CITY OF COHASSET LAND USE CONTROLS ORDINANCE

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10.00 TITLE

This ordinance shall be known as the LAND USE CONTROLS ORDINANCE FOR THE CITY OF COHASSET, MINNESOTA, and otherwise be referred to as Ordinance Number 24.

10.01 AUTHORITY AND PURPOSE

10.011 Authority and Jurisdiction

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

10.012 City Comprehensive Plan

The Cohasset City Comprehensive Plan shall be the document known as the "Community Plan for the City of Cohasset, Minnesota" adopted 10 June 1992. The Comprehensive Plan may be amended by the City Council from time to time in accordance with the procedures set forth in Chapter 462, Minnesota Statutes.

10.013 Intent and Purpose

This ordinance is adopted for the purpose of:

A. Protecting the health, safety, morals, comfort, convenience and general welfare.

B. Regulating land use in accordance with the City Comprehensive Plan.

C. Dividing the City into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of structures and land.

D. Promoting orderly development of the residential, business, industrial, recreational and public areas.

E. Providing adequate light, air, access to direct sunlight, and convenience of access to property.

F. Limiting congestion in the public rights-of-way.

G. Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.

H. Providing for the compatibility of different land uses and the most appropriate use of land throughout the City.

I. Insuring the responsible, technically correct and appropriate legal division of land.

J. Maintaining and enhancing the quality and condition of natural resources within the city.

K. Providing for the administration of this ordinance and amendments thereto.

10.02 GENERAL

10.021 Rules of Construction

A. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

B. Words used in the present tense include the future tense and the singular includes the plural unless the context clearly indicates the contrary.

C. The word building includes the word structure.

D. The word shall is mandatory and the word may is permissive.

E. The word lot includes the words parcel or plot.

F. The words used or occupied include the words intended, designed or arranged to be used or occupied.

G. Any word or term not interpreted or defined shall be used with a meaning of common or standard utilization.

10.022 Scope, Application and Interpretation

A. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare.

B. Conflicting regulations. Whenever any provision of this ordinance is found to be in conflict with the provisions of any other city ordinance, the ordinance containing the more restrictive requirements shall govern.

C. Scope.

1. No structure or part thereof, shall be erected, converted, enlarged, reconstructed, altered or moved and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this ordinance.
2. No site or lot or part thereof, shall be converted, enlarged, reconstructed, altered or used for any purpose or in any manner which is not in conformity with the provisions of this ordinance.
3. No Zoning Permit shall be required for:
   a) Local public utility distribution lines.
   b) Farming excluding livestock.
   c) Recreational trails.
   d) Forest management activities except as stipulated in shoreland areas.
   e) Lawn ornamentation.
   f) Remodeling of existing structures.

g) Tool sheds and similar buildings for the storage of domestic supplies of 100 square feet or less that meets all setbacks.[2]
h) Decks/Patios of less than 160 square feet (excludes water-oriented decks/patios).[34]
i) The movement of 10 cubic yards or less of material on steep slopes or within the shore and bluff impact zones.[5]
j) The movement of 50 cubic yards or less of material outside of steep slopes or within the shore and bluff impact zones.[6]
k) Public road and utility projects.[7]
l) Solid fuel-fired heating devices of 100 square feet or less that meets all setbacks.[8]
m) Satellite receiving antennas and apparatus of a diameter of 12 feet or less that meet all setbacks except as stipulated in shoreland areas.

4. [9]Similar Uses. When a use is not specifically listed in this ordinance it shall be understood that the use may be allowed if it is determined by the zoning officer that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified by this zoning ordinance and that new uses will evolve over time. This section establishes the zoning officer's authority to compare a proposed use and measure it against those listed in the zoning ordinance for determining similarity. In determining similarity the zoning officer shall make all of the following findings:
   a) The proposed uses shall meet the intent of and be consistent with the goals, objectives, and policies of the comprehensive plan;
   b) The proposed use shall meet the stated purpose and general intent of the zone district in which the proposed use is to be located;
   c) The proposed use shall not adversely impact the public health, safety, and general welfare of the city's residents; and
   d) The proposed use shall share characteristics in common with and not be of greater intensity, density, or generate more environmental impact than those uses listed in the zoning district in which it is to be located.

