

# City of Pine City

## Agenda

### Planning Commission Meeting

Wednesday, May 27, 2026 @ 5:00 PM

### Pine City Public Library Community Room

In accordance with Minnesota Statutes §13D.02, one or more commissioners may participate in the meeting via interactive technology. Commissioners joining via interactive technology will be seen and heard in the meeting room and votes will be taken by roll call.

[Meeting Link](#)



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Page

#### 1. CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

#### 3. PUBLIC FORUM

This is an opportunity for citizens to present items to the Planning Commission that are not on the agenda. Each presentation is limited to three (3) minutes and a maximum of fifteen minutes is set aside. If your item needs follow-up from the City, Staff will arrange for that.

#### 4. CONSIDERATION AND APPROVAL OF AGENDA

#### 5. APPROVAL OF MEETING MINUTES

5.1. [April 22, 2026 Planning Commission Minutes](#) 4 - 9

#### 6. PUBLIC HEARINGS

6.1. 325 3rd St. SE - PID 42.0215.000 - Rear Yard Setback Variance 10 - 15  
[SEH Staff Memo 325 3rd St. SE](#)

#### 7. NEW BUSINESS

- 7.1. Manufactured Home Ordinance - Council Directive 16 - 17  
[13.72.030 Building Restrictions](#)  
[13.76.150 Building Size and Architectural Requirements](#)
- 7.2. Data Centers Discussion and Possible Action - Mayor Bombard
- 7.3. 325 3rd St. SE - PID - 42.0215.000 - Rear Yard Setback Variance 18 - 27  
[SEH Staff Memo 325 3rd St. SE](#)  
[Resolution 2026- Approving Variance & FOF](#)

## **8. OLD BUSINESS**

- 8.1. 8.20 Nuisances Code Discussion 28 - 52  
[8.20 Nuisances Updated 3.20.26 \(w LMC comments\)](#)  
[8.20 Nuisances Updated with LMC Recommendations](#)
- 8.2. 13.88 Shoreland Ordinance Discussion 53 - 80  
[13.88 Shoreland Zoning](#)  
[City of Big Lake Shoreland Ordinance](#)  
[City of Lakeville Shoreland CUP Verbiage](#)

## **9. ORDINANCES FOR REVIEW IN FUTURE**

- 9.1. 13.112 Plant Unit Alternatives
- 9.2. 13.76 Article III Landscaping and Screening
- 9.3. 13.92 Floodplain and Wetland District

## **10. COMMISSIONERS' CONCERNS/MISCELLANEOUS ITEMS**

## **11. ADJOURN**





# MINUTES

## Planning Commission Meeting

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**5:00 PM - Wednesday, April 22, 2026**

Pine City Public Library Community Room

The City of Pine City Council met in Planning Commission Meeting on Wednesday, April 22, 2026 at 5:00 PM in the Pine City Public Library Community Room.

### **CALL TO ORDER**

Dan Swanson called the meeting to order at 5:00pm.

Those in attendance were Annette Weaver, Brent Jahnz, Brain Scholin, Kris Moulton, Luke Hegge, Tommy Foster, Dan Swanson, Tabitha Pickett, Marcy Peterson. Kent Bombard let the committee know he would not be attending.

### **PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited.

### **PUBLIC FORUM**

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5:01pm Public Forum opened. None spoke.

### **CONSIDERATION AND APPROVAL OF AGENDA**

Annette was welcomed as a member of the Planning Commission. Introductions were made.

Tommy Foster made a motion to approve the agenda. Luke Hegge seconded the motion.

Motion carried.

### **APPROVAL OF MEETING MINUTES**

#### **a) MARCH 25, 2026 PLANNING COMMISSION MINUTES**

Brian Scholin made a motion to approve the minutes. Tommy Foster seconded. Motion carried.

### **PUBLIC HEARINGS**

#### **a) 300 1ST AVE SE - MINOR SUBDIVISION & IMPERVIOUS SPACE**

## VARIANCE REQUEST

Tabitha Pickett explained the minor subdivision and impervious space variance request. Site plan may come next month. Revised certification needed. SEH did the review and recommended to approve the request, with the stated condition of an approved site plan review.

Public Hearing Opened at 5:05pm. None spoke. Public Hearing Closed at 5:06pm

### **b) 825 11TH ST. SW PID 42.0223.000 & 42.0226.000 REZONE REQUEST**

Tabitha Pickett stated it is currently zoned as general business. Proposed use does not fall under the permitted uses. SEH states all the city and state requirements have been met.

Public Hearing Opened at 5:07pm. Debra Larson questioned is she will be notified when the building begins. Tabitha stated that the site plan would be the next step and made a note to inform resident when the building would begin.

Public Hearing Closed at 5:09pm.

### **c) ORDINANCE 5.35 SPECIAL EVENTS**

Tabitha Pickett explained that the permit was revised to give the city more teeth to review.

Public Hearing Opened at 5:10pm. None spoke

Public Hearing Closed at 5:10pm.

### **d) ORDINANCE 5.40 MOBILE FOOD UNITS**

Tabitha Pickett went over mobile food units and stated this would move to the business side of permits and would give the city more teeth.

Public Hearing Opened at 5:11pm. None Spoke.

Public Hearing Closed at 5:11pm.

## NEW BUSINESS

### **a) 300 1ST AVE SE MINOR SUBDIVISION & IMPERVIOUS SPACE VARIANCE REQUEST**

Luke Hegge stated that this fits what is around town. City should be excited for this to move forward. Dan Swanson stated it seems like a perfect place for this development. Tabitha Pickett noted that the MNDNR was at the site to look at the storm water that goes to the lake and this will need to be inspected. Dan Swanson commented that this fits in with the City's comp plan. Brian Scholin stated that it is good to see this parcel being developed. However, he requested to have the city engineering review the storm water retention plan, verify the plan and give approval.

Tabitha Pickett stated that the review does address this. Dan Swanson agreed that it should be in writing. Brent Jahnz stated that engineering is important and needs to be in place and worded correctly.

Tommy Foster made motion to approve, with the addition of the storm water

language.  
Kris Moulton seconded the motion  
Motion carried.

FOF  
Tommy Foster made a motion to approve the FOF.  
Luke Hegge seconded the motion.  
Motion carried.

**b) PID 42.0223.000 & 42.0226.000 REZONE REQUEST**

As the owner of the property, Tommy Foster stated that he is abstaining.

Brian Scholin stated that it seems like a good property for mixed use. However, stated that it might be a little too mixed. Kris Moulton commented that this makes sense as a mixed use being right off the interstate. Dan Swanson stated that it matches up with the City's comp plan and it makes sense to allow a mixed use in this location. Luke Hegge agreed that this project makes sense.

Luke Hegge motioned to approve the rezone request.  
Brent Jahnz seconded the motion.  
Motion carried.

**c) PID 42.0223.000 & 42.0226.000 LOT COMBINATION REQUEST**

As owner of the property, Tommy Foster abstained.  
Tabitha Pickett stated part of the condition was to combine the lots. All the city and state requirements have been met.

Brain Scholin made a motion to approve the lot combination request.  
Luke Hegge seconded the motion.  
Motion carried.

**d) 5.35 SPECIAL EVENTS ORDINANCE**

Tabitha Pickett stated that the current policy requires a \$1.5 million insurance policy. It was requested to lower this to a one-million-dollar or up it to a two-million-dollar policy instead. The City was told that the price difference is significant. Dan Swanson stated that a one-million-dollar policy is more in line.  
Tabitha Pickett asked to approve the special events ordinance with the changing the insurance to one-million-dollar policy requirement instead of two million.  
Brian Scholin stated that it looks like a restaurant would have to apply for a special events permit and additional insurance. Tabitha Pickett read through the policy. Al Fresco permit is already done. Brian Scholin stated that there should be an exception for not needing an additional permit if the required licensee is holding valid Al Fresco or other license in place. It does not specify one day event.

Brent Jahnz made a motion to approve the special events ordinance, with the addition of the changes discussed.  
Brian Scholin seconded the motion.

Motion carried.

**e) 5.40 MOBILE FOOD UNITS ORDINANCE**

Brian Scholin stated that he thought the ordinance looked good. He questioned if adding the 21-day limit to the mobile food units would affect the restaurants in town and their business.

Tabitha Pickett stated that the fee schedule has been approved by council with the removal of the 21-day limit.

Brian Scholin made a motion to approve the mobile food unit ordinance, with including the 21-day limit per year.

Luke Hegge seconded the motion.

Kris Moulton asked what that will do to the fee schedule that was already adopted by Council.

Tommy Foster asked if there could be an additional fee for going over the 21-days per year.

Motion Carried, with Dan Swanson voting against.

**OLD BUSINESS**

**a) JACK BERTRAND - POSSIBLE VARIANCE REQUEST DISCUSSION PID: 42.0242.000**

Tabitha Pickett stated that Jack presented at public forum. All documents have been reviewed, and the county has reviewed them, as well.

All have stated that it does not meet the setbacks and is unbuildable.

Owner was present for questions.

The commission commented that this is an unbuildable lot.

Owner asked why it is considered unbuildable.

States it is buildable now.

Dan Swanson states he is going from what the county has stated, as well as Rum River.

Tabitha Pickett stated that it does not meet state requirements.

Tommy Foster commented that the commission cannot legally grant a variance and cannot vote against state statutes.

Jack Bertrand stated that the state told him that city could give the variance.

County will not give a letter of support.

Tabitha Pickett stated the setbacks are set by state law.

The City can be more restrictive. Not less. This is a road ROW.

Brian Scholin stated that setbacks are from county road and the bluff.

Tommy Foster stated that we cannot legally vote on this or approve this. If its a tiny house which needs a conditional use permit.

The owner was encouraged to go to the Board of Adjustment at the state.

Luke Hegge stated the City cannot be less restrictive than the state, due to the shoreland and our waterways.

Neighbors adjacent to the property spoke and attended the planning commission in 2021. They shared that they are very concerned about safety. They added that the property was deemed unbuildable when it was platted, due to setback requirements. Even then, Planning Commission was against a driveway. The previous committee deemed it unsafe.

Owner commented that they already have a driveway.

The neighbor asked how is the driveway permissible. There are multiple times they leave their driveway and it is dangerous.

Tommy Foster stated the driveway was put in by the county.

Tommy Foster questioned what is the shed that is on the property.

The owner stated that it is for equipment and can remove it.

Tommy Foster asked if the owner was informed that it was unbuildable when bought.

The owner, Jack Bertrand stated no. He stated Mike Gainor told him that the ordinance had changed and stated it was buildable.

**b) 8.20 NUISANCES CODE WITH LEAGUE OF MN CITIES REVIEW**

Tabitha Pickett updated the committee that she and Adam Zemek have not had time to go through all the nuisance codes with LMC updates. She requested if the committee had any comments, please reach out.

**c) 13.88 SHORELAND ORDINANCE**

Tabitha Pickett stated that she is still working with SEH on this and is waiting on confirmations.

**ORDINANCES FOR REVIEW IN FUTURE**

**a) 13.112 PLANT UNIT ALTERNATIVES**

**b) 13.76 ARTICLE III LANDSCAPING AND SCREENING**

**c) 13.92 FLOODPLAIN AND WETLAND DISTRICT**

**COMMISSIONERS' CONCERNS/MISCELLANEOUS ITEMS**

**a) LUKE HEGGE - CITY'S MANUFACTURED HOME ORDINANCE**

Luke Hegge explained that he receives many calls about lots in town and he is curious about the City's current restrictions.

Tabitha Pickett stated that she spoke with Rum River and the ordinance allows modular homes. However, manufactured are not.

Luke Hegge stated that a good number of people could benefit from allowing this in town.

Kris Moulton said that it would look good, but it is the attaching to the slab that is the problem. He also stated it is very difficult to tell a difference between manufactured and modular build.

Luke Hegge stated there is confusion as to why.

Kris Moulton suggested that there be a clear reason why.

Luke Hegge mentioned that there are several lots in town where this would look great and improve that community.

Tommy Foster stated that modulars sit on the ground. Manufactured sit a few inches above the ground for the purpose of air movement. There is not a big price difference

per sq ft between the two.

Luke Hegge commented that there is a big need. And asked if the City could bring this to city council to have permission to revisit this and see if it could be permitted.

Kris Moulton stated that we are implored to find new ways and affordable housing.

Luke Hegge made a motion to bring this to council and look for a potential new ordinance.

Kris Moulton seconded the motion.

Dan Swanson commented that it is really well worth looking into.

Brent Jahnz agreed and stated that it is a good idea to pursue this option.

Dan Swanson stated that these requests are on lots that are traditionally non buildable lots.

Luke Hegge stated that buying the lot, clearing and preparing the lot for the manufactured home would be in the 400K price point.

Tabitha Pickett asked if a variance or a CUP could be done until this is looked at.

Motion carried.

## **ADJOURN**

Luke Hegge made a motion to adjourn the meeting.

Kris Moulton seconded the motion.

Meeting adjourned at 6:10pm.



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for All of Us®

**MEMORANDUM**

TO: Tabitha Pickett, City of Pine City  
FROM: Therese Haffner, Community Development Specialist  
DATE: May 11, 2026  
RE: Parcel 420215000, 325 3<sup>rd</sup> St. SE  
SEH No. 183940, Task #16

**PROPOSAL DETAILS**

Property Owner: Federated Co-ops, Inc.  
Location: 325 3<sup>rd</sup> St. SE Pine City, MN  
Parcel ID: 420215000  
Existing Land Use: Industrial/Commercial  
Existing Zoning: TI-1 Limited Technology/Industrial & Shoreland District  
Future Land Use: Business Flex  
Size: Approximately 1.74 Acres

**OVERVIEW OF PROPOSAL**

Chris Rix with Federated Co-ops, Inc. has applied for a variance of ten feet from the rear yard building setback requirement for a new 40 feet by 24 feet Lean-To building to store company assets, including a fuel tanker truck. A survey has been submitted proposing the Lean-To to be located on the west property line.

**ANALYSIS**

SEH was asked by the City to review this variance application for a Lean-To building at 325 3<sup>rd</sup> St. SE. The review was based on the submitted application, survey, applicable city zoning code requirements, and MN state statutes.

**Background and Variance Review**

1. Federated Co-ops, Inc. operates fuel services on the property, with fuel containers onsite for refueling their trucks.
2. The property, a non-riparian lot, is within the Shoreland Zoning of Cross Lake, classified as a General Development Lake. The Shoreland Ordinance applies.
3. The maximum impervious allowed is 25% per the Shoreland Zoning Ordinance (13.88.010 Shorelands, h4b1) and MN Administrative Rules (6120.3300 Subp. 11. B1).

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Short Elliott Hendrickson Inc., 1390 Highway 15 South, Suite 200, P.O. Box 308, Hutchinson, MN 55350-0308

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4. Impervious surface includes total lot coverage, including all structures (buildings, parking lots, and driveways, including paved and gravel). A survey (Exhibit A) was submitted which shows the impervious surface over 25%. The survey proposes the Lean-To building on the existing gravel which would not increase the impervious surface.
5. The property is within the TI-1 Limited Technology/Industrial District. The following performance standards (13.60.030) apply:
  1. Minimum front yard: 20 feet (3<sup>rd</sup> St. SE)
  2. Minimum side yard: Ten feet (north and south side property lines)
  3. Minimum rear yard: Ten feet (west side property line)
  4. Maximum building height: Six stories or 90 feet.

Front and side yard setbacks would be met, and the height requirement would be met. The survey proposes a rear yard setback on zero for a ten-foot variance.

6. Any lights used for exterior illumination shall be directed away from adjacent properties (13.60.020). In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.5 foot candles (13.76.440).
7. A city may grant a variance if enforcement of a zoning ordinance provision, as applied to a particular piece of property, would cause the landowner "practical difficulties." For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties (Minn. Statute 462.357, subd. 6). All three factors must be satisfied to constitute practical difficulties. The factors are as follows:

#### **Reasonableness**

The property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a specific, reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

*Applicant's Response: Asset shelter can only be located on the property in the outer location so the property can continue to be used as it is now for refueling trucks.*

*Analysis: The north side of the property is used for turning around trucks that have refueled the tanks. Constructing a Lean-To building to store assets, including a fuel truck, while maintaining adequate maneuvering space for vehicles to continue existing operations seems to be a reasonable use of the property.*

#### **Uniqueness**

The landowner's situation arose out of circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the piece of property and economic considerations alone cannot create practical difficulties.

*Applicant's Response: The building, if not granted the variance will be located too close to the gate entrance where all trucks enter and exit. This would make the building at risk of being hit, especially during winter. It also makes it more difficult to plow snow for access.*

*Analysis: The existing access is off 3<sup>rd</sup> St. SE and the lot depth is 115 feet. There is an existing fence on the north half of the property surrounding the fuel containers. The Lean-To is proposed to be 32 feet from the existing fence to the east with a zero-foot setback on the west property line.*

*If the required setback of 10 feet from the west property line is met, this would leave 22 feet to the existing fence leaving inadequate space for maneuvering fuel tanker trucks which are generally 30+ feet in length.*

**Essential character**

The variance, if granted, will not alter the essential character of the locality. This factor generally contemplates whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

*Applicant's Response: The structure is strictly a shelter to protect company assets from weather conditions.*

*Analysis: Building a Lean-To next to the fuel containment area on the west property line, adjacent to the railway, is unlikely to change the character of the area.*

Also, variances are only permitted when:

- They are in harmony with the general purposes and intent of the ordinance, and
- The terms of the variance are consistent with the comprehensive plan.

**MN DNR Review Comments:**

The area hydrologist has no issue with the variance application.

