible to locate the planned antenna equipment upon an existing or approved tower or building.

e. Existing or approved towers, buildings, or other structures do not exist in the service area, or do not meet the needs of the user. Documentation shall be provided at the time of application clearly demonstrating why existing structures do not meet the needs of the users.

f. The applicant shall demonstrate in writing that a good faith effort to collocate on existing towers or structures was made, but an agreement could not be reached.

2. Co-Location. Any proposed commercial tower shall be designed structurally, electronically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred feet (100') in height or for at least one (1) additional user if the tower is over seventy-five feet (75') in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

K. Structural and Landscaping Requirements.

Proposed or modified towers and antennas shall meet the following design requirements.

1. Towers and antennas 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 such as the Federal Aviation Administration.

2. Types of towers. Towers shall be of a monopole design unless the City Council determines that an alternative design requested by the applicant would better blend into the surrounding environment.
3. Exterior finish. Towers not requiring Federal Aviation Administration painting or marking must have an exterior finish as approved in the site plan.
4. Tower materials. All metal towers shall be constructed of, or treated with, corrosion-resistant material.
5. Fencing. Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed as approved in the site plan.
6. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.
7. Associated equipment and accessory buildings.
  - a. Ground equipment associated with a tower or telecommunication service facility shall be screened by vegetative or other screening compatible with the surrounding environment.
  - b. No more than one accessory building is permitted per tower unless collocation requirements require a second structure. Said accessory structure may be no more than three hundred and sixty (360) square feet in size, shall meet the setback requirements of the underlying zoning district and be architecturally designed to blend in with the surrounding environment.
  - c. All support structures shall be reasonably protected against climbing.
8. Landscaping plans for the base of the tower must be submitted with the application of the conditional use permit and/or building permit. These plans must be compatible with the surrounding character of the area and must be approved by the City Council prior to the issuance of the conditional use permit and/or building permit.

L. Additional Submittal Requirements.

In addition to information listed elsewhere in this Section, conditional use permit applications for towers shall include the following supplemental information.

1. A report from a qualified and licensed professional engineer which.
  - a. Describes the tower height and design including a cross section and elevation.
  - b. Documents the height above grade for all potential mounting positions for colocated antennas and the minimum separation distances between antennas.
  - c. Describes the tower's capacity, including the number and type of antennas it can accommodate.
  - d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications.
  - e. Includes an engineer's stamp and registration number.

- f. Additional information necessary to evaluate the request.
2. For all commercial towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
3. If the tower exceeds two hundred feet (200'), a letter of approval from the Federal Aviation Administration.
4. A letter from the Federal Aviation Administration if artificial lighting is deemed necessary.
5. When applicable, written authorization for tower or antenna erection shall be provided by the property owner.

M. Additional Requirements.

1. Structural Inspections.
  - a. The City may conduct inspections at any time, upon reasonable notice to the property owner and the tower owner to inspect the tower for the purpose of determining if it complies with construction standards provided by the City code, federal and state law. The City's expense related to such inspections will be borne by the tower owner or property owner. Based upon the results of an inspection, the City may require repair, modification or removal of a tower.
  - b. Deviation from original construction for which a permit is obtained constitutes a violation of this section.
  - c. Notice of violations will be sent by postal mail to the owner and the owner will have thirty (30) days from the date the notification is issued to make repairs.
2. Radiation Emission Inspections. The owner of a telecommunications facility shall provide the City with current, technical evidence of compliance with FCC radiation emission requirements at the City's reasonable request.
3. Maintenance. Towers, antennas and telecommunication facilities must be maintained in accordance with the following provisions.
  - a. Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public.
  - b. Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety Code and all Federal Communications Commission, state, and local regulations, and in such a manner that they will not interfere with the use of other property.
  - c. Towers, telecommunications facilities, and antenna support structures must be kept and maintained in good condition, order, and repair.
  - d. Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel.
  - e. All tenants on towers must comply with radio frequency emissions standards of the



Federal Communications Commission.

f. If the use of a tower is discontinued by the tower owner, the tower owner must provide written notice to the City of its intent to discontinue use and the date when the use will be discontinued.

*(Ordinance approved for Section 11.19 Towers, Antennas and Telecommunication Facilities December 14, 2016.)*

**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.

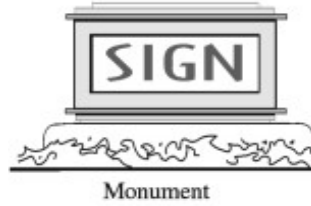




- O. Erect, Erected: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.
- P. Flag: Any fabric or similar lightweight material attached at one end of the material, usually to a staff 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.



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.

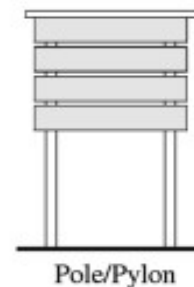
JJ. Pole Sign: See Pylon Sign.

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.



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.



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.