10.023 Vested Rights

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

10.024 Separability

A. Validity, general application. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically in said judgment.

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

10.025 Lot Provisions

A. Reduction in lot area. No lot of record shall be reduced in size below the district requirements of this ordinance.

B. Use. A lot of record for which a deed has been recorded in the office of Recorder for Itasca County prior to the effective date of this ordinance shall be deemed a buildable lot even though the lot area and/or dimensions are less than those required for the district in which the lot is located provided:

1. The lot has permanent legal access to a public right-of-way;[10]
2. All other requirements of the district are met;
3. No adjacent land or lot is now owned or has been owned by an owner of the lot in question at any time since March 29, 1993. Where adjacent land is owned, lots shall be combined so as to create a lot meeting the requirements of this ordinance except that combining of contiguous lots under the same ownership shall not be required if each lot meets 75% of the minimum lot dimensions set forth in this ordinance; and[11]
4. That any lot so excepted shall be no less than fifty (50) feet in width.

C. Contiguous lots. Two (2) lots of record when contiguous and when held in common ownership may be treated together as a single lot for purposes of this ordinance, provided such lots are located in the same district or if in different districts, the use proposed for either is allowed in both districts.

D. One principal building per lot. Except for a Planned Unit Development or a multiple-family project as provided for herein, not more than one principal building shall be located on a lot in any residential district.

E. Exceptions. The minimum lot width, lot area, and setback requirements established herein shall be maintained for the placement of all structures

and additions unless otherwise provided. Greater lot area per unit may be required if necessary to provide for proper sewage treatment. Any structure in any zone district may have an extended roof line (includes awnings, canopies, marquees, and overhangs) which encroaches upon the minimum side and rear yard setbacks, provided such encroachment shall not interfere with the adjacent property's solar access or create a drainage problem.[12]

10.026 Other Provisions

A. Sewage treatment. [13]Any premises intended for human occupancy must be provided with an approved method of sewage treatment designed in accord with all regulations of the Minnesota Department of Health or as otherwise specified in this or pertinent ordinances of the City of Cohasset.

1. Lots serviced by public sewage collection shall connect to such system. Connection shall be approved by the City of Cohasset prior to issuance of land use permit.
2. For lots not serviced by public sewage collection refer to section 10.075.

B. Construction schedule. Construction of all permitted buildings or structures or facilities or commencement of a use shall be substantially begun within twelve (12) months of the date of issue of the permit or said permit shall become void. Commercial and industrial structures and uses shall be completed within the time period specified on the permit or twelve months or said permit shall become void. Exterior of the structure and rough grading shall be completed within twelve (12) months from substantially begun.[14] Extensions may be granted by the Zoning Officer, provided that the proposed extension meets requirements of this ordinance; said extensions shall be in writing.

C. Temporary dwellings. The use and occupancy of a tent, recreational vehicle or other temporary dwelling for the purpose of living quarters is not permitted in any district except as provided for herein.[15]

D. Access to a street or road required. Every building hereafter erected shall be on a lot having permanent legal access to a public street or road.

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

F. Unplatted cemetery. No structure may be placed closer than fifty (50) feet of an unplatted cemetery.

G. Structure address display.[16]

1. Purpose – to have all residences in the City of Cohasset display the assigned address.
2. Goal – to assist emergency vehicles to find the correct address.
3. Compliance:

   a. All residential, commercial, and public buildings shall display their numerical numbers.

   b. Each address will display the numerical number by one or more of the following means:

   - Four (4) inch high numbers next to the front door in contrasting colors to the background,
   - Two (2) inch high reflective numbers on the mail box at the street,
   - 9-1-1 (blue and white) number sign.