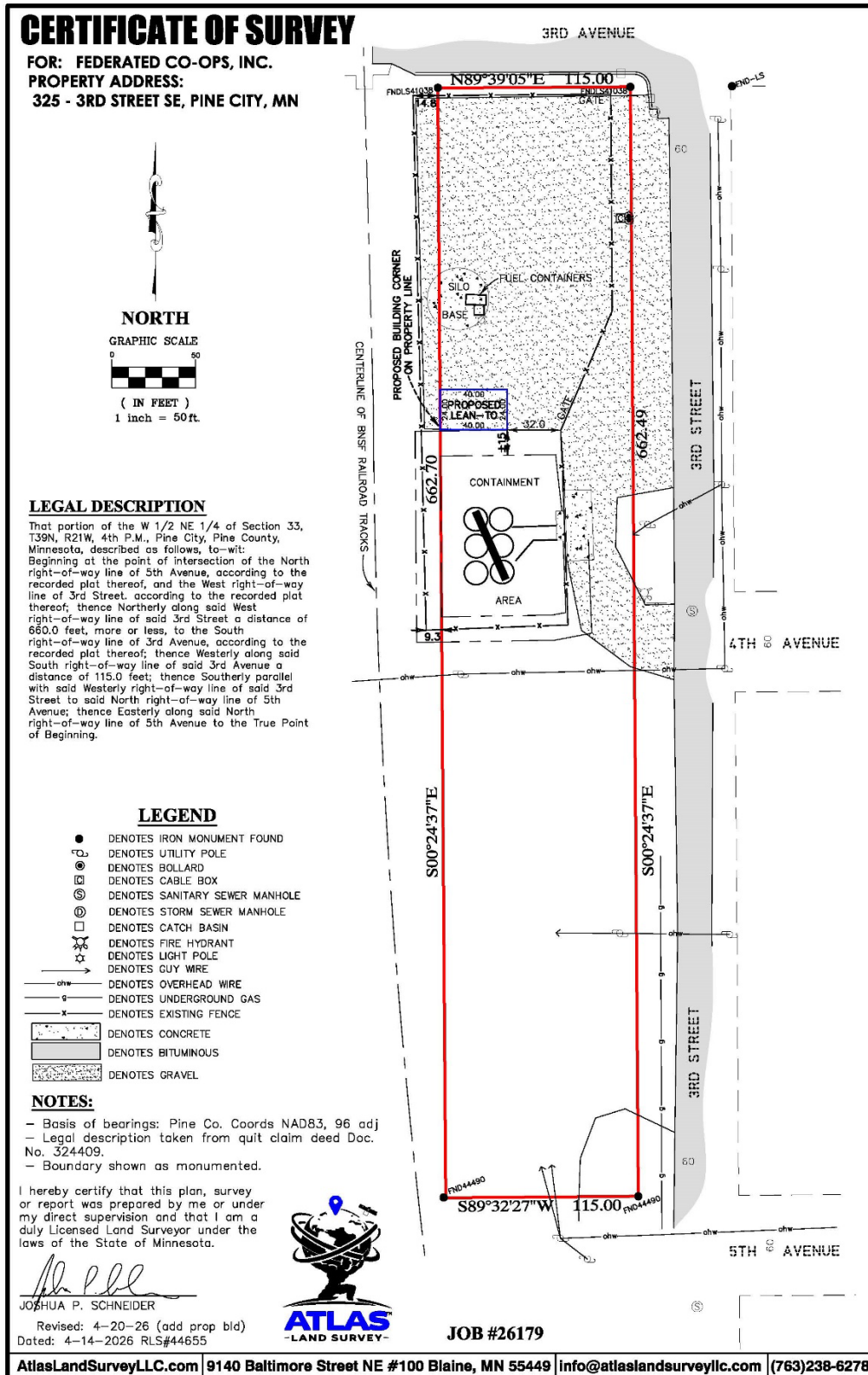
**FINDINGS AND RECOMMENDATIONS**

The following provides findings and recommendations:

1. A variance of 10 feet from the rear yard setback of the TI-1 District requirement shall be considered.
2. Any new lighting shall comply with city zoning ordinance requirements.

c: Greg Anderson, SEH

Exhibit A



Picture of fuel containment area. Image from Beacon, Pine County MN



**Photo looking south**



### **13.72.030 Building Restrictions**

- (a) Any person desiring to improve property shall submit to the City information on the location, and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to ensure conformance to this Code and City ordinances.
- (b) All buildings shall be so placed that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.
- (c) Only one principal use shall be permitted on a lot. Except in the case of Planned Unit Development as provided for in PCC 13.84.050, not more than one principal building shall be located in a lot. The term "principal building" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Planning Commission and City Council.
- (d) Manufactured homes, buildings, mobile homes, tents or other structures used as an office that are temporarily maintained by an individual or company on the premises associated with the work project shall be exempt from the requirements of this article. Those structures used to house labor or other personnel occupied in such work project require an Interim Use Permit (See PCC 13.84.080). In all cases, such manufactured homes, buildings, tents, or other structures shall be removed within 30 days from the completion of the work project.

(Prior Code, § 10.300.0215)

#### HISTORY

Adopted by Ord. [21-10](#) on 10/6/2021

### **13.76.150 Building Size And Architectural Requirements**

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

- (a) *Height exceptions.* The building height limits established shall not apply to belfries, cupolas, domes, spires, monuments, airway beacons, radio towers, flag poles, chimneys or flues; nor to elevators, water tanks, poles, towers and other structures for essential services; nor to similar structures for essential services; nor to similar structures extending above the roof of any building and not occupying more than 25 percent of the area of the roof.
- (b) *Architectural requirements.* The following architectural requirements shall apply to A-O (Agricultural and Open Space) and all residential districts except the MHP Manufactured Home Park District:
  - (1) Dwelling shall contain a total area of at least 401 square feet, unless it is on a nonconforming lot and will be a tiny home. Tiny home square footage will be 100-400 square feet.
  - (2) Dwellings shall be placed on a permanent foundation forming a complete enclosure under exterior walls.
  - (3) Exterior and foundation walls shall have the appearance of wood or masonry regardless of their actual composition.

(Prior Code, § 10.400.0225)

#### HISTORY

Adopted by Ord. [21-10](#) on 10/6/2021

Amended by Ord. [2025-05](#) on 4/2/2025



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**MEMORANDUM**

TO: Tabitha Pickett, City of Pine City  
FROM: Therese Haffner, Community Development Specialist  
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*Analysis: Building a Lean-To next to the fuel containment area on the west property line, adjacent to the railway, is unlikely to change the character of the area.*

Also, variances are only permitted when:

- They are in harmony with the general purposes and intent of the ordinance, and
- The terms of the variance are consistent with the comprehensive plan.

**MN DNR Review Comments:**

The area hydrologist has no issue with the variance application.

**FINDINGS AND RECOMMENDATIONS**

The following provides findings and recommendations:

1. A variance of 10 feet from the rear yard setback of the TI-1 District requirement shall be considered.
2. Any new lighting shall comply with city zoning ordinance requirements.

c: Greg Anderson, SEH



Picture of fuel containment area. Image from Beacon, Pine County MN



**Photo looking south**



**CITY OF PINE CITY, MINNESOTA  
CITY COUNCIL**

**RESOLUTION 2026-**

***A RESOLUTION APPROVING A VARIANCE TO THE SETBACK REQUIREMENT FOR A  
LEAN-TO BUILDING AT  
325 3<sup>rd</sup> STREET SE, PID 42.0215.000***

**WHEREAS**, Federated Co-ops, Inc., Christopher Rix, representative, hereinafter referred to as “applicant” has applied for a variance from the rear yard setback requirement established in Pine City Code on the property located at 325 3<sup>rd</sup> St. SE, Pine City, Minnesota, PID 42.0215.000, and legally described in **Exhibit A**:

(the “Subject Property”); and

**WHEREAS**, the Subject Property is within the Shoreland Zoning District and proper notice of the public hearing to consider the variance request has been given to commissioner of the Minnesota Department of Natural Resources (DNR) or the commissioner’s designated representative who has no issue with the variance application; and

**WHEREAS**, the Pine City Planning Commission held a public hearing on May 27, 2026, to take public comment and review an application for a variance; and

**WHEREAS**, the Pine City Planning Commission recommended the City Council approve the requested variance with the following conditions:

1. All laws, rules, and regulations shall be complied with, and all necessary permits obtained.

**WHEREAS**, the Planning Commission desires to review applications fairly and justly for variances and has the following findings of fact:

1. Federated Co-ops, Inc. operates fuel services on the Subject Property, with fuel containers onsite for refueling their trucks.
2. The land use map of the City Comprehensive Plan guides the Subject Property for Business Flex.
3. The zoning designations of the Subject Property are TI-1 Limited Technology/Industrial and Shoreland Districts and the required rear yard (west) setback from the property line is ten (10) feet.

4. The reason for the variance request is to construct a 24 feet by 40 feet Lean-To building on the west property line to store company assets, including a fuel tanker truck.
5. The Subject Property is surrounded by the following existing land uses:
  - a. Commercial to the north
  - b. Commercial/Industrial to the south
  - c. Multiple-family residential and commercial/industrial to the east
  - d. Railway line to the west
6. The variance would be in keeping with the spirit and intent of city code, would be consistent with the Comprehensive Plan, and would not adversely affect the environmental quality of the area.
7. The variance would not impair an adequate supply of light and air to adjacent properties.
8. The variance would not increase congestion in the public rights-of-way.
9. The variance would not increase the danger of fire or endanger public safety.
10. The variance would not cause an unreasonable strain upon existing municipal facilities and services.
11. The variance would not have a negative direct or indirect fiscal impact upon the City, County or School District.
12. According to the submitted Certificate of Survey prepared by Joshua P. Schneider, Atlas Land Survey, dated 4-16-2026 and Revised 4-20-26, the Lean-To would be constructed on existing gravel; therefore, the impervious surface would not increase on the Subject Property.
13. Enforcement of the rear yard setback requirement would cause the applicant practical difficulties.
14. The north side of the Subject Property is used for turning around trucks that have refueled the tanks. Constructing a Lean-To building to store assets, including a fuel truck, while maintaining adequate maneuvering space for vehicles to continue existing operations is a reasonable use of the property.
15. The landowner's situation arose out of circumstances unique to the property and not caused by the landowner as follows:
  - a. The existing access is off 3<sup>rd</sup> St. SE, and the lot depth is 115 feet. There is an existing fence on the north half of the property surrounding the fuel containers. The Lean-To is proposed to be 32 feet from the existing fence to the east with a zero-foot setback on the west property line. The required rear yard setback of 10 feet from the west property line would leave 22 feet to the existing fence leaving inadequate space for maneuvering fuel tanker trucks.
16. The variance, if granted, will not alter the essential character of the locality. Building a Lean-To next to the fuel containment area on the west property line, adjacent to the railway, will not alter character of the area.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pine City, Pine County, State of Minnesota, as follows

1. Based on the Findings of Facts, a variance of ten (10) feet from the rear yard (west) setback from property line on the Subject Property is hereby granted.
2. The applicant shall have utility locates completed prior to construction activity.
3. Any new lighting shall comply with city zoning ordinance requirements.
4. The applicant shall comply with the MN State Building Code and obtain a building permit prior to construction.

Adopted by the Council this 3rd day of June, 2026.

By: \_\_\_\_\_  
Kent Bombard, Mayor

ATTEST:

\_\_\_\_\_  
Marcy Peterson, City Administrator

STATE OF MINNESOTA  
COUNTY OF PINE

This instrument was acknowledged before me on \_\_\_\_\_ by  
\_\_\_\_\_ of City of Pine City a Municipal Corporation under the laws of  
Minnesota on behalf of the Municipal Corporation

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Drafted by:  
City of Pine City  
1015 Hillside Ave SW, Ste. 2  
Pine City, MN 55063

## Exhibit A

### Legal Description

That portion of the W 1 /2 NE 1 / 4 of Section 33, T39N, R21 W, 4th P.M., Pine City, Pine County, Minnesota, described as follows, to-wit:

Beginning at the point of intersection of the North right-of-way line of 5th Avenue, according to the recorded plat thereof, and the West right-of-way line of 3rd Street. according to the recorded plat thereof; thence Northerly along said West right-of-way line of said 3rd Street a distance of 660.0 feet, more or less, to the South right-of-way line of 3rd Avenue, according to the recorded plat thereof; thence Westerly along said South right-of-way line of said 3rd Avenue a distance of 115.0 feet; thence Southerly parallel with said Westerly right-of-way line of said 3rd Street to said North right-of-way line of 5th Avenue; thence Easterly along said North right-of-way line of 5th Avenue to the True Point of Beginning.

DRAFT

## Ordinance 2025-17

### 8.20.010 Public Nuisance Defined

#### 8.20.010 – Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Abatement.** The removal, correction, or elimination of a nuisance, blighting factor, or other prohibited condition by the property owner, occupant, or the City.

**Administrative Citation.** An administrative enforcement tool issued by a Code Enforcement Officer for uncorrected violations.

**Blight / Blighting Factor.** Any condition, structure, or activity that contributes to the deterioration, decline, or unsightliness of a property or neighborhood, including but not limited to: dilapidated buildings, overgrown vegetation, accumulation of junk, or inoperable vehicles.

**City.** The City of Pine City, Minnesota, including its elected officials, employees, and authorized agents.

**Code Enforcement Officer.** Any City employee or official designated by the City Administrator or City Council to enforce the provisions of this chapter.

**Compliance Deadline.** The date stated in a Notice of Violation or Notice and Order by which all identified violations must be corrected.

**Emergency Abatement.** The immediate removal or correction of a nuisance by the City without prior notice when the condition poses an imminent and serious threat to public health, safety, or welfare.

**Intention.** A person acts with intention when, by an act or failure to perform a legal duty, they intentionally do any one or more of the following. Such conduct constitutes the maintenance of a public nuisance, which is a misdemeanor:

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.
2. Interferes with, obstructs, or renders dangerous for passage any public highway, right-of-way, or waters used by the public.

3. Commits any other act or omission declared by law or this Code to be a public nuisance and for which no specific sentence is provided.

**Junk.** Any discarded, unusable, or inoperable item, including but not limited to: vehicle parts, appliances, scrap metal, broken furniture, construction debris, or other refuse not stored in an approved container or structure.

**Junk Vehicle / Junk Automobile.** A motor vehicle, as defined in Minn. Stat. § 168B.011, Subd. 3, that is not currently licensed for use on public roads and is:

- Inoperable due to missing or defective parts;
- Damaged beyond repair;
- Retained for salvage or parts;
- Not intended for future use as a vehicle.

*This does not include classic or pioneer vehicles as defined in Minn. Stat. § 168.10.*

**Nuisance.** Any act, omission, condition, or use of property that:

- Unreasonably annoys, injures, or endangers the comfort, health, safety, or welfare of the public;
- Obstructs the free use of property or public space;
- Violates any provision of this chapter or applicable state law.

**Occupant.** Any person who resides at, leases, rents, or otherwise has control over a property, whether or not they are the legal owner.

**Owner.** The person or entity listed as the legal owner of record in the Pine County property records.

**Peace Officer.** A licensed law enforcement officer as defined in Minn. Stat. § 626.84.

**Person.** Any individual, firm, partnership, corporation, association, or other legal entity.

**Public Right-of-Way.** Any street, sidewalk, alley, boulevard, or other public property maintained for public use.

**Recreational Vehicle (RV).** A motorized or towable vehicle designed for temporary living or recreational use, including campers, motorhomes, boats, snowmobiles, ATVs, and similar equipment.

**Repeat/Recurring Violation.** A newly identified violation on the same property involving the same responsible party for the same or substantially similar condition that existed within the previous twelve (12) months, measured from the prior compliance inspection date to the new initial inspection date.

**Structure.** Anything constructed or erected that requires location on the ground or attachment to something on the ground, including buildings, fences, sheds, and decks.

**Unsightly Condition.** A visible exterior condition of a property that objectively affects public health, safety, or neighborhood property values due to clear neglect or disrepair, including the accumulation of refuse in a manner that creates health, safety, or fire hazards. This definition shall not be interpreted or enforced based solely on subjective aesthetic preferences. Any determination must be supported by articulated; objective criteria demonstrating a rational relationship to a legitimate governmental interest and shall not constitute arbitrary or unreasonable enforcement.

### **8.20.020 – Public Health Nuisances**

The following conditions, whether occurring on public or private property, are hereby declared to be public nuisances affecting health. This list is non-exhaustive, meaning other similar conditions may also be considered nuisances under this ordinance.

#### **A. Declared Nuisances**

1. **Accumulation of Waste:** The deposit or exposed accumulation of any decayed or unwholesome food, vegetable matter, meat, fish, human or animal excrement, manure, refuse, debris, or any other offensive or unsanitary substance.
2. **Diseased Animals at Large:** Allowing animals known to be diseased to roam freely or without proper containment.
3. **Animal Carcasses:** Failure to bury, incinerate, or otherwise lawfully dispose of the carcass of any animal within 24 hours of its death.
4. **Water Pollution:** The discharge or introduction of sewage, industrial waste, or any harmful substance into any public well, cistern, stream, lake, canal, or other body of water.
5. **Illegal Burning:** The burning of materials prohibited by law, except for the use of approved outdoor solid fuel-fired heating devices as defined in PCC Chapter 8.12.
6. **Stagnant Water:** The presence of ponds or pools of stagnant water, except for those constructed or maintained by the City for stormwater collection or other municipal purposes.
7. **Noxious Weeds and Overgrowth:** The growth of noxious weeds or any excessive, uncontrolled vegetation that may harbor pests, obstruct visibility, or pose a fire or health hazard.
8. **Unlicensed Offensive Businesses:** The operation of any offensive trade or business, as defined by state law, without a valid and lawful license.
9. **Unsanitary Waste Containers:** Privy vaults, garbage cans, or similar containers that are not rodent-proof or fly-tight, or that are maintained in a manner that creates a health hazard or emits foul odors.
10. **Air Pollution:** The emission of dense smoke, noxious fumes, gases, soot, or cinders in unreasonable quantities that may affect public health or comfort.
11. **Exposure to Contagious Disease:** Knowingly exposing others to individuals who have a contagious disease, in violation of public health regulations.

**B. Enforcement and Penalties:** Violations of this section may be subject to enforcement action by the City, including abatement, fines, or other remedies as provided by law.

### **8.20.030 – Public Nuisances Affecting Morals and Decency**

The following acts, conditions, or uses of property are declared to be public nuisances affecting morals and decency, whether occurring on public or private property:

**A. Consumption of Alcohol in Public:** The consumption of alcoholic beverages is prohibited on public streets, sidewalks, parking lots, or parks, except during organized events for which a valid permit has been issued in accordance with PCC Section 5.24.