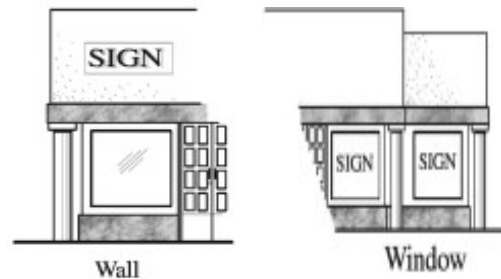
OO. Roof Sign: Any sign Erected and constructed wholly on and above the Roof of a building, supported by the Roof structure, and extending vertically above the highest portion of the Roof.

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 1<sup>st</sup>.
  - 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:

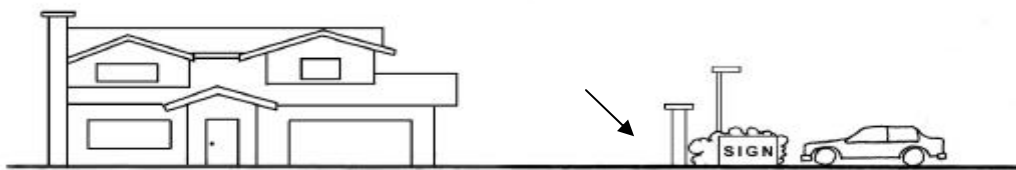
- A. Names, addresses and telephone numbers of the applicant(s), lot owner(s) and sign contractor.
- B. The address at which any signs are to be erected.
- C. Legal description at which the signs are to be Erected and the street on which they are to front.
- D. A complete set of plans showing the necessary 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

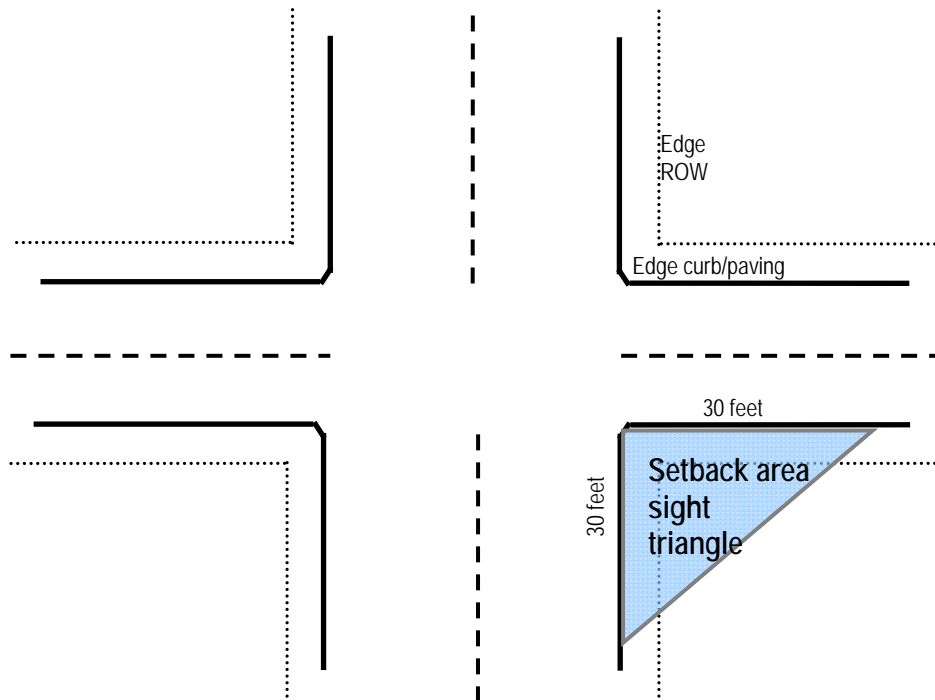
- 6. Signs that are placed on exterior walls of buildings shall not extend more than four (4) inches from a building's wall surface.

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.**

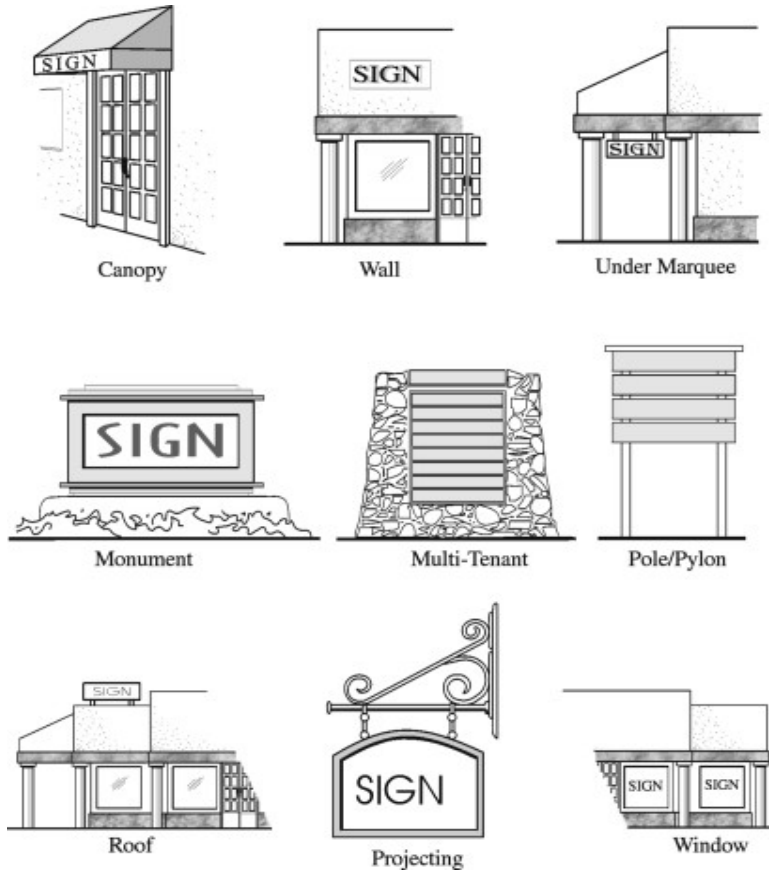
**A. Setbacks, Square Footage and Height.**

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.