   - If the numbers by the front door are not visible from the public street and you don't have a mail box, a sign with four (4) inch high numbers needs to be displayed which is visible from the street.

   c. Time for compliance: All owners have forty five (45) days after notification to comply.

4. Violation: Failure to comply will result in a fine as established by the City.

10.027 Environmental Review

A. General. The Planning Commission shall review and act upon all environmental review petitions, worksheets and impact statements that involve conditional uses, subdivision plats, or other development proposals. It shall be the responsibility of the applicant to supply all required information and to pay all fees that may be charged by the City.

B. Review required. The Planning Commission on any development proposal may require the applicant to provide information regarding the environmental affects of a proposal. This review may take the form of a discretionary Environmental Assessment Worksheet (EAW) or as specific information and analysis sought as part of the permit review process or as per MN Statute section 116D.04, 116D.045 and MN Rules Chapter 4410 (adopted by reference in its entirety and declared to be part of this ordinance).[17]

10.028 REPEALS

The ordinance enacted by the Cohasset City Council on 26 May 1992 establishing the Cohasset City Planning Commission is hereby repealed.

10.03 DEFINITIONS

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

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.[18]

Accessory structure or facility - Any building or improvement subordinate to a principal structure or use (does include an above or below-ground pool without a deck). See 10.101 Performance Standards for Private non-commercial recreation facilities.[19][20]

[21]**Adult Book and/or Media Store** – A commercial establishment which excludes minors and which displays instruments, devices, or paraphernalia which are designed for use in connection with Specified Sexual Activities or displayed as books, magazines, films, video tape, or other media which are characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

Adult Cabaret – A commercial establishment which provides dancing or other live entertainment for observation or participation by patrons therein which excludes minors by virtue of age from all or part of the establishment and is distinguished or characterized by an emphasis on the performance, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Conservation/Rap Parlor - A commercial establishment which provides the service of engaging in listening to conservation, talk or discussion for observation or participation by patrons therein which excludes minors by reason of age, if such service is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

Adult Entertainment Center - A commercial establishment which excludes minors by reason of age, an admission is charged for entrance into the facility, or for food, alcoholic beverages or other beverages intended for consumption within the facility, wherein may be observed or which contains one or more coin-operated mechanisms which when activated permit a customer to view one or more live persons unclothed or in such attire, costume or clothing as to expose to view any Specified Sexual Activities or Specified Anatomical Areas.

Adult Massage Parlor - A commercial establishment which provides the service of "massage" for observation or participation by patrons therein which excludes

minors by reason of age, if such service is distinguished by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

Adult Sauna - A commercial establishment which provides a steam bath or hot air bathing and/or massage services for observation or participation by patrons therein which excludes minors by reason of age where such service is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

Adult Steamroom/Bathhouse - A commercial establishment providing a steam bath or heat bathing for pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent for observation or participation by patrons therein which excludes minors by reason of age where such service is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater – A theater in an enclosed building, from which minors are excluded from all or part of the establishment, used regularly and routinely for presenting live entertainment or motion pictures including but not limited to film and videotapes for observation or participation by patrons therein having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

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

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

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

Animal unit (see also "livestock") - As a unit of measure for use in this ordinance, the following animal unit equivalents (approximately one animal unit = one thousand pounds) shall apply: one dairy cow (1.4 animal units); one slaughter steer or heifer (1.0 animal units); one horse (1.0 animal units); one swine or ostrich (0.4 animal units); one sheep, goat or dog (0.2 animal units); one duck, turkey or cat (0.02 animal units); and one chicken (0.01 animal units).[22][23]

Animated sign - a sign utilizing movement or some element thereof.[24]

Apartment - A room or suite of rooms, including bath and kitchen facilities, designed for single-family occupancy within or attached to a residential or commercial building.[25]

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Assembly uses - Structures wherein groups of people congregate for a common purpose, including but not limited to places of worship, theaters, fraternal organizations, taverns, cultural facilities, golf/country clubs, and community centers.[26]