**B. Public Nudity:** Public exposure of unclothed genital organs by any person, or public exposure of female breasts below the top of the areola, is prohibited, except as permitted by law (e.g., breastfeeding or medical necessity).


C. Illegal Gambling: The possession, operation, or use of unlawful gambling devices, including but not limited to slot machines, punch boards, and bookmaking equipment, is prohibited unless specifically authorized by federal, state, or local law.

D. Houses of Prostitution or Gambling: The operation or maintenance of any building or premises used for:

- Prostitution ~~or promiscuous sexual activity~~
- Illegal gambling
- Any other immoral or unlawful purpose is declared a public nuisance.

E. Unlawful Alcohol Establishments: Any place where intoxicating liquor or 3.2% malt liquor is manufactured, sold, or consumed in violation of law; used as a gathering place for unlawful drinking; or stored or distributed unlawfully, is declared a public nuisance, along with all liquor and property used to maintain such a place.

F. Vehicles Used for ~~Immoral or~~ Illegal Purposes: Any vehicle used for:

- The unlawful transportation of intoxicating or 3.2% malt liquor
- Prostitution ~~or promiscuous sexual activity~~
- Any other immoral or illegal activity  is declared a public nuisance.

G. Enforcement

Violations of this section may be subject to enforcement, abatement, and penalties as provided by applicable law.

### **8.20.040 – Public Nuisances Affecting Peace and Safety**

The following conditions, activities, or uses of property are declared to be public nuisances affecting peace and safety, whether occurring on public or private property:

A. Obstructions and Hazards in Public Spaces

1. Low-Hanging Wires or Tree Limbs: Any wire or tree limb that hangs low enough over a sidewalk or street to pose a danger to pedestrians or vehicles.
2. Obstructions or Excavations: Any obstruction or excavation that interferes with the normal use of streets, alleys, sidewalks, or public grounds, unless permitted by this Code or other applicable law.
3. Dangerous Signs or Structures: Any hanging sign, awning, or similar structure over a public way that is unsafe or not maintained in accordance with this Code.
4. Barbed Wire Fences: Barbed wire fences located **less than six feet above ground**, unless:
  - Used in agricultural districts to contain animals, and
  - Located at least three feet from any public street, sidewalk, or right-of-way, or
  - Specifically authorized by the City.
5. Uncovered Excavations or Unsafe Construction: Any uncovered well, hole, or excavation that poses a hazard. Construction near streets or sidewalks must be enclosed by a fence at least four

feet high, with posts no more than six feet apart, and must be illuminated with red or yellow lights from sunset to sunrise.

6. Obstructions to Water Flow: Blocking the flow of water in any natural waterway, street drain, gutter, or ditch with trash or other materials.
7. Falling Rain, Ice, or Snow: Allowing rainwater, ice, or snow to fall from a structure onto a public street or sidewalk.

#### B. Dangerous or Offensive Materials

1. Improper Waste Disposal: Casting wastewater onto streets or public property; depositing garbage or refuse on public rights-of-way or adjacent private property; or leaving discarded machinery, appliances, or vehicle parts in a way that harbors pests or creates fire, health, or safety hazards.
2. Hazardous Items on Public Property: Placing or throwing glass, nails, tacks, bottles, or other harmful objects on streets, sidewalks, or public property.
3. Unsecured Appliances: Leaving any unused refrigerator, freezer, or similar appliance with a door that seals shut in a public place or on private property.

#### C. Noise and Public Disturbances

1. Unreasonable Noise or Vibrations: Creating excessive noise or vibrations that are unnecessary and unreasonably disturb others.
2. Disruptive Gatherings: Any gathering that produces noise loud enough to disturb the peace of nearby residents. No person may remain at such a gathering unless they reside at the location or are present solely to help end the disturbance.
3. Crowd Obstruction: Using property or public space in a way that causes large crowds to gather and obstruct traffic or pedestrian movement.

### 8.20.050 – Noise Violations

A. Declaration of Public Nuisance. The following are declared to be public nuisances affecting health, safety, peace, or welfare:

#### 1. General Noise Prohibition

No person shall create, permit, or continue any sound originating from property under their control that:

- Exceeds objectively measurable sound limits established by this Code (e.g., decibel thresholds measured at the property line using ANSI-compliant sound level meters); or
- Occurs during designated quiet hours and is plainly audible at a specified distance (e.g., 50 feet from the source or across a residential property line), as verified by a trained enforcement officer; and
- Unreasonably interferes with public health, safety, or the comfortable enjoyment of life or property, based on documented, articulable facts.

#### **Objective Determination Required.**

Enforcement shall not be based solely on a subjective complaint, personal annoyance, or uncorroborated neighbor report. A citation or enforcement action must be supported by:

- Independent observation by a code enforcement officer or peace officer;

- Objective sound measurement; or
- Corroborated evidence establishing a fair probability that a violation occurred.

**Rational Basis and Non-Arbitrary Enforcement.**

This section shall be interpreted and applied in a manner that bears a rational relationship to legitimate governmental interests in protecting health, safety, and residential quiet enjoyment. Enforcement shall not be arbitrary, capricious, or based solely on aesthetic or personal preferences.

- **Construction.**

This general prohibition supplements, and does not replace, specific noise restrictions set forth elsewhere in this Code.

2. Violation of State Noise Standards: Any noise in violation of Minnesota Rules Chapter 7030, as amended, is incorporated by reference and constitutes a violation of this ordinance.
3. Vehicle-Related Noise: Operating a vehicle in disrepair or overloaded in a way that causes loud grating, grinding, or rattling noises; or discharging exhaust from any internal combustion engine without a properly functioning muffler that complies with State law.
4. Loading and Unloading Noise: Creating loud or excessive noise during the loading, unloading, or unpacking of vehicles.
5. Amplified Sound Devices: Operating any radio, television, musical instrument, speaker, paging system, or similar device in a way that is plainly audible 50 feet or more from the source if outdoors, or at the property line if indoors.

**B. Time-Based Restrictions**

1. Domestic Power Equipment: Weekdays: 7:00 a.m. – 9:00 p.m.; Weekends/Holidays: 9:00 a.m. – 10:00 p.m. (Snow removal equipment is exempt.)
2. Refuse Collection: Weekdays: 6:00 a.m. – 9:00 p.m.; Weekends/Holidays: 8:00 a.m. – 8:00 p.m.
3. Construction Activities - Use of power tools or machinery is allowed only: Weekdays: 7:00 a.m. – 9:00 p.m.; Weekends/Holidays: 9:00 a.m. – 10:00 p.m.
4. Amplified Sound at Night: Operating any sound-producing device between 10:00 p.m. and 7:00 a.m. in a manner audible at the property line (if indoors) or from 50 feet (if outdoors) is prima facie evidence of a violation.
5. Sensitive Locations: Creating excessive noise near schools, churches, hospitals, or similar institutions is prohibited when the noise interferes with operations or disturbs occupants, and signs are posted indicating the presence of the institution.

C. Emergency Work Exemption. Noise generated during emergency work is exempt for up to 24 hours after work begins, provided the work is necessary to protect health, safety, or restore public services; the Sheriff’s Department is notified immediately or at the start of the next business day if the work begins after hours; and reasonable efforts are made to minimize noise.

D. Noise Impact Statements. The City Council may require a noise impact statement for any proposed zoning change, permit or license, or construction or operational project. The statement must be submitted on a form provided by the City and will be considered in the approval process.

### 8.20.060 – Reduction or Elimination of Blighting Factors and Nuisance Parking and Storage

A. Purpose. This section is intended to prevent, reduce, or eliminate blighting conditions and nuisance parking and storage within the City, and to establish penalties for violations that negatively affect public health, safety, and welfare.

B. General Prohibition. No person shall cause, maintain, or permit any of the following blighting factors or nuisance conditions on any property they own, lease, rent, or occupy within the City.

#### C. Blighting Factors

1. Deteriorated, Unsafe, and/or Uninhabitable Structures (as defined by Minnesota State Fire Code and Minnesota State Building Code). Grounds Maintenance: Properties must be kept free of trash and debris. Refuse must be stored in rodent-proof containers and removed weekly.
2. Vacant Buildings Not Properly Secured. Vacant dwellings, garages, or outbuildings must be securely locked; windows glazed or neatly boarded; and maintained to prevent unauthorized entry or vandalism.
3. Overgrown or Poisonous Vegetation. No poisonous plants (e.g., poison ivy, ragweed) are allowed. Grass and weeds must be maintained: under 6 inches within 20 feet of a road, sidewalk, or developed property; under 18 inches on undeveloped platted lots not adjacent to active development. Exemptions (subject to Zoning Administrator approval): nature areas, parks, cemeteries; agricultural land, wetlands, shoreland; railroad rights-of-way, steep slopes; undeveloped areas of the City's Technology Park.

#### D. Nuisance Parking and Storage

1. Declaration of Nuisance. The outdoor parking or storage of excessive vehicles, or of items not customarily used for residential purposes, is declared a public nuisance when it obstructs views or emergency access; creates clutter or unsightly conditions; reduces available residential parking; introduces commercial signage into residential areas; or diminishes neighboring property values or enjoyment. This does not apply to authorized construction activities, except that Fire Department access must always be maintained.
2. Unlawful Parking and Storage. Non-permanent structures (e.g., ice houses, skateboard ramps, playhouses) may not be stored in the front yard for more than 24 hours, unless placed 100 feet or more from the front property line and meeting all zoning setbacks.
3. Storage of Junk. Junk, trash, or refuse may not be stored outdoors for more than 30 days, unless in approved containers. "Junk" includes vehicle or machinery parts; unused appliances; broken or decayed construction materials; scrap metal, pipe; pallets; or business-related materials stored outdoors on residential property. All such items must be shielded from public view.
4. Vehicle Parking Surface Standards and Limits.
  - A. Parking Surface Requirement.
    1. New Parking Areas. Any parking area established, expanded, reconstructed, or relocated after the effective date of this ordinance shall be surfaced with asphalt, concrete, or compacted gravel designed to control dust and erosion.

2. Existing Lawful Surfaces (Grandfathered Uses). Parking areas lawfully in existence prior to the effective date, including gravel or turf surfaces, may continue as lawful nonconforming uses, provided the area does not create drainage, erosion, sedimentation, or public safety hazards; and is maintained to prevent rutting, standing water, or mud tracking onto public rights-of-way.
3. Expansion or Intensification. Any enlargement or expansion of a grandfathered parking area shall comply with current surfacing standards for the expanded portion only.
4. Maximum Vehicles. All vehicles shall be parked on an approved parking surface as defined above; vehicles associated with a lawful nonconforming parking area may continue to utilize that surface consistent with subsection A(2). Winter Exception: One vehicle may be temporarily parked off an approved surface when necessary to comply with a declared winter parking ordinance or snow emergency.
5. Front Yard Parking. Vehicles parked within a front yard shall be located on an approved parking surface. Lawful nonconforming front-yard parking areas existing prior to the effective date may continue, subject to maintenance and hazard-prevention standards in subsection A(2). No new front-yard parking areas shall be created except in compliance with this section.
5. Recreational and Off-Road Vehicles. Any recreational or off-road vehicle stored on private property must be owned and licensed by a resident or the property owner; must meet zoning setback requirements; and may not be parked in the front yard, except on a driveway.
6. Junk and Inoperable Vehicles. Junk automobiles (as defined in Minn. Stat. § 168B.011, Subd. 3) are prohibited unless stored in a garage or licensed junkyard. A vehicle is considered junk if it is unlicensed; inoperable due to missing or damaged parts; retained only for salvage. Classic or pioneer vehicles (Minn. Stat. § 168.10) are exempt. Vehicles held by police or court order are not considered abandoned. Inoperable Vehicles: It is unlawful to keep or store any vehicle that is not in operating condition; partially dismantled or used for parts; or not properly licensed. One hobby/recreational vehicle may be stored on a driveway for up to 90 days. Screening: Vehicles stored outdoors must be enclosed in a building or shielded from public view (e.g., privacy fencing).
7. Petroleum Tanks. Unused petroleum tanks may not be stored outdoors. A tank is considered unused if it is inoperable due to missing or damaged parts; damaged or deteriorated; or retained only for salvage.
8. Enforcement. Violations of this section may result in notices of violation, fines or citations, and abatement by the City with costs assessed to the property owner.

### **8.20.070 – Authority of City Officials to Enforce Public Nuisance Provisions**

A. Enforcement Authority. Any Peace Officer, Code Enforcement Officer, or other designated City official is authorized to enforce the provisions of this chapter related to public nuisances within the jurisdiction of the City.

B. Right to Inspect. City officials may conduct inspections of public or private property to determine the existence of a public nuisance, subject to:

1. Voluntary Consent. Entry onto private property for inspection purposes shall occur only with consent of the property owner, occupant, or person in control of the premises.

2. Warrant Requirement. If consent is not granted, the official must obtain an administrative search warrant or court order from a court of competent jurisdiction, in accordance with Minn. Stat. § 626.21 and applicable constitutional protections.
3. Emergency Exception. In cases of imminent danger to human life, health, or safety, City officials may enter private property without consent or a warrant, but only to the extent necessary to address the emergency. Such entry must be limited in scope and documented, and the official must notify the property owner or occupant as soon as reasonably possible.

C. Reasonable Conduct. All inspections and enforcement actions must be conducted in a reasonable manner, respecting the rights of property owners and occupants, and in accordance with federal and state law, including the Fourth Amendment to the U.S. Constitution and Article I, Section 10 of the Minnesota Constitution. The City emphasizes public education, voluntary compliance, and, upon request, reasonable updates to complainants who provide contact information, consistent with the Minnesota Government Data Practices Act.

### **8.20.080 – Abatement Procedure**

#### A. Notice and Initial Contact

1. Initial Contact Attempt. City staff shall first attempt to contact the property owner or occupant informally (e.g., by phone, email, or in person). All contact attempts must be documented.
2. Written Notice Requirement. If informal contact is unsuccessful, a written notice of violation shall be issued. The notice must: identify the specific nuisance or blighting condition; direct the owner or occupant to correct or remove the condition within **ten (10) calendar days** of service; and include information about the right to request an extension or appeal.
3. Service of Notice. Written notice shall be served in person or by certified or registered mail to the last known address of the property owner and, if occupied, to the premises. If the premises is unoccupied, or the owner is unknown or refuses service, notice shall be posted on the property in a visible location. The City may additionally mail notice to the owner of record per county assessor records.

B. Extension of Compliance Period. City staff may grant a reasonable extension of the ten (10) day compliance period at the Code Enforcement Officer’s discretion. In considering an extension, staff shall document:

1. Resolution of Life-Safety Hazards. No extension may be granted while a life-safety hazard persists unless active, verifiable mitigation steps are in place.
2. Measurable Progress. Evidence of significant improvement since the initial inspection.
3. Direct Communication. Established two-way contact (in person, email, phone) prior to the compliance deadline.
4. Commitment to Voluntary Compliance. A verbal or written commitment to remedy all recorded violations, with a reasonable timeframe.  
Documented hardships (e.g., medical emergencies, severe weather, contractor delays) remain valid grounds for extension.

### C. Hearing and Enforcement Process

1. **Hearing Notification.** If the nuisance is not abated within the required timeframe, the City may schedule a hearing before the City Council. Notice of the hearing must include the date, time, and location of the hearing; a description of the violation; and the potential for summary enforcement or abatement.
2. **Council Order and Summary Enforcement.** Following the hearing, the City Council may issue an order to abate the nuisance. If the nuisance is not abated as ordered, the City may proceed with summary enforcement.

### D. Emergency Abatement Procedure

1. **Emergency Determination.** In cases where a nuisance presents an immediate and unreasonable danger to public health, safety, or welfare, the City may bypass the standard notice and hearing process.
2. **Summary Abatement.** A Peace Officer or designated official may determine that an emergency exists; provide written notice to the owner or occupant (if feasible); and order immediate abatement of the nuisance.
3. **Council Authorization.** If the nuisance is not abated immediately, the City Council may authorize summary enforcement without further notice.

E. **Immediate Hazard Abatement.** Nothing in this section shall prevent the City from immediately abating any condition that poses an imminent and serious hazard to human life or safety, without prior notice or process.

### F. Unlawful Parties or Gatherings.

1. **Noise Disturbance Response.** If law enforcement determines that a gathering violates PCC 8.20.050(C), officers may order all non-residents to disperse immediately and require the owner or tenant to take reasonable steps to stop the disturbance.
2. **Failure to Comply.** It is unlawful for any person to refuse to leave after being ordered to do so by law enforcement.

G. **Judicial Remedies.** Nothing in this section shall limit the City's right to pursue judicial remedies, including injunctive relief, civil penalties, or court-ordered abatement, when administrative remedies are inadequate or inappropriate.

### **8.20.082 Repeat/Recurring Violations – Expedited Process**

A. **Final Notice & Fast-Track.** Where a repeat/recurring violation is identified, the City may issue a final notice of violation by U.S. Mail to the address in county records, include educational materials, and set a compliance inspection date. Unresolved repeat/recurring violations at re-inspection are subject to citation issuance and abatement initiation. Extensions may be granted consistent with § 8.20.080(B)

### **8.20.085 Administrative Citations**

A. **Authority.** Code Enforcement Officers may issue administrative citations for uncorrected violations following the Compliance Deadline or for immediate enforcement violations as authorized in § 8.20.087.

B. **Notice and Payment.** Administrative citations shall state the violation(s), cite the governing code section(s), and be payable within thirty (30) days of issuance.

C. Contesting. If a recipient contests an administrative citation, the administrative citation is dismissed, and the matter may proceed via criminal citation or summons consistent with City Code and applicable law.

D. Relationship to Abatement. Administrative citations supplement abatement authority; unpaid administrative citations do not delay abatement where lawfully ordered.

### **8.20.087 Immediate Enforcement Violations**

A. Purpose. Certain violations constitute imminent hazards to public health, safety, or welfare and warrant immediate citation without prior written notice.