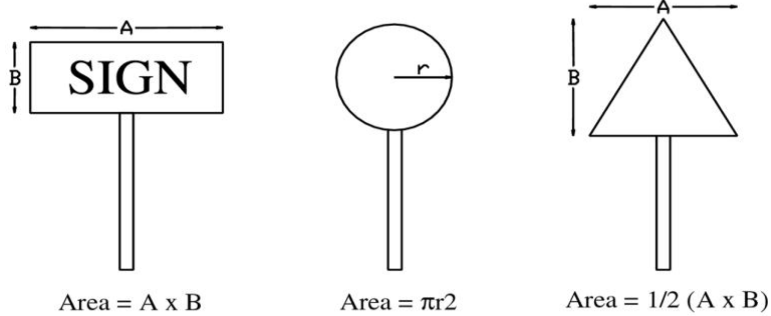
3. Maximum square footage of signs in the CD, RR, LD, MHD, MH and RC District:
  - a. The aggregate square footage of sign space per lot shall not exceed ten (10) percent of the ground area of the principal structure on the lot.
  - b. Aggregate wall sign area shall not exceed twenty (20) percent of 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.

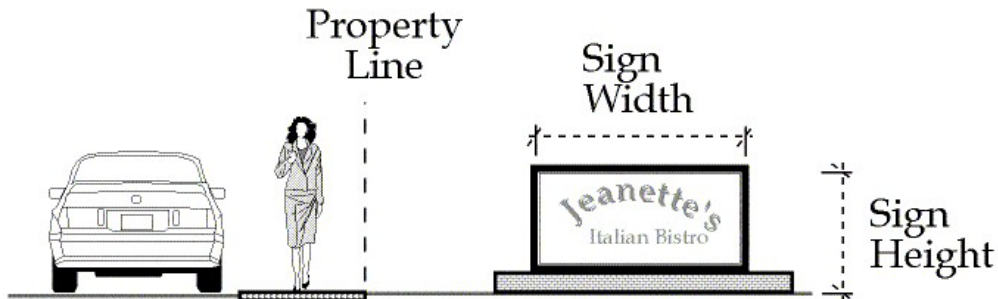


- C. Sign Area Measurement. The outer dimensions of the frame/cabinet surrounding the sign face. Double-faced (back-to-back, abutting) freestanding signs shall be considered as a single sign face if the copy is identical on both faces.

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: Standards
- 18.03: Practical Difficulties
- 18.04: Application and Procedure
- 18.05: Criteria
- 18.06: Conditions
- 18.07: Inspection
- 18.08: Recording Variance with Pope County
- 18.09: Expiration of Variance
- 19.10: Revocation
- 18.11: Shoreland Management District

**18.01: PURPOSE.** The purpose of this section is to provide relief from the strict application of the terms of this Ordinance, in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated to be in keeping with the spirit and intent of this Ordinance.

**18.02: STANDARDS.** Pursuant to M.S. § 462.357, Subd. 6, as it may be amended from time to time, the City Council, acting as the Board of Adjustments and Appeals, may recommend approval of variances from the provisions of this Ordinance. A variance is a modification or variation of the literal provisions of the section as applied to a specific piece of property.

A. Variances shall only be permitted:

1. When they are in harmony with the general purposes and intent of this Ordinance; and
2. When the variances are consistent with the Comprehensive Plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.

**18.03: PRACTICAL DIFFICULTIES.** As used in connection with the granting of a variance, means that.

A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

B. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

C. The variance, if granted, will not alter the essential character of the locality.

D. Economic considerations alone do not constitute practical difficulties. A variance will not be permitted for any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The Board of Adjustments and Appeals may impose conditions in the granting of variances and a condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

**18.04: 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.

**18.05: CRITERIA.** In considering a request for a variance and whether the applicant established that there are practical difficulties in complying with provision(s) of this section, the Board of Adjustment and Appeals shall consider the following factors.

A. Special conditions applying to the structures or land in question that are particular to the property and do not apply generally to other land or structures in the district or vicinity in which the land is located.

B. The granting of the proposed variance will not be contrary to the intent of this section.

C. The special conditions or circumstances do not result from the actions of the owner/applicant.

D. The granting of the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate practical difficulties in complying with the zoning provisions of this Ordinance.

E. The variance requested is the minimum variance necessary to alleviate the practical difficulty.

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

**18.07: INSPECTION.** The City hereby reserves the right upon issuing any variance approval to inspect the premises to ensure compliance with the provisions of this Ordinance or any conditions additionally imposed.