Assembly uses, **small** - A structure with less than thirty (30) person capacity in the largest assembly room, not counting the permanent residents if in a single family dwelling, where people assemble for a common purpose other then for work.[27]

Assembly uses, **large** - A structure with thirty (30) or more person capacity in the largest assembly room, not counting the permanent residents if in a single family dwelling, where people assemble for a common purpose other then for work.[28]

Awning - a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.[29]

Awning sign - a building sign or graphic printed on or in some fashion attached directly to the awning material.[30]

Balloon sign - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.[31]

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

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

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

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

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

Boarding House - A building other than a motel or hotel, where, for compensation and by prearrangement for definite periods, meals and lodging are provided for not less than three (3) or more than eight persons.[32]

Boathouse - A structure designed and used solely for the storage of boats and boating equipment.

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

Buffer - The use of land topography, spaces and screening to separate uses or structures from other uses or structures.

Building - any structure used or intended for supporting or sheltering any use or occupancy.[33]

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

Building line - A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

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

Building sign - any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.[34]

Cabinet sign - any wall sign that is not of channel or individually mounted letter construction.[35]

Campground - An open-air recreation area where temporary shelters, such as tents, recreational vehicles, and travel trailers, are intended to provide temporary occupancy.[36]

Canopy - a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.[37]

Canopy sign - any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.[38]

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

Changeable copy sign - a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.[39]

Church (also referenced as "place of worship") - A building, together, with its accessory buildings and uses, where persons regularly assemble for religious

worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

City clerk - The city clerk of Cohasset or his or her designated agent.

City council - The city council of Cohasset, Minnesota.

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

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

Cohasset Industrial Park – This is the platted area known as Cohasset Industrial Park (CIP).[40]

Commercial Speech – speech advertising a business, profession, commodity, service or entertainment.[41]

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

Commissioner - The commissioner of the Minnesota Department of Natural Resources.

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

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

Congregate Housing - Group housing for three (3) or more individuals not related by blood, marriage or adoption on a weekly or longer basis.[42]

County surveyor - The County Surveyor of Itasca County or the authorized representative.

Crematorium - A place where dead bodies are burned/incinerated.[43]

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

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

Deck/Patio - A horizontal, unenclosed platform of any material with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site. All such decks/patios exceeding 160 square feet shall require a building permit. Such decks exceeding 160 square feet which are detached from the principal structure shall be considered an accessory structure.[44]

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

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

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

Dwelling - Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families.[45]

Dwelling, seasonal (cabin) - A residence occupied on a part-time basis, not to exceed eight (8) months of the calendar year, and not requiring public services such as school bus transport or snow plowing of roads by a unit of government. In certain circumstances as described herein recreational vehicles may be used as seasonal dwellings.

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

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

Dwelling, square footage – excludes porches, attics, basements, cellars, and crawl spaces.[46]

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

Dwelling unit - Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Dwelling width – Is measured at the narrowest point on the first story and does not include overhangs or other projections beyond the principle exterior walls.[47]

Economic Development Authority – This refers to the Cohasset Economic Development Authority (CEDA).[48]

Electronic message center - a sign capable of displaying words, symbols, figures or images that can be electronically changed by remote means.[49]

Elevation - the view of the side, front, or rear of a given structure(s).[50]

Elevation area - the area of all walls that face any lot line.[51]

Entryway – An enclosed (four walls, a floor, and a roof) and heated area leading to an entrance of a structure.[52]

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

Erect - activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.[53]

Extractive use - The use of land for surface or subsurface removal from the site of more than 1000 CY per acre of sand, gravel, rock, peat, or other minerals.[5455]

Facia sign – see wall sign.[56]

Fill - Clean and uncontaminated earth.[57]

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

Fish House – A structure used solely of fishing through the ice of a public water body. A fish house not situated on a public water body and stored outside shall be considered as a detached accessory structure for applying the requirements of this ordinance including but not limited to setbacks and lot coverage except a fish house which is currently licensed or had been licensed the previous year by the DNR shall not count toward the maximum number of detached accessory structures allowed in the zone district.[58]

Flag - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.[59]

Flashing sign - an illuminated sign which alternates light or color between fully illuminated and fully non-illuminated (includes zooming).[60]

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

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

Flood fringe - That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Itasca County.