B. Examples. Immediate enforcement may include (illustrative list):

1. Illegal dumping of litter or waste on any property or right-of-way;
2. Unlicensed sale of food or merchandise;
3. Leaving a vehicle in an openly accessible, hazardous condition;
4. Causing obstruction of a public street or sidewalk;
5. Other violations determined by the City that present immediate hazard.

C. Documentation. The officer shall document the condition and the immediate hazard basis. Emergency abatement under § 8.20.080(D) remains available where necessary.

### **8.20.090 – Recovery of Abatement Costs**

A. Personal Liability for Abatement Costs

1. Responsibility: The following individuals shall be personally liable for the full cost of abatement, including labor, materials, equipment, and administrative expenses: the owner of the property on which the nuisance was abated by the City; or any person who caused or maintained a public nuisance on property not owned by them.
2. Billing Procedure: Once the abatement work is completed and costs are calculated, the City Administrator or designated official shall prepare an itemized bill, mail it to the responsible party at their last known address, and the amount shall be immediately due and payable to the City upon receipt.

B. Assessment of Unpaid Charges

1. Eligibility for Assessment. If the abatement costs remain unpaid, and the nuisance involved a public health or safety hazard on private property; accumulation of snow or ice on public sidewalks; overgrown weeds on private property or within the public right-of-way; or unsound or insect-infested trees, the City may recover the unpaid costs through special assessment under Minn. Stat. § 429.101.
2. Assessment Procedure. On or before September 1 following the abatement, the City Administrator shall compile a list of all unpaid charges eligible for assessment. The list shall include the total amount due, the property address and legal description, and any other current service charges to be assessed under Minn. Stat. § 429.101.
3. Notice and Hearing. The City shall provide notice and an opportunity for a hearing in accordance with Minn. Stat. § 429.061. Property owners shall be notified of the amount to be assessed; the date, time, and location of the hearing; and their right to object.

4. Certification to County Auditor. After the hearing, the City Council may adopt the assessment roll and certify the charges to the County Auditor. The charges shall be collected along with property taxes in the following year, or in annual installments not to exceed ten years, as determined by the City Council.

### **8.20.100 – Appeal Process for Nuisance Determinations and Abatement Orders**

A. Right to Appeal. Any property owner or responsible party who receives a notice of violation, order to abate, or notice of cost recovery or assessment under this chapter has the right to appeal the determination to the City Council.

#### **B. Filing an Appeal**

1. Deadline to Appeal. An appeal must be filed in writing within ten (10) calendar days of the date the notice or order was served.
2. Contents of Appeal. The written appeal must include the name and contact information of the appellant; the address of the affected property; a copy of the notice or order being appealed; a statement of the grounds for the appeal; and any supporting documentation or evidence.
3. Where to File. Appeals must be submitted to the City Administrator’s Office or other designated official.

#### **C. Scheduling and Notice of Hearing**

1. Upon receipt of a timely appeal, the City shall schedule a hearing before the City Council or a designated Hearing Officer within thirty (30) days, unless otherwise agreed to by the appellant.
2. The City shall provide the appellant with written notice of the hearing at least ten (10) days in advance, stating the date, time, and location of the hearing; the issues to be considered; and the appellant’s right to present evidence and testimony.

#### **D. Hearing Procedure**

1. The hearing shall be informal but orderly, and both the City and the appellant may present oral and written evidence; call witnesses; and be represented by legal counsel.
2. The City Council or Hearing Officer shall consider whether a nuisance condition exists; whether the abatement order or cost is reasonable and lawful; and any mitigating circumstances or compliance efforts.

#### **E. Decision**

1. A written decision shall be issued within ten (10) business days after the hearing.
2. The decision may affirm, modify, or rescind the original order or cost; establish a new compliance deadline; or authorize or deny abatement or assessment.
3. The decision is final, subject to judicial review under Minn. Stat. § 606.01 (writ of certiorari).

#### **F. Effect of Appeal on Enforcement**

1. Filing a timely appeal stays enforcement of the order or assessment until a final decision is issued, except in cases involving imminent danger to public health or safety or emergency abatement authorized under § 8.20.080(D).

## Ordinance 2025-17

### 8.20.010 Public Nuisance Defined

#### 8.20.010 – Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Abatement.** The removal, correction, or elimination of a nuisance, blighting factor, or other prohibited condition by the property owner, occupant, or the City.

**Administrative Citation.** An administrative enforcement tool issued by a Code Enforcement Officer for uncorrected violations.

**Blight / Blighting Factor.** Any condition, structure, or activity that contributes to the deterioration, decline, or unsightliness of a property or neighborhood, including but not limited to: dilapidated buildings, overgrown vegetation, accumulation of junk, or inoperable vehicles.

**City.** The City of Pine City, Minnesota, including its elected officials, employees, and authorized agents.

**Code Enforcement Officer.** Any City employee or official designated by the City Administrator or City Council to enforce the provisions of this chapter.

**Compliance Deadline.** The date stated in a Notice of Violation or Notice and Order by which all identified violations must be corrected.

**Emergency Abatement.** The immediate removal or correction of a nuisance by the City without prior notice when the condition poses an imminent and serious threat to public health, safety, or welfare.

**Intention.** A person acts with intention when, by an act or failure to perform a legal duty, they intentionally do any one or more of the following. Such conduct constitutes the maintenance of a public nuisance, which is a misdemeanor:

1. Maintains or permits a condition which **materially interferes**, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.
2. Interferes with, obstructs, or renders dangerous for passage any public highway, right-of-way, or waters used by the public.

3. Commits any other act or omission declared by law or this Code to be a public nuisance and for which no specific sentence is provided.

**Junk.** Any discarded, unusable, or inoperable item, including but not limited to: vehicle parts, appliances, scrap metal, broken furniture, construction debris, or other refuse not stored in an approved container or structure.

**Junk Vehicle / Junk Automobile.** A motor vehicle, as defined in Minn. Stat. § 168B.011, Subd. 3, that is not currently licensed for use on public roads and is:

- Inoperable due to missing or defective parts;
- Damaged beyond repair;
- Retained for salvage or parts;
- Not intended for future use as a vehicle.

*This does not include classic or pioneer vehicles as defined in Minn. Stat. § 168.10.*

**Nuisance.** Any act, omission, condition, or use of property that:

- a) Materially interferes with health, safety, or welfare of the public, or with the reasonable use and enjoyment of property by a person of ordinary sensibilities;
- b) Is objectively verifiable and supported by documented, articulable facts demonstrating a substantial adverse impact;
- c) Is continuous or recurring, or of such nature, duration, or magnitude that it creates a significant impact on the public, even if of limited duration; and
- d) Is not based solely on subjective perceptions, personal preferences, or uncorroborated complaints.

**Objective Evidence Required.**

- A determination that a public nuisance exists must be supported by one or more of the following:
  - a) Personal observation by a Code Enforcement Officer or Peace Officer; Physical or photographic evidence; Measurable standards, where applicable (such as noise levels, accumulation thresholds, or obstruction measurements);
  - b) Corroborated statements from multiple independent witnesses; or
  - c) Other reliable evidence demonstrating a reasonable probability that a violation exists.

**Occupant.** Any person who resides at, leases, rents, or otherwise has control over a property, whether or not they are the legal owner.

**Owner.** The person or entity listed as the legal owner of record in the Pine County property records.

**Peace Officer.** A licensed law enforcement officer as defined in Minn. Stat. § 626.84.

**Person.** Any individual, firm, partnership, corporation, association, or other legal entity.

**Public Right-of-Way.** Any street, sidewalk, alley, boulevard, or other public property maintained for public use.

**Reasonable Person Standard.** A condition materially interferes with the use and enjoyment of property only if it would have such effect on a reasonable person of ordinary sensibilities, and not on a person of unusual sensitivity.

**Exclusions.**

- a) The following do not, by themselves, constitute a public nuisance:
- b) Conditions that are brief, isolated, or trivial in nature;

- c) Conduct that is otherwise lawful and customary, absent a showing of substantial impact under this section;
- d) Complaints based solely on aesthetic preferences that are not tied to demonstrable health, safety, or welfare impacts.
- e) Obstructs the free use of property or public space;
- f) Violates any provision of this chapter or applicable state law.

**Recreational Vehicle (RV).** A motorized or towable vehicle designed for temporary living or recreational use, including campers, motorhomes, boats, snowmobiles, ATVs, and similar equipment.

**Repeat/Recurring Violation.** A newly identified violation on the same property involving the same responsible party for the same or substantially similar condition that existed within the previous twelve (12) months, measured from the prior compliance inspection date to the new initial inspection date.

**Structure.** Anything constructed or erected that requires location on the ground or attachment to something on the ground, including buildings, fences, sheds, and decks.

**Unsightly Condition.** A visible exterior condition of a property that objectively affects public health, safety, or neighborhood property values due to clear neglect or disrepair, including the accumulation of refuse in a manner that creates health, safety, or fire hazards. This definition shall not be interpreted or enforced based solely on subjective aesthetic preferences. Any determination must be supported by articulated; objective criteria demonstrating a rational relationship to a legitimate governmental interest and shall not constitute arbitrary or unreasonable enforcement.

### **8.20.020 – Public Health Nuisances**

The following conditions, whether occurring on public or private property, are hereby declared to be public nuisances affecting health. This list is non-exhaustive, meaning other similar conditions may also be considered nuisances under this ordinance.

#### **A. Declared Nuisances**

1. Accumulation of Waste: The deposit or exposed accumulation of any decayed or unwholesome food, vegetable matter, meat, fish, human or animal excrement, manure, refuse, debris, or any other offensive or unsanitary substance.
2. Diseased Animals at Large: Allowing animals known to be diseased to roam freely or without proper containment.
3. Animal Carcasses: Failure to bury, incinerate, or otherwise lawfully dispose of the carcass of any animal within 24 hours of its death.
4. Water Pollution: The discharge or introduction of sewage, industrial waste, or any harmful substance into any public well, cistern, stream, lake, canal, or other body of water.
5. Illegal Burning: The burning of materials prohibited by law, as defined in [Minnesota §88.171 Open Burning Prohibitions and all amendments](#).
6. Stagnant Water: The presence of ponds or pools of stagnant water, except for those constructed or maintained by the City for stormwater collection or other municipal purposes.
7. Noxious Weeds and Overgrowth: The growth of noxious weeds or any excessive, uncontrolled vegetation that may harbor pests, obstruct visibility, or pose a fire or health hazard.
8. Unlicensed Offensive Businesses: The operation of any offensive trade or business, as defined by state law, without a valid and lawful license.

9. **Unsanitary Waste Containers:** Privy vaults, garbage cans, or similar containers that are not rodent-proof or fly-tight, or that are maintained in a manner that creates a health hazard or emits foul odors.
10. **Air Pollution:** The emission of dense smoke, noxious fumes, gases, soot, or cinders in unreasonable quantities that may affect public health or comfort.
11. **Exposure to Contagious Disease:** Knowingly exposing others to individuals who have a contagious disease, in violation of public health regulations.

B. **Enforcement and Penalties:** Violations of this section may be subject to enforcement action by the City, including abatement, fines, or other remedies as provided by law.

### **8.20.030 – Public Nuisances Affecting Morals and Decency**

The following acts, conditions, or uses of property are declared to be public nuisances affecting morals and decency, whether occurring on public or private property:

A. **Consumption of Alcohol in Public:** The consumption of alcoholic beverages is prohibited on public streets, sidewalks, parking lots, or parks, except during organized events for which a valid permit has been issued in accordance with PCC Section 5.24.

B. **Prohibited Conduct.** No person shall engage in lewd exposure in any public place or in any place visible to the public.

- **Definition of Lewd Exposure.** “Lewd exposure” means the intentional exposure of a person’s body, or any part thereof, in a manner that involves conduct of a sexual nature, including but not limited to:
  - a) Exposure accompanied by sexual acts, gestures, or simulation of sexual activity;
  - b) Exposure intended to arouse or gratify the sexual desire of the actor or another person;
  - c) Exposure combined with conduct that a reasonable person would understand as sexually explicit or sexually suggestive under the circumstances.
- **Non-Lewd Exposure Not Prohibited.** The following, without more, do not constitute a violation of this section:
  - a) Mere exposure of the body, including exposure of the female breast; breastfeeding; changing clothes, bathing, or other non-sexual conduct; expression, protest, or other conduct protected by the First Amendment, absent lewd conduct as defined herein.
- **Objective Evidence Required.** A violation must be supported by objective, articulable facts demonstrating that the conduct was sexual in nature. Mere nudity, without evidence of sexual conduct or intent, is insufficient.
- **Construction.**

This section shall be interpreted consistently with Minnesota Statutes § 617.23 and applicable case law, including *State v. Plancarte*, and shall not be applied in a manner that is arbitrary, discriminatory, or based solely on subjective offense or moral disapproval.

C. **Illegal Gambling:** The possession, operation, or use of unlawful gambling devices, including but not limited to slot machines, punch boards, and bookmaking equipment, is prohibited unless specifically authorized by federal, state, or local law.

D. **Unlawful Alcohol Establishments:** Any place where intoxicating liquor or 3.2% malt liquor is manufactured, sold, or consumed in violation of law; used as a gathering place for unlawful drinking; or

stored or distributed unlawfully, is declared a public nuisance, along with all liquor and property used to maintain such a place.

E. Vehicles Used for Immoral or Illegal Purposes: Any vehicle used for:

- The unlawful transportation of intoxicating or 3.2% malt liquor
- Prostitution ~~or promiscuous sexual activity~~
- Any other ~~immoral or~~ illegal activity is declared a public nuisance.

F. Enforcement

Violations of this section may be subject to enforcement, abatement, and penalties as provided by applicable law.

### **8.20.040 – Public Nuisances Affecting Peace and Safety**

The following conditions, activities, or uses of property are declared to be public nuisances affecting peace and safety, whether occurring on public or private property:

A. Obstructions and Hazards in Public Spaces

1. Low-Hanging Wires or Tree Limbs: Any wire or tree limb that hangs low enough over a sidewalk or street to pose a danger to pedestrians or vehicles.
2. Obstructions or Excavations: Any obstruction or excavation that interferes with the normal use of streets, alleys, sidewalks, or public grounds, unless permitted by this Code or other applicable law.
3. Dangerous Signs or Structures: Any hanging sign, awning, or similar structure over a public way that is unsafe or not maintained in accordance with this Code.
4. Barbed Wire Fences: Barbed wire fences ~~located less than six feet above ground~~, unless:
  - Used in agricultural districts to contain animals, and
  - Located at least three feet from any public street, sidewalk, or right-of-way, or
  - Specifically authorized by the City.
5. Uncovered Excavations or Unsafe Construction: Any uncovered well, hole, or excavation that poses a hazard. Construction near streets or sidewalks must be enclosed by a fence at least four feet high, with posts no more than six feet apart, and must be illuminated with red or yellow lights from sunset to sunrise.
6. Obstructions to Water Flow: Blocking the flow of water in any natural waterway, street drain, gutter, or ditch with trash or other materials.
7. ~~Falling Rain, Ice, or Snow: Allowing rainwater, ice, or snow to fall from a structure onto a public street or sidewalk. All snow and ice shall be removed within 24 hours after snow has ceased falling from public sidewalks abutting a person's premises.~~

B. Dangerous or Offensive Materials

1. Improper Waste Disposal: Casting wastewater onto streets or public property; depositing garbage or refuse on public rights-of-way or adjacent private property; or leaving discarded machinery, appliances, or vehicle parts in a way that harbors pests or creates fire, health, or safety hazards.

2. Hazardous Items on Public Property: Placing or throwing glass, nails, tacks, bottles, or other harmful objects on streets, sidewalks, or public property.
3. Unsecured Appliances: Leaving any unused refrigerator, freezer, or similar appliance with a door that seals shut in a public place or on private property.

### C. Noise and Public Disturbances

1. Unreasonable Noise or Vibrations: Creating excessive noise or vibrations that are unnecessary and unreasonably disturb others.
2. Disruptive Gatherings: Any gathering that produces noise loud enough to disturb the peace of nearby residents. No person may remain at such a gathering unless they reside at the location or are present solely to help end the disturbance.
3. Crowd Obstruction: Using property or public space in a way that causes large crowds to gather and obstruct traffic or pedestrian movement.

### **8.20.050 – Noise Violations**

A. Declaration of Public Nuisance. The following are declared to be public nuisances affecting health, safety, peace, or welfare:

#### 1. General Noise Prohibition

No person shall create, permit, or continue any sound originating from property under their control that:

- Exceeds objectively measurable sound limits established by this Code (e.g., 25-40 decibels above normal ambient noise level for the area measured at the property line using ANSI-compliant sound level meters); or
- Occurs during designated quiet hours and is plainly audible at 50 feet from the source or across a residential property line, as verified by a trained enforcement officer; and
- Unreasonably interferes with public health, safety, or the comfortable enjoyment of life or property, based on documented, articulable facts.

#### **Objective Determination Required.**

Enforcement shall not be based solely on a subjective complaint, personal annoyance, or uncorroborated neighbor report. A citation or enforcement action must be supported by:

- Independent observation by a code enforcement officer or peace officer;
- Objective sound measurement; or
- Corroborated evidence establishing a fair probability that a violation occurred.

#### **Rational Basis and Non-Arbitrary Enforcement.**

This section shall be interpreted and applied in a manner that bears a rational relationship to legitimate governmental interests in protecting health, safety, and residential quiet enjoyment. Enforcement shall not be arbitrary, capricious, or based solely on aesthetic or personal preferences.

- **Construction.**

This general prohibition supplements, and does not replace, specific noise restrictions set forth elsewhere in this Code.

2. **Violation of State Noise Standards:** Any noise in violation of Minnesota Rules Chapter 7030, as amended, is incorporated by reference and constitutes a violation of this ordinance.
3. **Vehicle-Related Noise:** Operating a vehicle in disrepair or overloaded in a way that causes loud grating, grinding, or rattling noises; or discharging exhaust from any internal combustion engine without a properly functioning muffler that complies with State law.
4. **Loading and Unloading Noise:** Creating loud or excessive noise during the loading, unloading, or unpacking of vehicles.
5. **Amplified Sound Devices:** Operating any radio, television, musical instrument, speaker, paging system, or similar device in a way that is plainly audible 50 feet or more from the source if outdoors, or at the property line if indoors.