**18.08: RECORDING VARIANCE WITH POPE COUNTY.** A certified copy of all variance resolutions shall be filed with the County Recorder of Pope County pursuant to Minnesota Statutes. The applicant shall have the responsibility of filing the resolution with Pope County and paying all costs for such recording. A building permit for the subject construction shall not be issued until proof of recording has been provided to the City. A copy of the recorded variance resolution or other documentation from Pope County listing the document number, recording date and appropriate signatures, shall be delivered to the City as evidence of satisfying this requirement.

**18.09: 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.

**18.10: REVOCATION.** The Planning Commission may recommend, and the City Council may direct, the revocation of any variance for cause upon determination that the authorized variance is not in conformance with the conditions of the approval or is in violation of this Ordinance, City Codes, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the City shall notify the responsible person that they have an opportunity to show cause why the permit should not be revoked. The application shall be processed and considered pursuant to the procedure set forth for processing variances by this section. The City shall provide the applicant a copy of the proceedings and findings of the Planning Commission and City Council.

**18.11: SHORELAND MANAGEMENT DISTRICT.** A variance may not circumvent the general purposes and intent of the Shoreland Management Overlay District. 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.

*(Ordinance approved for Section 18 Variances June 8, 2016.)*

## 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 *City Council* shall serve as the Board of Adjustment and Appeals and shall have the duties as set forth by Minnesota Statutes.  
(*Ordinance approved for Section 24.01 Board Designation June 8, 2016.*)

**24.02: POWERS AND DUITES.** 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**

### **SECTION:**

28.01: Statutory Authorization and Policy

28.02: General Provisions

28.03: Administration

28.04: Shoreland Classification System and Land Use Districts

28.05: Zoning, Water Supply and Sanitary Sewer Provisions

28.06: Nonconformities

28.07: Subdivision and Platting Provisions

28.08: Planned Unit Developments (PUD's)

### **28.01: STATUTORY AUTHORIZATION AND POLICY.**

- A. Statutory Authorization. These shoreland regulations are adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- B. Policy. The uncontrolled use of shorelands in the City of Long Beach, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Long Beach.

### **28.02: GENERAL PROVISIONS.**

- A. Jurisdiction. The provisions of this section shall apply to the shorelands of the public water bodies as classified in Section 28.04 of this Chapter. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than ten (10) acres in size in municipalities need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this section.
- B. Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this section and other applicable regulations.
- C. Enforcement. The City of Long Beach is responsible for the administration and enforcement of this section. Any violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this section can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 28.03 Letter A of this Chapter.

D. Interpretation. In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

E. Severability. If any section, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

F. Abrogation and Greater Restrictions. It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.

G. Definitions. All definitions in relation to the shoreland regulations shall be located in Section 2.02 of this Chapter.

### **28.03: ADMINISTRATION.**

#### **A. Permits Required.**

1. A permit is required for the construction of buildings or building additions, decks, signs, the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 28.05 Letter C of this Chapter. Application for a permit shall be made to the City of Long Beach on the forms provided. The application shall include the necessary information so that the City of Long Beach can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

2. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 28.05 Letter H of this Chapter, shall be reconstructed or replaced in accordance with the provisions of this section.

B. Certificate of Zoning Compliance. The City of Long Beach shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 28.03 Letter A of this Chapter. This certificate will specify that the use of land conforms to the requirements of this section. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this section and shall be punishable as provided in Section 28.02 Letter C of this Chapter.

#### **C. Variances**

1. Variances may only be granted in accordance with Minnesota Statutes, 462, as applicable. A variance may not circumvent the general purposes and intent of this section. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest.

2. The City Council of the City of Long Beach shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the

approved variance required in Section 28.04 Letter B of this Chapter, shall also include the City Council's summary of the public record, testimony, the findings of facts and conclusions which supported the issuance of the variance.

3. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

D. Notifications to the Department of Natural Resources.

1. Copies of all notices of any public hearings to consider planned unit developments, variances, amendments, conditional uses, or interim uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
2. A copy of approved amendments, subdivisions/plats and planned unit developments, and final decisions granting variances, conditional uses, or interim uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

**28.04: SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS.**

A. Shoreland Classification System. The public waters of the City of Long Beach have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Pope County, Minnesota.

1. The shoreland area for the waterbodies listed in Section 28.04 Letter A Numbers 2-3 of this Chapter shall be as defined in Section 2.02 of this Chapter and as shown on the Official Zoning Map.

2. Lakes Protected Waters

a. Natural Environment Lakes Inventory I.D.#

61-498 Unnamed (Section 15, Township 125, Range 38)

b. Recreational Development Lakes Inventory I.D.#

61-111 Pelican Lake  
61-112 Shallow Pond

c. General Development Lakes Inventory I.D.#

61-130 Minnewaska Lake

3. Rivers and Streams

a. Tributary System

Unnamed to Minnewaska Lake from Pelican Lake

B. Land Use District Descriptions. The land uses allowable for the Shoreland Management Overlay District shall follow the permitted uses, conditional uses, interim uses and accessory uses as defined and outlined in the zoning districts listed in this Ordinance.