Flood plain - The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

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

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

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

Forestland conversion - The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

Foundation system – a permanent concrete or wood foundation which supports the exterior walls.[61]

Frame effect - a visual effect on an electronic message center applied to a single frame to transition from one message to the next.[62]

Freestanding sign - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.[63]

Frontage - the line of contact of a property with the public right-of-way.[64]

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

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

Grade - grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.[65]

Grading and filling – Excludes holes dug for posts, sono tubes, pilings, etc. for the support of stairs, lifts, and landings for access to the public water body.[66]

Ground sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.[67]

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

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

Hardship, undue - Means the same as that term as defined in Minnesota Statutes, Chapter 462 and any subsequent amendments. As of the date of enactment of this ordinance, "undue hardship" was defined in said Statutes as "the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner."

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

Height of sign - the height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.[68]

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

Home occupation - 1[69]

a. Any uses customarily incidental and subordinate to the principal residential use,
b. Retail products and inventory are allowed,
c. Any person (family member or not) residing on the premises is allowed to be employed therein,
d. No more than 1,200 square feet is devoted to such home occupation,
e. One sign not exceeding six[70] square feet in area which may contain the name of the occupation and shall be attached to the dwelling and not be illuminated,
f. No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, heat, glare, and electrical disturbance to radio, telephone or television,
g. No display of product may be visible from the street,
h. Shall not create traffic congestion on the public street,
i. In particular, but not exclusively, a home occupation includes the following: artist's or craftsperson's studio; licensed family day care; making clothes; office for a professional practice such as engineer, architect, lawyer or accountant; teaching, with musical instruction limited to not more than two pupils at the same time; home crafts; carpentry work; office facility of a sales person, sales or manufacturer's representative; or other uses deemed similar to the above by the Zoning Officer.

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

Hotel, motel, motor hotel - any building or combination of buildings contained six or more rooms used for sleeping purposes by guest on a transient basis.[71]

Hotel - A building containing eight (8) or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and which ingress to and from all rooms is made through an inside lobby or office supervised by a person in charge.[72]

Illuminated sign - any sign which contains an element designed to emanate artificial light internally or externally.[73]

Impervious Surface - Refers to improvements on or to the land which prevent precipitation from percolating into the soil. It includes buildings, concrete or asphalt pavement, compacted class 5 (gravel), or similar hard surfaces. It does not include any naturally occurring surface bedrock. Porous decks or paving systems over unpaved or uncompacted surfaces are not considered impervious.[74]

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

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

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

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

Interior sign - a sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.[75]

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

Issuing Authority - the City of Cohasset.[76]

Junk, salvage or wrecking yard - Any place where three (3) or more motor vehicles not containing current license plates, or not in operable condition, are stored in the open. Also, an area where used, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area of building shall not be included.

Kennel - Any structure or premises, intended for commercial activity where four (4) or more dogs over four (4) months of age are kept or raised for compensation. A person's home where dogs are kept as pets is not a "kennel".

Legally established nonconforming sign - any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.[77]

Limited vegetative clearing - The clear cutting and removal of grasses, brush and dead trees while allowing healthy trees to remain. Brush is defined as a plant having multiple woody stems less than 2 inches in diameter and less than twelve feet in height. Trees are defined as single or multiple stemmed with diameters exceeding 2 inches and more than twelve feet in height.[78]

Livestock (see also "animal unit") - Animals such as horses, cows, ostrich, swine, sheep, goats, poultry, etc. kept for use or profit, excluding poultry and rabbits kept as pets or raised for consumption.[79][80]

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

Lot area - The area of a lot in square feet as bounded by the lot lines.