#### B. Time-Based Restrictions **Enforced**

1. **Domestic Power Equipment:** Weekdays: 7:00 a.m. – 9:00 p.m.; Weekends/Holidays: 9:00 a.m. – 10:00 p.m. (Snow removal equipment is exempt.)
2. **Refuse Collection:** Weekdays: 6:00 a.m. – 9:00 p.m.; Weekends/Holidays: 8:00 a.m. – 8:00 p.m.
3. **Construction Activities - Use of power tools or machinery is allowed only:** Weekdays: 7:00 a.m. – 9:00 p.m.; Weekends/Holidays: 9:00 a.m. – 10:00 p.m.
4. **Amplified Sound at Night:** Operating any sound-producing device between 10:00 p.m. and 7:00 a.m. in a manner audible at the property line (if indoors) or from 50 feet (if outdoors) is prima facie evidence of a violation.
5. **Sensitive Locations:** Creating excessive noise near schools, churches, hospitals, or similar institutions is prohibited when the noise interferes with operations or disturbs occupants, and signs are posted indicating the presence of the institution.

C. **Emergency Work Exemption.** Noise generated during emergency work is exempt for up to 24 hours after work begins, provided the work is necessary to protect health, safety, or restore public services; the Sheriff's Department is notified immediately or at the start of the next business day if the work begins after hours; and reasonable efforts are made to minimize noise.

D. **Noise Impact Statements.** The City Council may require a noise impact statement for any proposed zoning change, permit or license, or construction or operational project. The statement must be submitted on a form provided by the City and will be considered in the approval process.

- **Requirements for Noise Impact Statement:**
  - **Description of the proposed project** (type, location, operations that generate noise).
  - **Existing ambient noise levels** at and around the site, measured using accepted standards.
  - **Predicted noise levels** from the project, calculated using MPCA noise modeling methods.
  - **Comparison to Minnesota Noise Standards** in Minn. R. 7030.0040 (L10 and L50 limits by land-use category).
  - **Identification of any exceedances** of state noise limits.
  - **Noise mitigation measures** if state standards are exceeded or could be exceeded.

## 8.20.060 – Reduction or Elimination of Blighting Factors and Nuisance Parking and Storage

A. Purpose. This section is intended to prevent, reduce, or eliminate blighting conditions and nuisance parking and storage within the City, and to establish penalties for violations that negatively affect public health, safety, and welfare.

B. General Prohibition. No person shall cause, maintain, or permit any of the following blighting factors or nuisance conditions on any property they own, lease, rent, or occupy within the City.

### C. Blighting Factors

1. Deteriorated, **Unsafe, and/or** Uninhabitable Structures (as defined by Minnesota State Fire Code **and Minnesota State Building Code**). Grounds Maintenance: Properties must be kept free of trash and debris. Refuse must be stored in rodent-proof containers and removed weekly.
2. Vacant Buildings Not Properly Secured. Vacant dwellings, garages, or outbuildings must be securely locked; windows glazed or neatly boarded; and maintained to prevent unauthorized entry or vandalism.
3. Overgrown or Poisonous/Noxious Vegetation. No poisonous/noxious plants (e.g., poison ivy, ragweed) are allowed. Grass and weeds must be maintained: under 6 inches within 20 feet of a road, sidewalk, or developed property; under 18 inches on undeveloped platted lots not adjacent to active development. Exemptions (subject to Zoning Administrator approval): nature areas, parks, cemeteries; agricultural land, wetlands, shoreland; railroad rights-of-way, steep slopes; undeveloped areas of the City's Technology Park.

### D. Nuisance Parking and Storage

1. Declaration of Nuisance. The outdoor parking or storage of excessive vehicles, or of items not customarily used for residential purposes, is declared a public nuisance when it obstructs views or emergency access; creates clutter or unsightly conditions; reduces available residential parking; introduces commercial signage into residential areas; or diminishes neighboring property values or enjoyment. This does not apply to authorized construction activities, except that Fire Department access must always be maintained.
2. Unlawful Parking and Storage. Non-permanent structures (e.g., ice houses, skateboard ramps, playhouses) may not be stored in the front yard for more than 24 hours, unless placed 100 feet or more from the front property line and meeting all zoning setbacks.
3. Storage of Junk. Junk, trash, or refuse may not be stored outdoors for more than 30 days, unless in approved containers. "Junk" includes vehicle or machinery parts; unused appliances; broken or decayed construction materials; scrap metal, pipe; **pallets**; or business-related materials stored outdoors on residential property. All such items must be shielded from public view.
4. Vehicle Parking Surface Standards and Limits.

#### A. Parking Surface Requirement.

1. New Parking Areas. Any parking area established, expanded, reconstructed, or relocated after the effective date of this ordinance shall be surfaced with asphalt, concrete, or compacted gravel designed to control dust and erosion.
2. Existing Lawful Surfaces (Grandfathered Uses). Parking areas lawfully in existence prior to the effective date, including **gravel** or turf surfaces, may continue as lawful nonconforming uses, provided the area does not create drainage, erosion, sedimentation, or public safety

hazards; and is maintained to prevent rutting, standing water, or mud tracking onto public rights-of-way.

3. Expansion or Intensification. Any enlargement or expansion of a grandfathered parking area shall comply with current surfacing standards for the expanded portion only.
4. Maximum Vehicles. All vehicles shall be parked on an approved parking surface as defined above; vehicles associated with a lawful nonconforming parking area may continue to utilize that surface consistent with subsection A(2). Winter Exception: One vehicle may be temporarily parked off an approved surface when necessary to comply with a declared winter parking ordinance or snow emergency.
5. Front Yard Parking. Vehicles parked within a front yard shall be located on an approved parking surface. Lawful nonconforming front-yard parking areas existing prior to the effective date may continue, subject to maintenance and hazard-prevention standards in subsection A(2). No new front-yard parking areas shall be created except in compliance with this section.
5. Recreational and Off-Road Vehicles. **Any recreational or off-road vehicle stored on private property must be owned and licensed by a resident or the property owner; must meet zoning setback requirements; and may not be parked in the front yard, except on a driveway.**
6. Junk and Inoperable Vehicles. Junk automobiles (as defined in Minn. Stat. § 168B.011, Subd. 3) are prohibited unless stored in a garage or licensed junkyard. A vehicle is considered junk if it is unlicensed; inoperable due to missing or damaged parts; retained only for salvage. Classic or pioneer vehicles (Minn. Stat. § 168.10) are exempt. Vehicles held by police or court order are not considered abandoned. Inoperable Vehicles: It is unlawful to keep or store any vehicle that is not in operating condition; partially dismantled or used for parts; or not properly licensed. One hobby/recreational vehicle may be stored on a driveway for up to 90 days. Screening: Vehicles stored outdoors must be enclosed in a building or shielded from public view (e.g., privacy fencing).
7. Petroleum Tanks. Unused petroleum tanks may not be stored outdoors. A tank is considered unused if it is inoperable due to missing or damaged parts; damaged or deteriorated; or retained only for salvage.
8. Enforcement. Violations of this section may result in notices of violation, fines or citations, and abatement by the City with costs assessed to the property owner.

#### **8.20.070 – Authority of City Officials to Enforce Public Nuisance Provisions**

A. Enforcement Authority. Any Peace Officer, Code Enforcement Officer, or other designated City official is authorized to enforce the provisions of this chapter related to public nuisances within the jurisdiction of the City.

B. Right to Inspect. City officials may conduct inspections of public or private property to determine the existence of a public nuisance, subject to:

1. Voluntary Consent. Entry onto private property for inspection purposes shall occur only with consent of the property owner, occupant, or person in control of the premises.
2. Warrant Requirement. If consent is not granted, the official must obtain an administrative search warrant or court order from a court of competent jurisdiction, in accordance with Minn. Stat. § 626.21 and applicable constitutional protections.

3. **Emergency Exception.** In cases of imminent danger to human life, health, or safety, City officials may enter private property without consent or a warrant, but only to the extent necessary to address the emergency. Such entry must be limited in scope and documented, and the official must notify the property owner or occupant as soon as reasonably possible.

C. **Reasonable Conduct.** All inspections and enforcement actions must be conducted in a reasonable manner, respecting the rights of property owners and occupants, and in accordance with federal and state law, including the Fourth Amendment to the U.S. Constitution and Article I, Section 10 of the Minnesota Constitution. The City emphasizes public education, voluntary compliance, and, upon request, reasonable updates to complainants who provide contact information, consistent with the Minnesota Government Data Practices Act.

## **8.20.080 – Abatement Procedure**

### **A. Notice and Initial Contact**

1. **Initial Contact Attempt.** City staff shall first attempt to contact the property owner or occupant informally (e.g., by phone, email, or in person). All contact attempts must be documented.
2. **Written Notice Requirement.** If informal contact is unsuccessful, a written notice of violation shall be issued. The notice must: identify the specific nuisance or blighting condition; direct the owner or occupant to correct or remove the condition **within ten (10) calendar days of service**; and include information about the right to request an extension or appeal.
3. **Service of Notice.** Written notice shall be served in person or by certified or registered mail to the last known address of the property owner and, if occupied, to the premises. If the premises is unoccupied, or the owner is unknown or refuses service, notice shall be posted on the property in a visible location. The City may additionally mail notice to the owner of record per county assessor records.

**B. Extension of Compliance Period.** City staff may grant a reasonable extension of the ten (10) day compliance period at the Code Enforcement Officer’s discretion. In considering an extension, staff shall document:

1. **Resolution of Life-Safety Hazards.** No extension may be granted while a life-safety hazard persists unless active, verifiable mitigation steps are in place.
2. **Measurable Progress.** Evidence of significant improvement since the initial inspection.
3. **Direct Communication.** Established two-way contact (in person, email, phone) prior to the compliance deadline.
4. **Commitment to Voluntary Compliance.** A verbal or written commitment to remedy all recorded violations, with a reasonable timeframe.  
Documented hardships (e.g., medical emergencies, severe weather, contractor delays) remain valid grounds for extension.

### **C. Hearing and Enforcement Process**

1. **Hearing Notification.** If the nuisance is not abated within the required timeframe, the City may schedule a hearing before the City Council. Notice of the hearing must include the date, time, and

location of the hearing; a description of the violation; and the potential for summary enforcement or abatement.

2. Council Order and Summary Enforcement. Following the hearing, the City Council may issue an order to abate the nuisance. If the nuisance is not abated as ordered, the City may proceed with summary enforcement.

#### D. Emergency Abatement Procedure

1. Emergency Determination. In cases where a nuisance presents an immediate and unreasonable danger to public health, safety, or welfare, the City may bypass the standard notice and hearing process.
2. Summary Abatement. A Peace Officer or designated official may determine that an emergency exists; provide written notice to the owner or occupant (if feasible); and order immediate abatement of the nuisance.
3. Council Authorization. If the nuisance is not abated immediately, the City Council may authorize summary enforcement without further notice.

E. Immediate Hazard Abatement. Nothing in this section shall prevent the City from immediately abating any condition that poses an imminent and serious hazard to human life or safety, without prior notice or process.

#### F. Unlawful Parties or Gatherings.

1. Noise Disturbance Response. If law enforcement determines that a gathering violates PCC 8.20.050(C), officers may order all non-residents to disperse immediately and require the owner or tenant to take reasonable steps to stop the disturbance.
2. Failure to Comply. It is unlawful for any person to refuse to leave after being ordered to do so by law enforcement.

G. Judicial Remedies. Nothing in this section shall limit the City's right to pursue judicial remedies, including injunctive relief, civil penalties, or court-ordered abatement, when administrative remedies are inadequate or inappropriate.

### **8.20.082 Repeat/Recurring Violations – Expedited Process**

A. Final Notice & Fast-Track. Where a repeat/recurring violation is identified, the City may issue a final notice of violation by U.S. Mail to the address in county records, include educational materials, and set a compliance inspection date. Unresolved repeat/recurring violations at reinspection are subject to citation issuance and abatement initiation. Extensions may be granted consistent with § 8.20.080(B)

### **8.20.085 Administrative Citations**

A. Authority. Code Enforcement Officers may issue administrative citations for uncorrected violations following the Compliance Deadline or for immediate enforcement violations as authorized in § 8.20.087.

B. Notice and Payment. Administrative citations shall state the violation(s), cite the governing code section(s), and be payable within thirty (30) days of issuance.

C. Contesting. If a recipient contests an administrative citation, the administrative citation is dismissed, and the matter may proceed via criminal citation or summons consistent with City Code and applicable law.

D. Relationship to Abatement. Administrative citations supplement abatement authority; unpaid administrative citations do not delay abatement where lawfully ordered.

### **8.20.087 Immediate Enforcement Violations**

A. Purpose. Certain violations constitute imminent hazards to public health, safety, or welfare and warrant immediate citation without prior written notice.

B. Examples. Immediate enforcement may include (illustrative list):

1. Illegal dumping of litter or waste on any property or right-of-way;
2. Unlicensed sale of food or merchandise;
3. Leaving a vehicle in an openly accessible, hazardous condition;
4. Causing obstruction of a public street or sidewalk;
5. Other violations determined by the City that present immediate hazard.

C. Documentation. The officer shall document the condition and the immediate hazard basis. Emergency abatement under § 8.20.080(D) remains available where necessary.

### **8.20.090 – Recovery of Abatement Costs**

A. Personal Liability for Abatement Costs

1. Responsibility: The following individuals shall be personally liable for the full cost of abatement, including labor, materials, equipment, and administrative expenses: the owner of the property on which the nuisance was abated by the City; or any person who caused or maintained a public nuisance on property not owned by them.
2. Billing Procedure: Once the abatement work is completed and costs are calculated, the City Administrator or designated official shall prepare an itemized bill, mail it to the responsible party at their last known address, and the amount shall be immediately due and payable to the City upon receipt.

B. Assessment of Unpaid Charges

1. Eligibility for Assessment. If the abatement costs remain unpaid, and the nuisance involved a public health or safety hazard on private property; accumulation of snow or ice on public sidewalks; overgrown weeds on private property or within the public right-of-way; or unsound or insect-infested trees, the City may recover the unpaid costs through special assessment under Minn. Stat. § 429.101.
2. Assessment Procedure. On or before September 1 following the abatement, the City Administrator shall compile a list of all unpaid charges eligible for assessment. The list shall include the total amount due, the property address and legal description, and any other current service charges to be assessed under Minn. Stat. § 429.101.
3. Notice and Hearing. The City shall provide notice and an opportunity for a hearing in accordance with Minn. Stat. § 429.061. Property owners shall be notified of the amount to be assessed; the date, time, and location of the hearing; and their right to object.
4. Certification to County Auditor. After the hearing, the City Council may adopt the assessment role and certify the charges to the County Auditor. The charges shall be collected along with property

taxes in the following year, or in annual installments not to exceed ten years, as determined by the City Council.

### **8.20.100 – Appeal Process for Nuisance Determinations and Abatement Orders**

A. Right to Appeal. Any property owner or responsible party who receives a notice of violation, order to abate, or notice of cost recovery or assessment under this chapter has the right to appeal the determination to the City Council.

#### **B. Filing an Appeal**

1. **Deadline to Appeal.** An appeal must be filed in writing within ten (10) calendar days of the date the notice or order was served.
2. **Contents of Appeal.** The written appeal must include the name and contact information of the appellant; the address of the affected property; a copy of the notice or order being appealed; a statement of the grounds for the appeal; and any supporting documentation or evidence.
3. **Where to File.** Appeals must be submitted to the City Administrator’s Office or other designated official.

#### **C. Scheduling and Notice of Hearing**

1. Upon receipt of a timely appeal, the City shall schedule a hearing before the City Council or a designated Hearing Officer within thirty (30) days, unless otherwise agreed to by the appellant.
2. The City shall provide the appellant with written notice of the hearing at least ten (10) days in advance, stating the date, time, and location of the hearing; the issues to be considered; and the appellant’s right to present evidence and testimony.

#### **D. Hearing Procedure**

1. The hearing shall be informal but orderly, and both the City and the appellant may present oral and written evidence; call witnesses; and be represented by legal counsel.
2. The City Council or Hearing Officer shall consider whether a nuisance condition exists; whether the abatement order or cost is reasonable and lawful; and any mitigating circumstances or compliance efforts.

#### **E. Decision**

1. A written decision shall be issued within ten (10) business days after the hearing.
2. The decision may affirm, modify, or rescind the original order or cost; establish a new compliance deadline; or authorize or deny abatement or assessment.
3. The decision is final, subject to judicial review under Minn. Stat. § 606.01 (writ of certiorari).

#### **F. Effect of Appeal on Enforcement**

1. Filing a timely appeal stays enforcement of the order or assessment until a final decision is issued, except in cases involving imminent danger to public health or safety or emergency abatement authorized under § 8.20.080(D).

## **CHAPTER 13.88 SHORELAND ZONING**

### **13.88.010 Shorelands**

State law reference—Municipal shoreland management, Minn. Stats. § 103F.221.

#### **13.88.010 Shorelands**

(a) *Statutory authorization and policy.*

- (1) *Statutory authorization.* This shoreland chapter is adopted pursuant to the authorization and policies contained in Minn. Stats. Ch. 103F, Minn. R. Pts. 6120.2500--6120.3900, and the planning and zoning enabling legislation in Minn. Stats. Ch. 462.
- (2) *Policy.* The Legislature of Minnesota has delegated responsibility to local governments of the State to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Pine City.