**28.05: ZONING, WATER SUPPLY AND SANITARY SEWER PROVISIONS.**

A. Lot Area and Width Standards. The lot area and lot width standards for single, duplex, triplex and quad residential lots created after the date of enactment of this section for the lake and river/stream classifications are the following:

1. Unsewered Lakes.

a. Natural Environment.

<u>Lots</u>	<u>Width</u>	<u>Riparian Lots</u>		<u>Nonriparian</u>
		<u>Area</u>	<u>Width</u>	<u>Area</u>
	<u>200</u>	<u>Single Family Dwelling</u>	<u>80,000</u>	<u>200</u>
	<u>400</u>	<u>Two Family Dwelling</u>	<u>120,000</u>	<u>300</u>
	<u>600</u>	<u>Multiple Family or Townhouse (3 dwelling units)</u>	<u>160,000</u>	<u>400</u>
	<u>800</u>	<u>Multiple Family or Townhouse (4 dwelling units)</u>	<u>200,000</u>	<u>500</u>

b. Recreational Development.

<u>Lots</u>	<u>Width</u>	<u>Riparian Lots</u>		<u>Nonriparian</u>
		<u>Area</u>	<u>Width</u>	<u>Area</u>
	<u>150</u>	<u>Single Family Dwelling</u>	<u>40,000</u>	<u>150</u>
	<u>265</u>	<u>Two Family Dwelling</u>	<u>80,000</u>	<u>225</u>
	<u>375</u>	<u>Multiple Family or Townhouse (3 dwelling units)</u>	<u>120,000</u>	<u>300</u>
	<u>490</u>	<u>Multiple Family or Townhouse (4 dwelling units)</u>	<u>160,000</u>	<u>375</u>

c. General Development.

<u>Lots</u>	<u>Width</u>	<u>Riparian Lots</u>		<u>Nonriparian</u>
		<u>Area</u>	<u>Width</u>	<u>Area</u>
	<u>150</u>	<u>Single Family Dwelling</u>	<u>20,000</u>	<u>100</u>
		<u>Two Family Dwelling</u>	<u>40,000</u>	<u>180</u>

<u>265</u>	<u>Multiple Family or Townhouse</u> <u>(3 dwelling units)</u>	<u>60,000</u>	<u>260</u>	<u>120,000</u>
<u>375</u>	<u>Multiple Family or Townhouse</u> <u>(4 dwelling units)</u>	<u>80,000</u>	<u>340</u>	<u>160,000</u>

2. Sewered Lakes.

a. Natural Environment.

<u>Lots</u>		<u>Riparian Lots</u>		<u>Nonriparian</u>
		<u>Area</u>	<u>Width</u>	<u>Area</u>
<u>Width</u>				
<u>125</u>	<u>Single Family Dwelling</u>	<u>40,000</u>	<u>125</u>	<u>20,000</u>
<u>220</u>	<u>Two Family Dwelling</u>	<u>70,000</u>	<u>225</u>	<u>35,000</u>
<u>315</u>	<u>Multiple Family or Townhouse</u> <u>(3 dwelling units)</u>	<u>100,000</u>	<u>325</u>	<u>52,000</u>
<u>410</u>	<u>Multiple Family or Townhouse</u> <u>(4 dwelling units)</u>	<u>130,000</u>	<u>425</u>	<u>65,000</u>

b. Recreational Development.

<u>Lots</u>		<u>Riparian Lots</u>		<u>Nonriparian</u>
		<u>Area</u>	<u>Width</u>	<u>Area</u>
<u>Width</u>				
<u>75</u>	<u>Single Family Dwelling</u>	<u>20,000</u>	<u>75</u>	<u>15,000</u>
<u>135</u>	<u>Two Family Dwelling</u>	<u>35,000</u>	<u>135</u>	<u>26,000</u>
<u>190</u>	<u>Multiple Family or Townhouse</u> <u>(3 dwelling units)</u>	<u>50,000</u>	<u>195</u>	<u>38,000</u>
<u>245</u>	<u>Multiple Family or Townhouse</u> <u>(4 dwelling units)</u>	<u>65,000</u>	<u>255</u>	<u>49,000</u>

c. General Development.

<u>Lots</u>		<u>Riparian Lots</u>		<u>Nonriparian</u>
		<u>Area</u>	<u>Width</u>	<u>Area</u>
<u>Width</u>				
<u>75</u>	<u>Single Family Dwelling</u>	<u>15,000</u>	<u>75</u>	<u>10,000</u>
<u>135</u>	<u>Two Family Dwelling</u>	<u>26,000</u>	<u>135</u>	<u>17,500</u>
	<u>Multiple Family or Townhouse</u> <u>(3 dwelling units)</u>	<u>38,000</u>	<u>195</u>	<u>25,000</u>

Multiple Family or Townhouse

<u>(4 dwelling units</u>	<u>49,000</u>	<u>255</u>	<u>32,500</u>
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3. River/Stream Lot Width Standards. There are no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for the urban and tributary river/stream classification is as follows.