Lot coverage - Lot coverage shall include all structures and private concrete, bituminous, gravel, and similar impervious surfaces.[81]

Lot of record - A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation which has been recorded in the office of Recorder of Itasca County prior to the effective date of this ordinance (March 29, 1993).[82]

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

Lot width – **Non-Riparian** The shortest distance between lot lines measured at the structure setback line.

Lot width – Riparian For riparian property lot width requirements shall be met both at the Ordinary High Water Level (OHWL) and at the minimum structure setback line as described below:

A. At the OHWL the lot width shall be measured along the OHWL from the point of intersection of one sideline to the point of intersection with the other sideline.

B. At the minimum structure setback line lot width shall be measured as follow:

- First, determine the minimum structure setback from the public water body from section 10.073 B.[838485]
- Second, draw a line at the minimum structure setback between the point of intersection of one sideline to the point of intersection with the other sideline.
- Third, determine the midpoint of the minimum structure setback line.
- Fourth, determine the shortest possible distance from the midpoint to each of the side lines.
- Finally, add the two distances. The sum of the two segments shall constitute the lot width at the minimum structure setback line.

C. Diagram with note:

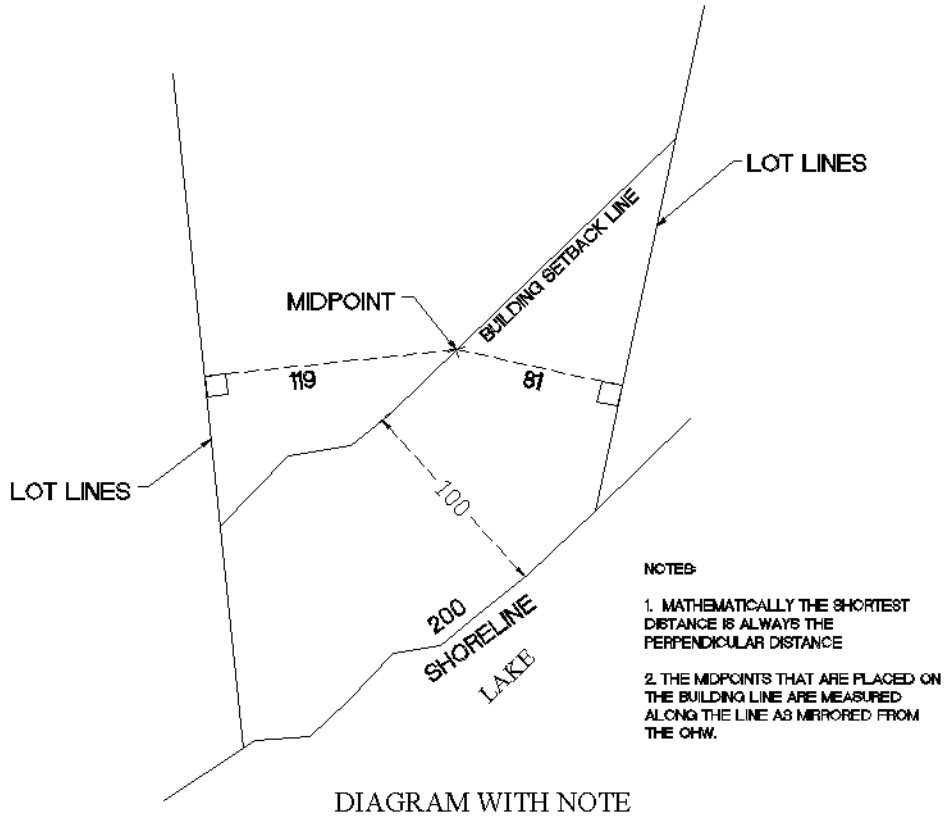

DIAGRAM WITH NOTE

Lubricant Oil and Grease Bulk Storage – excludes more flammable light oils such as gas, kerosene, aviation fuel, fuel oil racing fuel, etc.[86]