(b) *General provisions and definitions.*

- (1) *Jurisdiction.* The provisions of this chapter apply to the shorelands of the public waterbodies as classified in Subsection (d) of this section. Pursuant to Minn. R. Pts. 6120.2500--6120.3900, no lake, pond, or flowage less than ten acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this chapter.
- (2) *Enforcement.* The City of Pine City is responsible for the administration and enforcement of this chapter. Any violation of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this chapter can occur regardless of whether or not a permit is required for a regulated activity listed in Subsection (d)(2) of this section.
- (3) *Abrogation and greater restrictions.* It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(c) *Administration.*

- (1) *Purpose.* The purpose of this section is to identify administrative provisions to ensure this chapter is administered consistent with its purpose.
- (2) *Permits.*
  - a. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Subsection (h)(3) of this section.
  - b. A Certificate of Compliance, consistent with Minn. R. Pt. 7082.0700, Subpt. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high-water level.
- (3) *Application materials.* Application for permits and other zoning applications such as variances shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can evaluate how the application complies with the provisions of this chapter.
- (4) *Certificate of Zoning Compliance.* The Zoning Administrator shall issue a Certificate of Zoning Compliance for each activity requiring a permit as specified in Subsection (d)(2) of this section. This Certificate will specify that the use of land conforms to the requirements of this chapter. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this chapter and shall be punishable as provided in PCC 13.08.100.
- (5) *Variances.* Variances may only be granted in accordance with Minn. Stats. § 462.357 and are subject to the following:
  - a. A variance may not circumvent the general purposes and intent of this chapter; and
  - b. For properties with existing sewage treatment systems, a Certificate of Compliance, consistent with Minn.

R. Pt. 7082.0700, Subpt. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high-water level.

(6) *Conditional uses.* All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

- 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. There is adequate water supply and on-site sewage treatment; and
- 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.

(7) *Mitigation.*

- a. In evaluating all variances, conditional uses, Zoning and Building Permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this chapter, to protect adjacent properties, and the public interest:
  1. Advanced stormwater runoff management treatment;
  2. Reducing impervious surfaces;
  3. Increasing setbacks from the ordinary high-water level;
  4. Restoration of wetlands;
  5. Limiting vegetation removal and/or riparian vegetation restoration;
  6. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
  7. Other conditions the zoning authority deems necessary.
- b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation, shall be attached to permits.

(8) *Nonconformities.*

- a. All legally established nonconformities as of the date of this chapter may continue, but will be managed according to Minn. Stats. § 462.357, Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
- b. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subsections (e) through (g) of this section. Any deviation from these requirements must be authorized by a variance.

(9) *Notifications to the Department of Natural Resources.*

- a. All amendments to this shoreland chapter must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Pine City will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
- b. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- c. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- d. Any request to change the shoreland management classification of public waters within the City of Pine

City must be sent to the commissioner or the commissioner’s designated representative for approval, and must include a resolution and supporting data as required by Minn. R. Pt. 6120.3000, Subpt. 4.

- e. Any request to reduce the boundaries of shorelands of public waters within the City of Pine City must be sent to the commissioner or the commissioner’s designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of waterbodies with different classifications overlap. In these cases, the topographic divide between the waterbodies shall be used for adjusting the boundaries.

(10) *Mandatory EAW*. An Environmental Assessment Worksheet consistent with Minn. R. Ch. 4410 must be prepared for projects meeting the thresholds of Minn. R. Pt. 4410.4300, Subpts. 19a, 20a, 25, 27, 28, 29, and 36a.

(d) *Shoreland classification system and land uses*.

(1) *Shoreland classification system*.

- a. Purpose. To ensure that shoreland development on the public waters of the City of Pine City is regulated consistent with the classifications assigned by the commissioner under Minn. R. Pt. 6120.3300.
- b. The shoreland area for the waterbodies listed in Subsection (d)(1)c through e of this section are defined in PCC 13.08.100 and are shown on the Official Zoning Map. For the purposes of this chapter, the boundary between Cross Lake and the Snake River shall be the first set of railroad tracks located just upstream of Cross Lake.
- c. Lakes are classified as follows:

<i>Lake Classification</i>	<i>DNR Public Waters I.D. #</i>
<i>General Development</i>	
Cross Lake	58-119 P
<i>Natural Environment</i>	
Squaw Lake	58-146 W
Devil's Lake	58-118 W
Unnamed	58-120 W
Kick Lake	58-165 W

- d. Rivers and streams are classified as follows:

<i>River and Stream Classification</i>	<i>Legal Description</i>
<i>Urban</i>	
Snake River	Starting at the City limits of the City of Pine City in Section 32, flowing SE to the confluence of Cross Lake in Section 33.

- e. All public rivers and streams shown on the Public Waters Inventory Map for Pine County, a copy of which is adopted by reference, not given a classification shall be considered a "tributary."

(2) *Land uses*.

- a. Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.
- b. Shoreland district land uses listed in Subsections (d)(2)c and d are regulated as:
  1. *Permitted uses (P)*. These uses are allowed, provided all standards in this chapter are followed;
  2. *Conditional uses (C)*. These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Subsection (c)(6) of this section and any additional conditions listed in this chapter; and
  3. *Not permitted uses (N)*. These uses are prohibited.
- c. Land uses for lake and river classifications:

<i>Land Uses</i>	<i>General Development</i>	<i>Natural Environment</i>	<i>Urban River</i>
Single residential	P	P	P
Duplex, triplex, quad residential	P	C	P
Residential PUD	C	C	C
Water-dependent commercial--As accessory to a residential Planned Unit Development	C	C	C
Commercial	P	C	P
Commercial PUD--Limited expansion of a commercial Planned Unit Development involving up to six additional dwelling units or sites may be allowed as a permitted use, provided the provisions of Subsection (j) of this section are satisfied.	C	C	C
Parks and historic sites	C	C	C
Public, semipublic	P	C	P
Industrial	C	N	C
Agricultural: cropland and pasture	P	P	P
Agricultural feedlots--New	N	N	N
Agricultural feedlots--Expansion or resumption of existing	C	C	C
Forest management	P	P	P
Forest land conversion	C	C	C
Extractive use	C	C	C
Mining of metallic minerals and peat	P	P	P

(e) *Special land use provisions.*

(1) *Commercial, industrial, public, and semipublic use standards.*

a. Water-dependent uses may be located on parcels or lots with frontage on public waters, provided that:

1. The use complies with provisions of Subsection (g) of this section;
2. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
3. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
4. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
  - i. Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
  - ii. Signs placed within the shore impact zone are:
    - (a) No higher than ten feet above the ground, and no greater than 32 square feet in size; and
    - (b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
  - iii. Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.

- b. Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high-water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(2) *Agriculture use standards.*

a. *Buffers.*

1. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
  2. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.
- b. *New animal feedlots are not allowed in shoreland.* Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
1. Feedlots must be designed consistent with Minn. R. Ch. 7020;
  2. Feedlots must not further encroach into the existing ordinary high-water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and
  3. Old feedlots not currently in operation may resume operation consistent with Minn. Stats. § 116.0711.

(3) *Forest management standards.*

- a. The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.
- b. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.

(4) *Extractive use standards.* Extractive uses are conditional uses and must meet the following standards:

- a. *Site development and restoration plan.* A site development and restoration plan must be developed, approved, and followed over the course of operation. The plan must:
  1. Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
  2. Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
  3. Clearly explain how the site will be rehabilitated after extractive activities end.
- b. *Setbacks for processing machinery.* Processing machinery must meet structure setback standards from ordinary high-water levels and from bluffs.

(5) *Metallic mining standards.* Mining of metallic minerals and peat is a permitted use, provided the provisions of Minn. Stats. §§ 93.44--93.51, are satisfied.

(f) *Dimensional and general performance standards.*

- (1) *Purpose.* To establish dimensional and performance standards that protect shoreland resources from impacts of development.
- (2) *Lot area and width standards.* After the effective date of the ordinance from which this chapter is derived, all new lots must meet the minimum lot area and lot width requirements in Subsections (f)(2)e and f of this section subject to the following standards:
  - a. Only lands above the ordinary high-water level can be used to meet lot area and width standards;
  - b. Lot width standards must be met at both the ordinary high-water level and at the building line;
  - c. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the

property;

- d. Residential subdivisions with dwelling unit densities exceeding those in Subsections (f)(2)e and f of this section are allowed only if designed and approved as residential PUDs under Subsection (j) of this section; and
- e. Lake minimum lot area and width standards:

<i>General Development--No Sewer</i>				
	<i>Riparian</i>		<i>Nonriparian</i>	
	<i>Lot Area (square feet)</i>	<i>Lot Width (feet)</i>	<i>Lot Area (square feet)</i>	<i>Lot Width (feet)</i>
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490
<i>General Development--Sewer</i>				
	<i>Riparian</i>		<i>Nonriparian</i>	
	<i>Lot Area (square feet)</i>	<i>Lot Width (feet)</i>	<i>Lot Area (square feet)</i>	<i>Lot Width (feet)</i>
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245
<i>Natural Environment--No Sewer</i>				
	<i>Riparian</i>		<i>Nonriparian</i>	
	<i>Lot Area (square feet)</i>	<i>Lot Width (feet)</i>	<i>Lot Area (square feet)</i>	<i>Lot Width (feet)</i>
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800
<i>Natural Environment--Sewer</i>				
	<i>Riparian</i>		<i>Nonriparian</i>	
	<i>Lot Area (square feet)</i>	<i>Lot Width (feet)</i>	<i>Lot Area (square feet)</i>	<i>Lot Width (feet)</i>
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

- f. River/stream minimum lot width standards. There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are:

	<i>Urban and Tributary</i>	
	<i>No Sewer</i>	<i>Sewer</i>
Single	100	75
Duplex	150	115
Triplex	200	150
Quad	250	190

(3) *Special residential lot provisions.*

- a. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:
  1. Each building must be set back at least 200 feet 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 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- b. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Subsections (f)(2)e and f of this section, provided the following standards are met:
  1. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;
  2. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
  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.

c. Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:

1. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in Subsection (d) of this section;
2. If docking, mooring, or over-water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

<i>Controlled Access Lot Frontage Requirements</i>	
<i>Ratio of Lake Size to Shore Length (Acres/Mile)</i>	<i>Required Percent Increase in Frontage</i>
Less than 100	25%
100--200	20%
201--300	15%
301--400	10%
Greater than 400	5%

3. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
4. Covenants or other equally effective legal instruments must be developed that:
  - i. Specify which lot owners have authority to use the access lot;
  - ii. Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
  - iii. Limit the total number of vehicles allowed to be parked and the total number of watercrafts allowed to be continuously moored, docked, or stored over water;
  - iv. Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
  - v. 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.

(4) *Placement, height, and design of structures.*

a. Placement of structures and sewage treatment systems on lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions. The structure setback standards for sewer properties can only be used if publicly owned sewer system service is available.

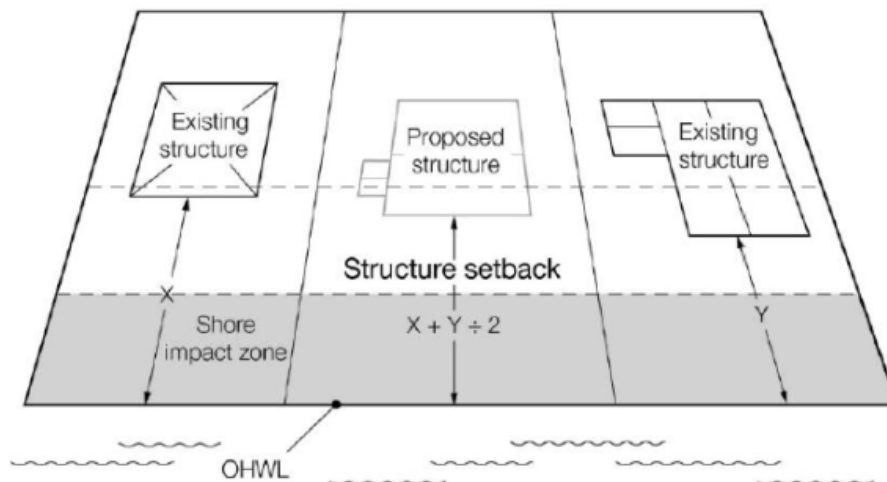
<i>Classification</i>	<i>Structures</i>		<i>Sewage Treatment System</i>
	<i>No Sewer</i>	<i>Sewer</i>	
<i>Lakes</i>			
Natural Environment	150	150	150
General Development	75	50	50
<i>Rivers and Streams</i>			
Urban and Tributary	100	50	75

1. *OHWL setbacks.* Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the ordinary high-water level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Subsection (g)(3) of this section, may be set back a minimum distance of ten feet from the OHWL;
2. *Setback averaging.* Where structures exist on the adjoining lots on both sides of a proposed

building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone;

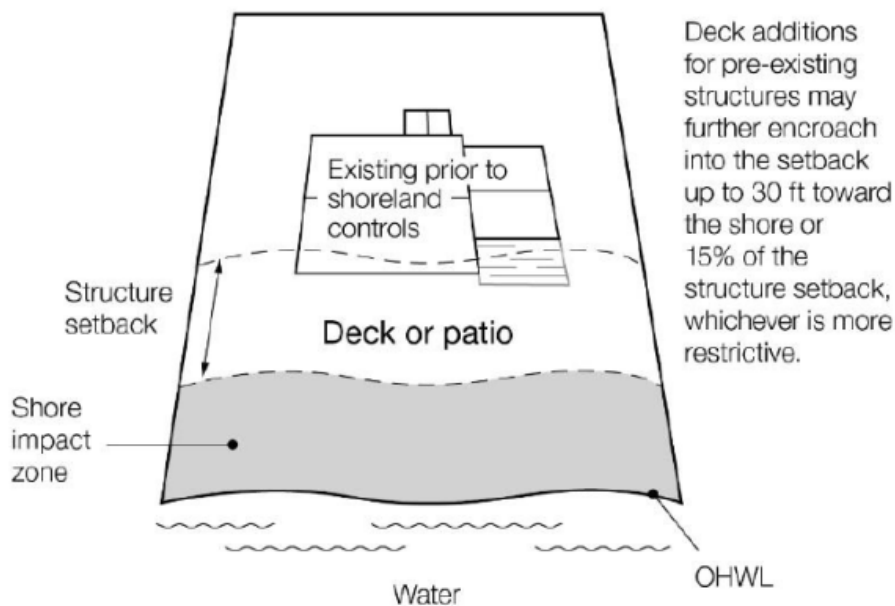
3. *Setbacks of decks.* Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high-water level if all of the following criteria are met:

### Structure Setback Averaging



- i. The structure existed on the date the structure setbacks were established;
- ii. 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;
- iii. The deck encroachment toward the ordinary high-water level does not exceed 15 percent of the existing setback of the structure from the ordinary high-water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
- iv. The deck is constructed primarily of wood, and is not roofed or screened.

### Deck Encroachment



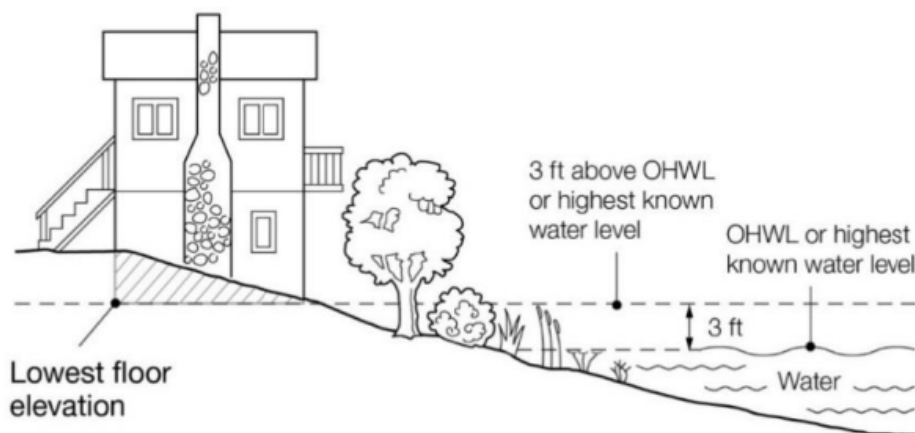
4. *Additional structure setbacks.* Structures must also meet the following setbacks, regardless of the

waterbody classification:

Setback from:	Setback (feet)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of Federal, State, or County highway	50
Right-of-way line of town road, public street, or other roads not classified	20

5. **Bluff impact zones.** Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- b. **Height of structures.** All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.
  - c. **Lowest floor elevation.** Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or floodproofed must be determined as follows:
    1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high-water level, whichever is higher;
    2. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet above the ordinary high-water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minn. R. Pts. 6120.5000--6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
    3. If the structure is floodproofed instead of elevated under this subsection, then it must be floodproofed in accordance with Minn. R. Pt. 6120.5900, Subpt. 3(D).

### Lowest Floor Elevation



- 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.

#### (5) Water supply and sewage treatment.

- a. **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.
- b. **Sewage treatment.** Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minn. R. Chs. 7080--7081.

(g) *Performance standards for public and private facilities.*

- (1) *Placement and design of roads, driveways, and parking areas.* Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:
  - a. 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;
  - b. 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 subsection are met;
  - c. Private facilities must comply with the grading and filling provisions of Subsection (h)(3) of this section; and
  - d. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
  
- (2) *Stairways, lifts, and landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:
  - a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and Planned Unit Developments;
  - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and Planned Unit Developments;
  - c. Canopies or roofs are not allowed on stairways, lifts, or landings;
  - d. 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;
  - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer, leaf-on conditions, whenever practical; and
  - f. Facilities such as ramps, lifts, or mobility paths for physically disabled persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of Subsections (g)(2)a through e of this section and the requirements of Minn. R. Ch. 1341.
  