	<u>Tributary</u>	
	<u>No sewer</u>	<u>Sewer</u>
<u>Single Family Dwelling</u>	<u>100</u>	<u>75</u>
<u>Two Family Dwelling</u>	<u>150</u>	<u>115</u>
<u>Multiple Family or Townhouse</u>		
<u>(3 dwelling units)</u>	<u>200</u>	<u>150</u>
<u>Multiple Family or Townhouse</u>		
<u>(4 dwelling units</u>	<u>250</u>	<u>190</u>

4. Additional Special Provisions.

a. Residential subdivisions with dwelling unit densities exceeding those in the tables in Section 28.05 Letter A Number 2-3 of this Chapter can only be allowed if designed and approved as residential planned unit developments under Section 28.08 of this Chapter. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 28.05 Letter A Number 2 of this Chapter can only be used if publicly owned sewer system service is available to the property.

b. Subdivisions of two family dwellings, three (3) and four (4) unit multiple family or townhouse dwellings on Natural Environment Lakes must also meet the following standards:

- (1) Each building must be set back at least two hundred feet (200') from the ordinary high water level;
- (2) Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
- (3) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
- (4) No more than twenty-five percent (25%) of a lake's shoreline can be in duplex, triplex, or quad developments.

c. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Section 28.05 Letter A Number 1-3 of this Chapter, provided the following standards are met.

- (1) For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit.
- (2) A guest cottage must not cover more than seven hundred (700) square feet of land surface and must not exceed fifteen feet (15') in height.

(3) A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

d. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:

(1) They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

(2) If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table.

Controlled Access Lot Frontage Requirements

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

(3) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot.

(4) Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

B. Placement, Design, and Height of Structures.

1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.

a. Structure and On-site Sewage System Setbacks from Ordinary High Water



Level\*.

Setbacks (in feet)\*

<u>Treatment</u>	<u>Classes of Public</u>	<u>Structures</u>		<u>Sewage</u>
	<u>Waters</u>	<u>Unsewered</u>	<u>Sewered</u>	<u>System</u>
	<u>Lakes</u>			
	<u>Natural Environment</u>	<u>150</u>	<u>150</u>	<u>150</u>
	<u>Recreational Development</u>	<u>100</u>	<u>75</u>	<u>75</u>
	<u>General Development</u>	<u>75</u>	<u>50</u>	<u>50</u>
	<u>Rivers</u>			
	<u>Tributary</u>	<u>100</u>	<u>50</u>	<u>75</u>

\*One water-oriented accessory structure designed in accordance with Section 28.05 Letter B Number 2 of this Chapter may be set back a minimum distance of ten (10) feet from the ordinary high water level.

b. Additional Structure and On-site Sewage System Setbacks. The following additional setbacks apply, regardless of the classification of the waterbody:

<u>Setback From:</u>	<u>Structure Setback</u>	<u>On-site Sewage System</u>
<u>(1) Top of bluff.</u>	<u>30 feet</u>	<u>50 feet</u>

c. Bluff Impact Zones. Structures, impervious surfaces and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

d. Uses Without Water Oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Design Criteria For Structures.

a. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows.

(1) For lakes, by placing the lowest floor at a level at least three feet (3') above the highest known water level, or three feet (3') above the ordinary high water level, whichever is higher.

(2) For rivers and streams, by placing the lowest floor at least three feet (3') above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet (3') above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts

6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.

(3) Water oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

b. Water Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 28.05 Letter B Number 1 of this Chapter if this water-oriented accessory structure complies with the following provisions.

(1) The structure or facility must not exceed ten feet (10') in height, exclusive of safety rails, and cannot occupy an area greater than two hundred and fifty (250) square feet. Detached decks must not exceed eight feet (8') above grade at any point.

(2) The setback of the structure or facility from the ordinary high water level must be at least ten feet (10') and not in the bluff impact zone.

(3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.

(4) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

(5) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

(6) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to four hundred (400) square feet provided the maximum width of the structure is twenty feet (20') as measured parallel to the configuration of the shoreline.

c. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements.

(1) Stairways and lifts must not exceed four feet (4') in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments:

(2) Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments.

(3) Canopies or roofs are not allowed on stairways, lifts, or landings.

(4) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

(5) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

(6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) above are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

d. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

e. Steep Slopes. The City of Long Beach must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

3. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed thirty-five feet (35') in height.

C. Shoreland Alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

1. Vegetation Alterations.

a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 28.04 Letter D of this Chapter are exempt from the vegetation alteration standards that follow.

b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Section 28.05 Letter F Number 2-3 of this Chapter, respectfully, is allowed subject to the following standards.

(1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

(2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock

watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

(a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.

(b) Along rivers, existing shading of water surfaces is preserved.

(c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

2. Topographic Alterations/Grading and Filling.

a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

b. Public roads and parking areas are regulated by Section 28.05 Letter D of this Chapter.

c. Notwithstanding subsections a. and b. above, a grading and filling permit will be required for the following.

(1) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones.

(2) The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.

d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals.

(1) Grading or filling in any type 1, 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland.\*

(a) Sediment and pollutant trapping and retention.

(b) Storage of surface runoff to prevent or reduce flood damage.

(c) Fish and wildlife habitat.

(d) Recreational use.

(e) Shoreline or bank stabilization.