Manufactured home – means (as per MN statute 327.31 Subdivision 6) a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet (porches, vestibules and structures attached to the manufactured unit shall not be included in determining whether the dimensional requirements of this ordinance have been met), and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under MN statutes 327.[87] A manufactured home (built from July 1, 1972 and newer) built in conformance with Sections 327.31 to 327.35 of the Minnesota Statutes which:[888990]

1. Is connected to public utilities or is serviced by its own well and septic system; and[91]
2. Has all wheels removed; and
3. Is assessed and taxed as real property under Chapter 272 of the Minnesota Statutes; and

4. Has been issued a residential zoning permit and Certificate of Occupancy by the Zoning Officer of the City of Cohasset certifying that the requirements of this ordinance have been met.

Manufactured home accessory structure – means (as per MN statutes 327.31 Subdivision 19) a factory built building or structure which is an addition or supplement to a manufactured home and, when installed, becomes a part of the manufactured home.[92][93]

Manufactured home park – means (as per MN statutes 327.14 Subdivision 3) any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park. Does not include facilities, which are open only during three or fewer seasons of the year (as per MN statute 327C.01).[94]

Marquee - any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.[95]

Marquee sign - any building sign painted, mounted, constructed or attached in any manner, on a marquee.[96]

Membrane structure – a structure with a canvas or other membrane material canopy suspended from a pole structure that has at least one end that can be opened.[97]

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

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

Modular home – a residential dwelling constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction and Safety Standards.[98]

Monument sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.[99]

Mortuary - A place where dead bodies are kept before burial or cremation.[100]

Motel - A building or group of attached or detached buildings under common ownership containing eight (8) or more guests or sleeping rooms which is used or intended to be used primarily for the accommodation of transient automobile travelers. This term shall include buildings designated as auto courts, tourist courts, motor courts, motor hotels, and similar names.[101]

Multiple tenant site - any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.[102]

Non-commercial speech – dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.[103]

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

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

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

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

Off-premise sign – a commercial speech sign which directs the attention of the public to a business, activity conducted, or product or services sold or offered at a location not on the same premises where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.[104]

On-premise sign – identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.[105]

On-site sewage treatment system - See "individual sewage disposal system."

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

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

Parapet (wall) - that portion of building wall that rises above the roof level.[106]

Patio/Deck – See Deck/Patio.[107]

Performance Standard - A criterion established to control noise, odor, toxic or noxious matter, vibration, fire or explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.[108]

Pets – domestic small animals not kept for consumption or profit such as doge, cats, hamsters and similar mammals, birds, and fish.[109]

Pet Shop - A retail establishment, whose principal business is the sale of domestic animals such as dogs, cats, hamsters and similar small mammals, birds, fish and other common household pets. The sale of pet supplies is an allowable accessory use in a pet shop.[110]

Planned unit development - A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

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

Planned unit development, residential - A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences

would be considered as residential planned unit developments.[111] To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

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

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

Pole sign - see Pylon Sign.[112]

Political sign – a temporary sign intended to advance a political statement, cause, or candidate for office.[113]

Porch - The covered entrance of a dwelling jutting out from a main wall (separating the interior from the exterior).[114]

Portable sign - any sign not permanently attached to a building or the ground or a sign support structure.[115]

Porte cochere - a roofed structure or roof-like cover, extending from the entrance of a building and which provides shelter over a doorway.[116]

Principal building - the building in which the principal primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.[117]

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

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

Projecting sign - any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface of such building or wall face.[118]

Property owner - legal owner of property as officially recorded by Itasca County.[119]

Public notices - official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.[120]

Public street right-of-way - the planned right-of-way for a public street.[121]

Public water - A body of water capable of substantial public use. For the purpose of this ordinance this shall be construed to mean any lake, pond, or flowage of ten (10) acres or more in size, or any river or stream with a total drainage area of two square miles or more which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous shoreland as defined herein, for a designated private use authorized by the Minnesota Commissioner of Natural Resources shall be exempt from the provisions of this ordinance as they apply to shoreland management.