- (3) *Water-oriented accessory structures or facilities.* Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:
  - a. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
  - b. The structure or facility is not in the bluff impact zone;
  - c. The setback of the structure or facility from the ordinary high-water level must be at least ten feet;
  - d. The structure is not a boathouse or boat storage structure as defined under Minn. Stats. § 103G.245;
  - e. 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;
  - f. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
  - g. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
  - h. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet, provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
  - i. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Subsection (f)(4)c of this section if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is

anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

(h) *Vegetation and land alterations.*

(1) *Purpose.* Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

(2) *Vegetation management.*

a. Removal or alteration of vegetation must comply with the provisions of this section except for:

1. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
2. The construction of public roads and parking areas if consistent with Subsection (g)(1) of this section;
3. Forest management uses consistent with Subsection (e)(3) of this section; and
4. Agricultural uses consistent with Subsection (e)(2) of this section.

b. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Subsection (e)(3) of this section.

c. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

1. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
2. Existing shading of water surfaces along rivers is preserved;
3. Cutting debris or slash shall be scattered and not mounded on the ground;
4. Perennial ground cover is retained; and
5. Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.

d. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.

e. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

(3) *Grading and filling.*

a. Grading and filling activities must comply with the provisions of this section except for the construction of public roads and parking areas if consistent with Subsection (g)(1) of this section;

b. *Permit requirements.*

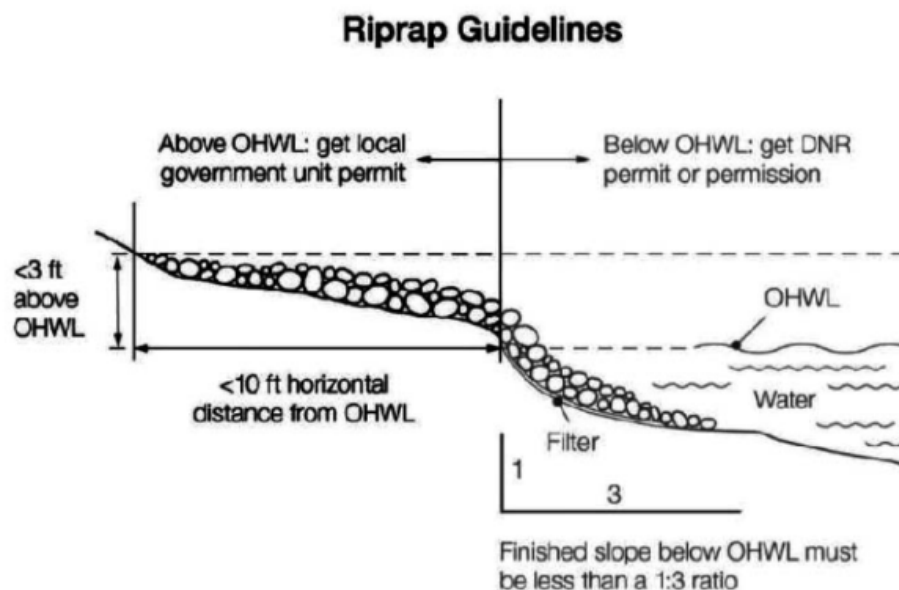
1. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Subsection (h)(3)c of this section must be incorporated into the permit.
2. For all other work, including driveways not part of another permit, a Grading and Filling Permit is required for:
  - i. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
  - ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

c. Grading, filling and excavation activities must meet the following standards:

1. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minn.

R. Ch. 8420 and any other permits, reviews, or approvals by other local, State, or Federal agencies such as watershed districts, the DNR or U.S. Army Corps of Engineers;

2. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
  - i. Limiting the amount and time of bare ground exposure;
  - ii. Using temporary ground covers such as mulches or similar materials;
  - iii. Establishing permanent vegetation cover as soon as possible;
  - iv. Using sediment traps, vegetated buffer strips or other appropriate techniques;
  - v. Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
  - vi. Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
  - vii. Fill or excavated material must not be placed in bluff impact zones;
  - viii. Any alterations below the ordinary high-water level of public waters must first be authorized by the commissioner under Minn. Stats. Ch. 103G;
  - ix. Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
  - x. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
    - (a) The finished slope does not exceed three feet horizontal to one foot vertical;
    - (b) The landward extent of the riprap is within ten feet of the ordinary high-water level; and
    - (c) The height of the riprap above the ordinary high-water level does not exceed three feet.



d. *Connections to public waters.* Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a Public Waters Permit and must comply with Minn. R. Ch. 6115.

(4) *Stormwater management.*

a. *General standards.*

1. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized as soon as possible and appropriate facilities or methods used to retain sediment on the site.
3. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

b. *Specific standards.*

1. Impervious surfaces of lots must not exceed 25 percent of the lot area.
2. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district or the Minnesota Stormwater Manual, as applicable.
3. New constructed stormwater outfalls to public waters must be consistent with Minn. R. Pt. 6115.0231.

(i) *Subdivision/platting provision.*

- (1) *Purpose.* To ensure that new development minimizes impacts to shoreland resources and is safe and functional.
- (2) *Land suitability.* Each lot created through subdivision, including Planned Unit Developments authorized under Subsection (j) of this section, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including Planned Unit Developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- (3) *Consistency with other controls.* Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
- (4) *Water and sewer design standards.*
  - a. A potable water supply and a sewage treatment system consistent with Minn. R. Chs. 7080--7081 must be provided for every lot.
  - b. Each lot must include at least two soil treatment and dispersal areas that support systems described in Minn. R. Pts. 7080.2200--7080.223 or site conditions described in Minn. R. Pt. 7081.0270, Subpts. 3--7, as applicable.
  - c. Lots that would require use of holding tanks are prohibited.
- (5) *Information requirements.*
  - a. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;
  - b. The surface water features required in Minn. Stats. § 505.021, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;
  - c. Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
  - d. 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;
  - e. Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and
  - f. 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.

- (6) *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.
- (7) *Platting*. All subdivisions that cumulatively create five or more lots or parcels that are 2½ acres or less in size shall be processed as a plat in accordance with Minn. Stats. § 462.358, Subd. 3a, and Minn. Stats. Ch. 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of the ordinance from which this chapter is derived unless the lot was previously approved as part of a formal subdivision.
- (8) *Controlled access lots*. Controlled access lots within a subdivision must meet or exceed the lot size criteria in Subsection (f)(3)c of this section.

(j) *Planned Unit Developments (PUDs)*.

- (1) *Purpose*. To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
- (2) *Types of PUDs permissible*. Planned Unit Developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Subsection (f)(2) of this section is allowed if the standards in this section are met.
- (3) *Processing of PUDs*. Planned Unit Developments must be processed as a conditional use. An expansion to an existing commercial PUD involving six or less new dwelling units or sites since the date the ordinance from which this chapter is derived 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 Subsection (j)(5) of this section. Approval cannot occur until all applicable environmental reviews are complete.
- (4) *Application for a PUD*. The applicant for a PUD must submit the following documents prior to final action on the application request:
  - a. Site Plan and/or plat showing:
    - 1. Locations of property boundaries;
    - 2. Surface water features;
    - 3. Existing and proposed structures and other facilities;
    - 4. Land alterations;
    - 5. Sewage treatment and water supply systems (where public systems will not be provided);
    - 6. Topographic contours at ten-foot intervals or less; and
    - 7. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
  - b. A property owners association agreement (for residential PUDs) with mandatory membership, and consistent with Subsection (j)(6) of this section.
  - c. Deed restrictions, covenants, permanent easements or other instruments that:
    - 1. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
    - 2. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Subsection (j)(6) of this section.
  - d. A Master Plan/Site Plan describing the project and showing floor plans for all commercial structures.
  - e. Additional documents necessary to explain how the PUD will be designed and will function.
- (5) *Density determination*. Proposed new or expansions to existing Planned Unit Developments must be evaluated using the following procedures.
  - a. *Step 1. Identify density analysis tiers*. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high-water level at the following intervals, proceeding landward:

Classification	Tier Depth	
	No Sewer (feet)	Sewer (feet)
General Development Lakes--1st tier	200	200

General Development Lakes--all other tiers	267	200
Natural Environment Lakes	400	320
All Rivers	300	300

b. *Step 2. Calculate suitable area for development.* Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high-water level of public waters.

c. *Step 3. Determine base density.*

1. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.

2. For commercial PUDs:

i. Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

(a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.

(b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

(a) For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 square feet.

(b) For recreational vehicles, campers or tents, use 400 square feet.

ii. Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Subsection (j)(5)c.2.i of this section.

Inside Living Floor Area or Dwelling Site Area (square feet)	Floor Area/Dwelling Site Area Ratio				
	General Development Lakes w/ Sewer--All Tiers	General Development Lakes w/No Sewer--1st Tier	Urban Rivers	General Development Lakes w/No Sewer--All Other Tiers	Natural Environment Lakes
<200	0.040			0.020	0.010
300	0.048			0.024	0.012
400	0.056			0.028	0.014
500	0.065			0.032	0.016
600	0.072			0.038	0.019
700	0.082			0.042	0.021
800	0.091			0.046	0.023
900	0.099			0.050	0.025
1,000	0.108			0.054	0.027
1,100	0.116			0.058	0.029
1,200	0.125			0.064	0.032
1,300	0.133			0.068	0.034
1,400	0.142			0.072	0.036
>1,500	0.150			0.075	0.038

iii. Multiply the suitable area within each tier determined in Subsection (j)(5)b of this section by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for

each tier to be used for dwelling units or dwelling sites.

iv. Divide the total floor area or dwelling site area for each tier calculated in Subsection (j)(5)c.2.iii of this section by the average inside living floor area for dwelling units or dwelling site area determined in Subsection (j)(5)c.2.i of this section. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

3. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.

4. All PUDs with densities at or below the base density must meet the design standards in Subsection (j)(6) of this section.

d. *Step 4. Determine if the site can accommodate increased density.*

1. The following increases to the dwelling unit or dwelling site base densities determined in Subsection (j)(5)c.2.iii of this section are allowed if the design criteria in Subsection (j)(6) of this section are satisfied as well as the standards in Subsection (j)(5)d.2 of this section:

<i>Shoreland Tier</i>	<i>Maximum Density Increases Within Each Tier (percent)</i>
1st	500
2nd	100
3rd	200
4th	200
5th	200

2. Structure setbacks from the ordinary high-water level:

- i. Are increased to at least 50 percent greater than the minimum setback; or
- ii. The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

(6) *Design criteria.* All PUDs must meet the following design criteria.

a. *General design standards.*

- 1. All residential Planned Unit Developments must contain at least five dwelling units or sites.
- 2. On-site water supply and sewage treatment systems must be centralized and meet the standards in Subsection (f)(5) of this section. Sewage treatment systems must meet the setback standards of Subsection (f)(4)a.1 of this section.
- 3. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
- 4. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Subsections (f)(3) and (4) of this section.
- 5. Shore recreation facilities:
  - i. Must be centralized and located in areas suitable for them based on a suitability analysis.
  - ii. 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).
  - iii. 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.
- 6. 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.

7. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
8. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subsection (g)(3) of this section and are centralized.

b. *Open space requirements.*

1. Open space must constitute at least 50 percent of the total project area and must include:
  - i. Areas with physical characteristics unsuitable for development in their natural state;
  - ii. Areas containing significant historic sites or unplatted cemeteries;
  - iii. Portions of the shore impact zone preserved in its natural or existing state as follows:
    - (a) For existing residential PUDs, at least 50 percent of the shore impact zone.
    - (b) For new residential PUDs, at least 70 percent of the shore impact zone.
    - (c) For all commercial PUDs, at least 50 percent of the shore impact zone.
2. Open space may include:
  - i. 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;
  - ii. Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
  - iii. Non-public water wetlands.
3. Open space shall not include:
  - i. Dwelling sites or lots, unless owned in common by an owner's association;
  - ii. Dwelling units or structures, except water-oriented accessory structures or facilities;
  - iii. Road rights-of-way or land covered by road surfaces and parking areas;
  - iv. Land below the OHWL of public waters; and
  - v. Commercial facilities or uses.

c. *Open space maintenance and administration requirements.*

1. *Open space preservation.* The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:
  - i. Commercial uses (for residential PUDs);
  - ii. Vegetation and topographic alterations other than routine maintenance;
  - iii. Construction of additional buildings or storage of vehicles and other materials; and
  - iv. Uncontrolled beaching of watercraft.
2. *Development organization and functioning.* Unless an equally effective alternative community framework is established, all residential Planned Unit Developments must use an owner's association with the following features:
  - i. Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
  - ii. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
  - iii. Assessments must be adjustable to accommodate changing conditions; and
  - iv. The association must be responsible for insurance, taxes, and maintenance of all commonly-owned property and facilities.

d. *Erosion control and stormwater management.*

1. Erosion control plans must be developed and must be consistent with the provisions of Subsection (j)(6)c of this section. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
2. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area, except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Subsection (j)(6) of this section.

(7) *Conversions.* Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

- a. Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
- b. 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;
- c. 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:
  1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
  2. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
  3. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- d. Existing dwelling unit or dwelling site densities that exceed standards in Subsection (j)(5) of this section 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.

(Prior Code, § 10.700.0100; Ord. No.19-14, 11-6-2019)

HISTORY

Adopted by Ord. [21-10](#) on 10/6/2021

**§ 1004.03 Shoreland Management Overlay District.**

Subd. 1. Statutory Authorization and Policy.

1. Statutory Authorization. A Shoreland Overlay District shall be continued pursuant to the authorization and policies contained in M.S. Chapter 103F, Minn. Rules parts 6120.2500 through 6120.3900, as they all may be amended from time to time, and the planning and zoning enabling legislation in M.S. Chapter 462, as it may be amended from time to time.

2. Policy. The uncontrolled use of shorelands of the city 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 interest of public health, safety, and welfare to provide for the wise subdivision, use, and development of shorelands of public waters. The legislature of the state 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 shall hereby be recognized by the city.

Subd. 2. General Provisions.

1. Jurisdiction. The provisions of this subsection shall apply to the shorelands of the public water bodies as classified in this section. Pursuant to Minn. Rules parts 6120.2500 through 6120.3900, as they may be amended from time to time, no lake, pond, or flowage less than ten acres in size in municipalities or 25 acres in size in unincorporated areas needs to 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 City Council, be exempt from this subsection.

2. 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 subsection and other applicable regulations of this chapter.

3. Definitions. Special definitions associated with this shoreland management section of the zoning ordinance are called out in subsection 1001.02 of this chapter. In case of conflict between these definitions, the most restrictive shall apply. Unless specifically defined, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application. All distances, unless otherwise specified, shall be measured horizontally.

Subd. 3. Shoreland Classification System and Land Use District Descriptions.

1. Shoreland Classification System. The public waters of the city have been classified below consistent with the criteria found in Minn. Rules part 6120.3300, as amended from time to time, and the *Protected Waters Inventory Map for Sherburne County, Minnesota*.

a. Lakes.

<b>Lake Type</b>	<b>DNR ID #</b>
<b>Lake Type</b>	<b>DNR ID #</b>
<b>General Development Lakes</b>	
Big Lake	71-82
Keller Lake	71-83
Mitchell Lake	71-81
<b>Natural Environment Lakes</b>	
Beaudry Lake	71-62
Beulah Pond	71-101
Landis Lake	71-99
Preusse Lake	71-63
Thompson Lake	71-96
Un-named (Kerber Lake)	71-70
Un-named Wetland	71-65
Un-named Wetland (McDowall Lake)	71-80
<b>Recreational Development Lakes</b>	
Blacks Lake	71-97

b. Rivers.

i. Agricultural rivers: Elk River.

ii. Forested rivers:

(a) Snake River; and

(b) St. Francis River.

2. Shoreland Overlay District. The shorelands of the city shall hereby be designated as shoreland overlay districts. The purpose of the shoreland overlay district shall be to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the city. Commercial planned unit developments shall be prohibited. These districts are shown on the zoning map.

a. Permitted or Principal Uses. All permitted uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city.

b. Conditional Uses. All conditional uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city.

c. Substandard Uses. Any use of shorelands in existence prior to the date of enactment of this chapter which shall be permitted within the applicable zoning districts, but do not meet the minimum lot area, setbacks, or other dimensional requirements of this chapter, shall be substandard uses.

d. Prohibited Uses. Any uses which are not permitted or conditional uses as regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city shall be prohibited.

Subd. 4. General Zoning Provisions. The following provisions are required within Shoreland Districts in addition to the specific provisions of each underlying zoning district.

Table 16

	Riparian Lot Area (Sq. Ft.)	Riparian Lot Width (Ft.)	Non-Riparian Lot Area (Sq. Ft.)	Non-Riparian Lot Width (Ft.)	Unsewered Structure Setback (Ft.)	Sewered Structure Setback (Ft.)	Sewage Treatment System Setback (Ft.)	Bluff Setback (Ft.)	Maximum Impervious Surface	Maximum Building Height (Ft.)
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Table 16

	Riparian Lot Area (Sq. Ft.)	Riparian Lot Width (Ft.)	Non-Riparian Lot Area (Sq. Ft.)	Non-Riparian Lot Width (Ft.)	Unsewered Structure Setback (Ft.)	Sewered Structure Setback (Ft.)	Sewage Treatment System Setback (Ft.)	Bluff Setback (Ft.)	Maximum Impervious Surface	Maximum Building Height (Ft.)
<b>Agricultural River</b>										
Single-Family	-	150	-	150	100	50	100	30	25%	25
Duplex	-	225	-	225	100	50	100	30	25%	25
Triplex	-	300	-	300	100	50	100	30	25%	25
Quad	-	375	-	375	100	50	100	30	25%	25
Business	-	-	-	-	100	50	100	30	75%	35
Industrial	-	-	-	-	50	50	50	30	50%	35
<b>Forested River</b>										
Single-Family	-	200	-	200	150	150	150	30	25%	25
Duplex	-	300	-	300	150	150	150	30	25%	25
Triplex	-	400	-	400	150	150	150	30	25%	25
Quad	-	500	-	500	150	150	150	30	25%	25
Business	-	-	-	-	150	150	150	30	75%	35
Industrial	-	-	-	-	150	150	150	30	50%	35
<b>General Development Lakes</b>										
Single-Family	15,000	75	10,000	75	150	50	150	30	25%	25
Duplex	26,000	135	17,500	135	150	50	150	30	25%	25
Triplex	38,000	195	25,000	190	150	50	150	30	25%	25
Quad	49,000	255	32,500	245	150	50	150	30	25%	25
Business	-	-	-	-	150	50	150	30	75%	35
Industrial	-	-	-	-	150	50	150	30	50%	35
<b>Natural Environment Lakes</b>										
Single-Family	40,000	125	20,000	125	150	150	150	30	25%	25
Duplex	70,000	225	35,000	220	150	150	150	30	25%	25
Triplex	100,000	325	52,000	315	150	150	150	30	25%	25
Quad	130,000	435	65,000	410	150	150	150	30	25%	25
Business	-	-	-	-	150	150	150	30	75%	35
Industrial	-	-	-	-	150	150	150	30	50%	35
<b>Recreational Development Lakes</b>										
Single-Family	20,000	75	15,000	75	150	75	150	30	25%	25
Duplex	35,000	135	26,000	135	150	75	150	30	25%	25
Triplex	50,000	195	38,000	190	150	75	150	30	25%	25
Quad	65,000	255	49,000	245	150	75	150	30	25%	25
Business	-	-	-	-	150	75	150	30	75%	35
Industrial	-	-	-	-	150	75	150	30	50%	35

1. Impervious Surface Coverage. For uses with a maximum impervious surface of 25% as identified in Table 16, the impervious surface may be increased as stated below.