(f) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

\*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or

approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

(2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

(3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

(4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

(5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.

(6) Fill or excavated material must not be placed in a manner that creates an unstable slope.

(7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty percent (30%) or greater.

(8) Fill or excavated material must not be placed in bluff impact zones.

(9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 103G.

(10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

(11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet (3') horizontal to one foot (1') vertical, the landward extent of the riprap is within ten feet (10') of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet (3').

e. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

D. Placement and Design of Roads, Driveways, and Parking Areas.

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 28.05 Letter C Number 2 of this Chapter must be met.

E. Stormwater Management. The following general and specific standards shall apply.

1. General Standards:

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

2. Specific Standards:

- a. Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area.
- b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the Minnesota stormwater manual.
- c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

F. Special Provisions for Commercial, Industrial, Public/Semi-public, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.

1. Standards for Commercial, Industrial, Public, and Semi-public Uses.

- a. Surface water oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water oriented needs must meet the following standards.

(1) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this section, the uses must be designed to incorporate

topographic and vegetative screening of parking areas and structures.

(2) Uses that require short term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.

(3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards.

(a) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.

(b) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.

(c) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

b. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

## 2. Agriculture Use Standards.

a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty feet (50') from the ordinary high water level.

b. Animal feedlots must meet the following standards.

(1) New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of three hundred feet (300') from the ordinary high water level of all public waters basins.

(2) Modifications or expansions to existing feedlots that are located within three hundred feet (300') of the ordinary high water level or within a bluff impact

zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

3. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

4. Extractive Use Standards.

a. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

b. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

5. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

G. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas.

1. Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

b. The visibility of structures and other facilities as viewed from public waters is limited.

c. The site is adequate for water supply and on-site sewage treatment.

d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

2. Conditions attached to conditional use permits. The City of Long Beach, upon consideration of the criteria listed above and the purposes of this section, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this section. Such conditions may include, but are not limited to, the following.

a. Increased setbacks from the ordinary high water level.

b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.



c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

H. Water Supply and Sewage Treatment.

1. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

2. Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

a. Publicly-owned sewer systems must be used where available.

b. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems in Chapter 7080,

c. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 28.05 Letter B Number 1 of this Chapter.

d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (1)-(4) below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

(1) Depth to the highest known or calculated ground water table or bedrock.

(2) Soil conditions, properties, and permeability.

(3) Slope.

(4) The existence of lowlands, local surface depressions, and rock outcrops.

e. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 28.06 Letter A Number 3 of this Chapter.

**28.06: NONCONFORMITIES.**

A. All legally established nonconformities as of the approval date of this section may continue, but they will be managed according to applicable state statutes and other regulations of the City for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas.

1. Construction on nonconforming lots of record.

a. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

(1) All structure and septic system setback distance requirements can be met.

(2) A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer.

(3) The impervious surface coverage does not exceed twenty-five percent (25%) of the lot.

b. In a group of two (2) or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

(1) The lot must be at least sixty-six percent (66%) of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120.

(2) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls.

(3) Impervious surface coverage must not exceed twenty-five percent (25%) of each lot.

(4) Development of the lot must be consistent with an adopted comprehensive plan.

c. A lot subject to subsection (b) above, not meeting the requirements of subsection (b), must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

d. Notwithstanding subsection (b) above, contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system that is connected to a public sewer.

e. In evaluating all variances, zoning and building permit applications, or conditional and interim use requests, the City shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

f. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

2. Additions/expansions to nonconforming structures.

a. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements

of Section 28.05 of this Chapter. Any deviation from these requirements must be authorized by a variance pursuant to Section 28.03 Letter C of this Chapter.

b. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met.

(1) The structure existed on the date the structure setbacks were established.

(2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.

(3) The deck encroachment toward the ordinary high water level does not exceed fifteen percent (15%) of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty feet (30'), whichever is more restrictive.

(4) The deck is constructed primarily of wood, and is not roofed or screened.

3. Nonconforming sewage treatment systems.

a. A sewage treatment system not meeting the requirements of Section 28.05 Letter H of this Chapter must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

b. The governing body of the City of Long Beach has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. The City of Long Beach will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed two (2) years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103F, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

#### **28.07: SUBDIVISION AND PLATTING PROVISIONS.**

A. Land suitability. Each lot created through subdivision, including planned unit developments authorized under Section 28.08 of this Chapter, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

B. Consistency with other controls. Subdivisions must conform to all official controls of the City of Long Beach. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Sections 28.05 Letter B and Letter H of this Chapter can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 28.05 Letter A of this Chapter, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

C. Information requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following.

1. Topographic contours at two foot (2') intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics.

2. The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.

3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.

4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.

5. Location of one hundred (100) year flood plain areas and floodway districts from existing adopted maps or data.

6. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

D. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

E. Platting. All subdivisions that create five (5) or more lots or parcels that are two and one half (2.5) acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

F. Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 28.05 Letter A Number 4 of this Chapter.

## **28.08: PLANNED UNIT DEVELOPMENTS (PUD'S).**

A. Types of PUD's Permissible. Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 28.04 Letter B of this Chapter and the Zoning Map of Long Beach.