- a. Paver stone driveways, sidewalks, and patios that receive all required permits and are properly installed with a sand base and sufficient

spacing to allow for drainage shall count towards 50 % of the area covered for the purposes of calculating the overall lot coverage.

b. The impervious surface coverage may be increased up to 35% of the total lot area by a conditional use permit as set forth in and regulated by subsection 1002.08 and the following criteria:

- i. All structures, additions, or expansions shall meet setback and other requirements of this chapter;
- ii. The lot shall be served by municipal sewer and water;
- iii. The lot shall provide for the collection and treatment of storm water in compliance with the City Storm Water Management Plan if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the City Engineer;
- iv. Measures to be taken for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water. The measures may include, but not be limited to, the following:
  - (a) Appurtenances as sedimentation basins, debris basins, desilting basins, or silt traps;
  - (b) Installation of debris guards and microsilt basins on storm sewer inlets;
  - (c) Use where practical, oil skimming devices, or sump catch basins;
  - (d) Direct drainage away from the lake and into pervious, grassed, yards through site grading, use of gutters, and downspouts;
  - (e) Sidewalks are constructed with partially pervious raised materials such as decking which has natural or other pervious material beneath or between the planking;
  - (f) Grading and construction techniques are used which encourage rapid infiltration, e.g., sand and gravel, under impervious materials with adjacent infiltration swales graded to lead into them;
  - (g) Berms, water bars, or terraces are installed which temporarily detain water before dispersing it into pervious area; and
  - (h) Installation of a minimum 15-foot wide buffer from the OHWL. This buffer would be treated similar to a wetland buffer where native grasses and the like would be required, and mowing and dumping would not be permitted.
- v. All structures and impervious surfaces shall be located on slopes less than 12%. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation;
- vi. Site developments shall be designed, implemented, and maintained using the most applicable combination of comprehensive practices that prevent flooding, pollutant, erosion, and sedimentation problems consistent with *Protecting Water Quality in Urban Areas, Best Management Practices for Minnesota*, State Pollution Control Agency, October 1989, or as amended, which is incorporated by reference, available at the State Law Library and not subject to frequent change; and
- vii. The city may impose additional conditions if determined necessary to protect the public health, safety, and welfare.

2. Agriculture Use Standards. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting if permitted in the underlying zoning district, and provided steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management System) 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 shall be equal to a line parallel to and 50 feet from the ordinary high water level.

### 3. 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.
  - i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this chapter, the use must be designed to incorporate topographic and vegetative screening of parking areas and structures.
  - ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
  - iii. 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.

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

5. Steep Slopes. The Zoning Administrator or designee 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 water, assuming summer, leaf on vegetation.

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

### 7. 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 this chapter shall be exempt from the vegetation alteration standards that follow.
- b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated by this chapter, are subject to the following standards.
  - i. 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 shall be 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.
  - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees shall be 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 are not substantially reduced;
- (b) Along rivers, existing shading of water surfaces is preserved; and
- (c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

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

a. 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 shall be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

b. Roads, driveways, and parking areas must meet structure setbacks for Shoreland Districts 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.

c. 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 subsection are met. For private facilities, the grading and filling provisions of subsection 1005.05 shall be complied with. Private watercraft access ramps shall not be permitted on any lake where a public watercraft access ramp is already available.

Subd. 5. Controlled Access Lots. Lots intended as controlled accesses to public waters or as recreation areas for use by owner 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 within Shoreland Districts and be suitable for the intended uses of controlled access lots.
- 2. If docking, mooring, or over water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table.

<b>Ratio of Lake Size to Shore Length (acres/miles)</b>	<b>Required Increase in Frontage</b>
Less than 100	25%
100 - 200	20%
201 - 300	15%
301 - 400	10%
Greater than 400	5%

Subd. 6. Storm Water Management. In addition to the provisions of subsection 1005.05 and other applicable provisions of this chapter, the following general and specific standards shall apply.

- 1. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
- 2. Development must be planned and conducted in a manner that shall 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.
- 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water 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 human-made materials and facilities.
- 4. For lots of record developed after May 25, 2016, a buffer strip of and average of 50 feet, but no less than 30 feet, shall be maintained abutting all shoreland. The buffer provisions of this chapter shall apply to lots developed or redeveloped on or after May 25, 2016. The city does, however, strongly encourage the use of a buffer on all lots in the city.
- 5. Buffer strips shall apply to all parcels of land, whether or not the shoreland is on the same parcel as a proposed development.
  - a. Any existing drain tile shall be modified as part of the project to eliminate short circuiting of the buffer strip.
  - b. New or enhanced buffer strips shall be maintained by the applicant for the later of one-year after completion of the project or acceptance by the City Engineer.
- 6. Buffer strip vegetation shall be established and maintained in accordance with the requirements found in subsection 1004.04. During the first two years, any buffer vegetation that does not survive must be replanted. After two years, if the condition of the buffer area changes through natural processes not caused by the property owner, the owner shall not be required to re-establish the buffer area to meet the standards contained in subsection 1004.04. Buffer strips shall be identified within each lot by permanent monuments approved by the city.

Subd. 7. 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 State Department of Health and the State 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 State Pollution Control Agency's standard for individual sewage treatment systems contained the regulations titled "Individual Subsurface Sewage Treatment Systems Standards, Minn. Rules Chapter 7080," a copy of which shall hereby be adopted by reference and declared to be a part of this subsection.
  - c. On-site sewage treatment systems must be set back at least 150 feet from the ordinary high water level of all public waters.
  - d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria listed 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. The evaluation criteria is as follows:

- i. Depth to the highest known or calculated ground water table or bedrock;
- ii. Soil conditions, properties, and permeability;
- iii. Slope; and
- iv. The existence of lowlands, local surface depressions, and rock outcrops.

Subd. 8. Shoreland Management Residential PUD Requirements.

1. **Applicability.** Residential planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversion of existing buildings and lands. The zoning districts in which they are an allowable use are identified in subsections 1003.05 through 1003.11 of this chapter and the official city zoning map.

2. **Processing.** Residential planned unit developments within a Shoreland District shall be processed as a conditional use, in accordance with subsection 1002.08.

3. **Submittal Requirements.** Submittal requirements for residential planned unit development applications in Shoreland Districts shall be in accordance with subsection 1003.18.

4. **Site Suitable Area Evaluation.** In all residential zoning districts except for the R-5, Residential Redevelopment District, proposed new or expansions to existing residential planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation. The shoreland lot area and size requirements specified in the underlying zoning district shall be utilized to determine density within each shoreland tier.

a. The project parcel shall 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:

<b>Table 18</b>	
<b>Shoreland Tier Dimensions</b>	
	<b>Sewered</b>
General Development Lakes - First Tier	200 feet
General Development Lakes - Second and Additional Tiers	200 feet
Natural Environment Lakes	320 feet
Recreational Development Lakes	267 feet

b. 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 the residential planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

5. **Residential Planned Unit Development Density Evaluation.** For all residential zoning districts, with the exception of the R-5, Residential Redevelopment District, the procedures for determining the "base" density of a residential planned unit development 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.

a. **Residential Planned Unit Development "Base" Density Evaluation.** The suitable area within each tier is divided by the single residential lot size standard for lakes. 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 of Subd. 6 above.

b. **Density Increase Multipliers.**

i. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards identified in each underlying zoning district (Shoreland lot size, area, and setback provisions) are met or exceeded and the design criteria in Subd. 6 above are satisfied. The allowable density increases in item 5.b.ii below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 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 city and the setback is at least 25% greater than the minimum setback from the ordinary high water level.

ii. **Allowable Dwelling Unit or Dwelling Site Density Increases for Residential Planned Unit Developments.**

<b>Table 19</b>	
<b>Density Evaluation Tiers</b>	<b>Maximum Density Increase Within Each Tier</b>
First	50%
Second	100%
Third	200%
Fourth	200%
Fifth	200%

6. **Maintenance and Design Criteria.**

a. **Maintenance and Administration Requirements.**

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

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

- (a) Commercial uses prohibited (for residential planned unit development);
- (b) Vegetation and topographic alterations other than routine maintenance prohibited;
- (c) Construction of additional buildings or storage of vehicles and other materials prohibited; and
- (d) Uncontrolled beaching of watercraft prohibited.

iii. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments shall use an owners' association with the following features.

- (a) Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers.
- (b) Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
- (c) Assessments shall be adjustable to accommodate changing conditions.
- (d) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

b. Open Space Requirements. Residential planned unit developments, in all districts except for the R-5, Residential Redevelopment District, shall contain open space meeting all the following criteria.

i. At least 50% of the total project area shall be preserved as open space.

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

iii. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.

iv. The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenant, permanent easements, public dedication and acceptance, or other equally effective and permanent means.

v. The shore impact zone, based on normal structure setbacks, shall be included as open space. At least 50% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments shall be preserved in its natural or existing state.

c. Erosion Control and Storm Water Management. Erosion control and storm water management plans shall be developed, and the residential planned unit development shall:

i. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This shall 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 shall be used to minimize erosion impacts on surface water features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristics warrant; and

ii. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. In all residential zoning districts except for the R-5, Residential Redevelopment District, impervious surface coverage within any tier shall not exceed 25% of the tier area.

d. Centralization and Design of Facilities. For all residential zoning districts except the R-5, Residential Redevelopment District, centralization and design of facilities and structures must be done according to the following standards.

i. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall 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 shall be increased in accordance with Subd. 5.2 above for developments with density increases.

ii. Shore recreation facilities, including, but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps, shall be centralized and located in areas suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, vegetation, soils, depth to ground water and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft shall 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.

iii. Structures, parking areas, and other facilities shall 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. Vegetative or topographic screening shall be preserved, if existing, or may be required to be provided.

iv. Accessory structures and facilities, except water-oriented accessory structures, shall meet the required principal structure setback and shall be centralized.

7. Conversions. For all residential districts except the R-5, Residential Redevelopment District, existing land uses may be converted to residential planned unit developments consistent with the provisions of this chapter and provided the following standards are met.

a. Proposed conversions shall 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 shall be identified.

b. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities shall be corrected as part of the conversion or as specified in the conditional use permit.

c. Shore and bluff impact zone deficiencies shall be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

i. Removal of extraneous building, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

ii. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water;

iii. 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 shall 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; and

iv. Existing dwelling unit or dwelling site densities that exceed standards in Subd. 5.2 above may be allowed to continue but shall not be allowed to be increased, either at the time of conversion or in the future. Efforts shall be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, or other means.

8. Neighborhood Design Requirements. The purpose of this subsection is to set forth design standards for residential PUD development to implement the housing, neighborhood, environmental and greenway goals, and policies of the City Comprehensive Plan. Residential developments shall be designed in patterns which incorporate the following elements.

a. Neighborhood Amenities. All new residential developments must incorporate the following neighborhood amenities into the project design, subject to review and approval of the City Council.

i. General. Natural habitat, neighborhood recreation, greenway, and/or pedestrian corridor open space, conforming to the type of use, location criteria, and deed restrictions of that classification.

(a) The City Council, at its discretion, may allow a density increase for dedication of additional open space areas designated for natural habitat, neighborhood recreation, and/or pedestrian corridors above the required dedication defined by the subdivision ordinance.

(b) The amenities shall not be considered as park dedication required by the city subdivision ordinance, unless specifically approved by the City Council.

(c) All amenity areas designated as open space shall be platted as outlots and held as open space in perpetuity.

(d) The development shall be designed to preserve the maximum quantity of natural habitat open spaces in a contiguous, connected configuration. Natural habitat open space may include, but are not limited to, fields, pastures, wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable view sheds.

(e) The development shall be designed to provide view sheds of natural features for the enjoyment of the neighborhood.

ii. Pedestrian Corridors. The development shall be designed to locate pedestrian corridors in strategic places such that larger open space outlots and designated places of destination both on the development tract and adjacent tracts are connected with one another. Pedestrian corridors may include, but are not limited to, established regional trails, local pathways, paved walkways, sidewalks, and shorelines. Pedestrian corridors shall be a minimum of 30 feet in width.

iii. Neighborhood Recreation. The development shall be designed to locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding home sites, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to, greens, commons, playgrounds, ball fields, gardens, or other recreational areas.

iv. Accessibility. Open spaces shall be accessible to pedestrians at not less than 1,200 foot intervals along public streets. Where necessary, pedestrian access corridors between private lots shall be at least 30 feet in width.

v. Deed Restrictions. Each open space outlot shall conform to the deed restrictions associated with its open space classification.

(a) Natural habitat open spaces shall be considered conservation easements and are for the responsible use and enjoyment of adults and children. Construction in these areas shall be limited to trails (paved or unpaved), open-air shelters, bridges, benches, birdhouses, and wood fencing.

(b) Neighborhood recreation open spaces shall be used for active or passive recreational purposes, including gardening. Construction in these areas shall be limited walkways, open air shelters, bird houses, bridges, garden storage sheds no larger than 120 square feet, wood fencing, landscape planting, play equipment, outdoor furniture, and facilities for active recreation.

(c) Pedestrian corridors shall be used for pedestrian and bicycle travel. Motorized vehicles shall be prohibited. Construction in these areas shall be limited to gravel or paved pathways, wood fencing, and landscape planting.

(d) Habitable structures shall not be permitted in any open space outlot.

vi. Ownership and Management. Each designated open space outlot shall be owned and managed as set forth below, subject to City Council approval.

(a) Open space may be owned in common by the property owners of the subdivision. In the case where at least one outlot of open space is held in common ownership, a homeowner association shall be established for that subdivision and membership in the association by all property owners in the subdivision shall be mandatory. Management shall be the responsibility of that subdivision's homeowner association.

(b) Open space may be deeded to an established land trust. Management shall be the responsibility of the land trust. Maintenance may be performed by the neighborhood homeowner association, through written agreement between the association and the land trust.

(c) Open space may be deeded to the city. Management shall be the responsibility of the city.

(d) Open space may be protected by establishing conservation restrictions in perpetuity in favor of the city as provided in M.S. §§ 84.64 to 84.65, as they may be amended from time to time. Unless the document establishing the restrictions specifically provides to the contrary, the city shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the city prior to the execution and delivery thereof. Notwithstanding any provision of this chapter to the contrary, the city may, in cases where conservation restrictions are utilized to meet open space dedication requirements of this chapter, waive the requirement that the area subject to the restrictions be platted as a separate outlot.

b. Neighborhood Configuration. The standards identified herein are intended to result in neighborhoods that offer a variety of lot sizes, configurations, and amenities. Review and approval of standard subdivisions and planned unit developments by the City Council shall be based upon an evaluation that the proposed development plan provides a cohesive neighborhood(s) in a site design appropriate to the location of common open spaces consistent with the following provisions.

i. To establish a cohesive neighborhood unit, residential lots and units should be located in neighborhood clusters to accomplish efficiency of land utilization while adhering to the underlying density and open space requirements of the Zoning District. The objective is to design the project in a manner that minimizes the visual impact of the development on the landscape to the greatest extent reasonably possible.

ii. The neighborhood cluster should be oriented toward an identifiable feature which all residential units share in common. Neighborhood identity may be established by one or more of the following features.

(a) View Shed. The lots of a neighborhood may be arranged such that a majority of the principal structures will take visual advantage of a field, wetland, woods, lake, stream, or other open space which could be described as a view shed.

(b) Physical Amenity. The lots of a neighborhood may be arranged such that a majority of the principal structures will face a green, playground, ball field, rock out cropping, stand of trees, waterbodies, place of worship, school, or other physical feature unique to that particular neighborhood.

(c) Streetscape. The lots may be arranged such that the principal structures will face a street space enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to the city's street design standards.

Subd. 9. Non-Conformities. Subject to the applicable provisions of subsection 1005.11, all legally established non-conformities as of October 29,

1985, may continue, but they shall be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards shall also apply in shoreland areas.

1. Construction on Non-Conforming Lots of Record. This subsection shall apply to all residential districts except for the R-5, Residential Redevelopment District.

a. Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of this subsection may be allowed as building sites without variances from lot size requirements under the following provisions:

- i. The use is permitted in the zoning district;
- ii. The lot was created compliant with official controls in effect at the time;
- iii. Sewage treatment and setback requirements of this subsection are met;

iv. The lot has been in separate ownership from abutting lands on or before October 29, 1985. However, in a group of contiguous lots under single ownership, any individual lot may be allowed as a building site if it is at least 70% of the lot size requirements of this subsection;

v. All other dimensional requirements of this subsection shall be complied with. However, in the event a property owner cannot comply with other dimensional requirements of this subsection because of the limited size of the lot, that property owner shall be required to obtain a variance where necessary to prevent hardship. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit shall be issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided; and

vi. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this subsection, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this subsection as much as possible.

2. Non-Conforming Sewage Treatment System.

a. A sewage treatment system not meeting the requirements of this subsection must be replaced, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. Replacement of a sewage treatment system must be made by connecting to the city's municipal system where the connection is available.

b. The governing body of the city has, by formal resolution, notified the Commissioner of its program to identify non-conforming sewage treatment systems. The city shall require replacement of any non-conforming system identified by this program within a reasonable period of time which will not exceed two years.

(Ord. 2025-09, passed 12-10-2025)

**11-102-25: CONDITIONAL USES:**

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures set forth in chapter 4 of this title. The following additional evaluation criteria and conditions apply within shoreland areas:

A. Evaluation Criteria: A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
2. The visibility of structures and other facilities as viewed from public waters is limited.
3. The site is adequate for water supply and on site sewage treatment. (Ord. 867, sec. 118, 5-17-2010)