B. Processing of PUD's. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six (6) or less new dwelling units or sites since the date this section was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 28.08 Letter E of this Chapter. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

C. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request.

1. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems whether public or private and topographic contours at two foot (2') intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

2. A property owners association agreement shall be required for residential PUD's with mandatory membership, and all in accordance with the requirements of Section 28.08 Letter F of this Chapter.

3. Deed restrictions, covenants, permanent easements or other instruments that portray the following.

a. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's.

b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 28.08 Letter F of this Chapter.

4. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

5. Those additional documents as requested by the City of Long Beach that are necessary to explain how the PUD will be designed and will function.

D. Site "Suitable Area" Evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 28.08 Letter E of this Chapter.

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

Shoreland Tier Dimensions

<u>Sewered</u>	<u>Unsewered</u>	
	<u>(feet)</u>	<u>(feet)</u>
<u>General development lakes – first tier</u>	<u>200</u>	<u>200</u>
<u>General development lakes – second &amp; additional tiers</u>	<u>267</u>	<u>200</u>
<u>Recreational development lakes</u>	<u>267</u>	<u>267</u>
<u>Natural environment lakes</u>	<u>400</u>	<u>320</u>
<u>All river classes</u>	<u>300</u>	<u>300</u>

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

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

1. Residential PUD “Base” Density Evaluation.

a. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 28.08 Letter F of this Chapter.

2. Commercial PUD “Base” Density Evaluation:

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

b. Select the appropriate floor area ratio from the following table.

<u>Commercial Planned Unit Development</u>		
<u>Floor Area Ratios*</u>		
<u>Public waters classes</u>		
<u>Sewered general</u>	<u>Second and</u>	
<u>development</u>	<u>additional tiers</u>	
<u>lakes; first</u>	<u>on unsewered</u>	
<u>tier on</u>	<u>general</u>	
<u>unsewered</u>	<u>development</u>	
<u>general</u>	<u>lakes;</u>	
<u>development</u>	<u>recreational</u>	
<u>lakes; urban,</u>	<u>development Natural</u>	
<u>agricultural,</u>	<u>lakes; environment</u>	
<u>tributary</u>	<u>transition and lakes</u>	
<u>river</u>	<u>and forested river</u>	<u>Remote</u>
<u>*Average</u>		
<u>unit floor</u>		
<u>area (sq. ft.)</u>		

river

<u>segments</u>	<u>segments</u>	<u>segments</u>	<u>segments</u>
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

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

- c. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- d. Divide the total floor area by tier computed in subsection c above by the average inside living area size determined in subsection a above. This yields a base number of dwelling units and sites for each tier.
- e. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 28.08 Letter F of this Chapter.

3. Density Increase Multipliers:

- a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 28.05 of this Chapter are met or exceeded and the design criteria in Section 28.08 Letter F of this Chapter are satisfied. The allowable density increases in Item b. below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty percent (50%) greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty-five percent (25%) greater than the minimum setback.
- b. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments.

<u>Density evaluation tiers</u>	<u>Maximum density increase within each tier (percent)</u>
<u>First</u>	<u>25</u>

<u>Second</u>	<u>50</u>
<u>Third</u>	<u>100</u>
<u>Fourth</u>	<u>100</u>
<u>Fifth</u>	<u>100</u>

F. Maintenance and Design Criteria.

1. Maintenance and Administration Requirements.

a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

b. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

(1) Commercial uses prohibited (for residential PUD's).

(2) Vegetation and topographic alterations other than routine maintenance prohibited.

(3) Construction of additional buildings or storage of vehicles and other materials prohibited.

(4) Uncontrolled beaching of watercraft prohibited.

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

(1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.

(2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.

(3) Assessments must be adjustable to accommodate changing conditions.

(4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

2. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

a. At least fifty percent (50%) of the total project area must be preserved as open space.

b. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.

c. Open space must include areas with physical characteristics unsuitable for



development in their natural state, and areas containing significant historic sites or unplatted cemeteries.

- d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public.
  - e. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
  - f. Open space must not include commercial facilities or uses, but may contain water oriented accessory structures or facilities.
  - g. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
  - h. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least fifty percent (50%) of the shore impact zone area of existing developments or at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least fifty percent (50%) of the shore impact zone must be preserved in its natural state.
3. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must include the following.
- a. Be designed and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
  - b. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed twenty-five percent (25%) of the tier area, except that for commercial PUD's thirty-five percent (35%) impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 28.05 Letter C of this Chapter.
4. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards.
- a. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 28.05 Letter B and Letter H of this Chapter. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.

- b. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 28.08 Letter E Number 3 of this Chapter for developments with density increases.
- c. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier, notwithstanding existing mooring sites in an existing commercially used harbor. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- d. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- e. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.
- f. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 28.05 Letter B of this Chapter and are centralized.
- G. Conversions Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met.

  - 1. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
  - 2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
  - 3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following.

    - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
    - b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.

c. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

4. Existing dwelling unit or dwelling site densities that exceed standards in Section 28.05 Letter E of this Chapter may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

(Ordinance approved for Section 28 Shoreland Management Overlay District June 8, 2016.)