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

Pylon sign - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.[122]

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

Real estate sign – a temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.[123]

Recreational camping area[124] – means (as per MN statutes 327.14 Subdivision 8) any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. Excludes:

1. Children's camp;
2. Industrial camp;
3. Migrant labor camps, as defined in MN statutes and state commissioner of health rules;
4. United States forest service camps;
5. State forest service camps;
6. State wildlife management areas or state owned-public access areas which are restricted in use to picnicking and boat landing; and
7. Temporary holding areas for self-contained recreational camping vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that is in the interest of the public safety to provide a temporary holding area.

Recreational camping vehicle[125] – (as per MN statutes 327.14 Subdivision 7) includes the following:

1. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;
2. Any structure designed to be mounted on a truck chassis for uses as a temporary dwelling for travel, recreation, and vacation;
3. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and

4. Any folding structure mounted on wheels and designed for travel, recreation, and vacation use.

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

Regulatory flood protection elevation - The elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

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

Residential district - any district zoned for residential uses.[126]

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

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

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

Roof - the exterior surface and it's supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.[127]

Roof line - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.[128]

Roof sign - any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.[129]

Roof sign, integral - any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.[130]

Roomer - The leasing of not more than two (2) rooms (without kitchen facilities) in a single residence.[131]

Rotating sign - a sign or portion of a sign which turns about on an axis.[132]

Rural commercial uses - Those uses which provide rural neighborhood level convenience services such as small grocery stores, gasoline stations, small sundry and convenience item stores, and small professional office buildings, such as doctor and dental clinics, which uses are of such size and nature as to blend well with the existing and intended development pattern of the rural neighborhood.

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

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

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

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

Setback - The minimum horizontal distance between a structure, sewage treatment system, or other facility and the ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Setback, front - the minimum horizontal distance permitted between the public right-of-way and a structure on the premises. In instances in which a property fronts on more than one (1) street, front setbacks are required on all street frontages.[133]

Setback, rear - the minimum horizontal distance permitted between the property line opposite the principal street frontage and a structure on the premises.[134]

Setback, side - the minimum horizontal distance permitted between the side lot line and a structure on the premises.[135]

[136]**Sexually Oriented Business (see separate ordinance)** – an adult bookstore, adult theatre, adult massage parlor, adult conversation/rap parlor, adult sauna, adult entertainment center, adult cabaret, adult steam room/bathhouse, or any other business whose business activity is characterized by emphasis on matters depicting, or describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

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

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

Sewer system - The pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shimmering signs - a sign which reflects an oscillating sometimes distorted visual image.[137]

Shore impact zone - Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland - Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Sign – any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.[138]

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

Sign face - the surface of the sign upon, against, or through which the message of the sign is exhibited.[139]

Significant historic site - Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register

or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Sign structure - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.[140]

Site - a plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.[141]

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

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

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

[142]**Specified Anatomical Areas** – are any of the following conditions:

Less than completely and opaquely covered;

a. Human genitals, pubic region, or pubic hair.
b. Buttock.
c. Female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernable turgid state even if opaquely covered.

[143]**Specified Sexual Activities** – are any of the following conditions:

1. An act of sexual intercourse, normal or perverted, actual or simulated, including genital to genital, anal to genital, oral to genital intercourse, whether between human beings or between a human and a animal.
2. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
3. Masturbation or lewd exhibitions of the genitals including any explicit close-up representation of a human genital organ clothed or unclothed.
4. Physical contact or simulated physical contact with the clothed or unclothed public areas or buttocks of a human male or female, or the breasts of a female, whether alone or between members of the same or opposite sex or between human and animals in an act of apparent sexual stimulation or gratification.

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

Stoop - A landing at the top of steps/stairs leading to the interior of a structure which is no wider or longer than the steps/stairs are wide.[144]

Stringer - a line of string, rope, cording, or an equivalent to which is attached a number of pennants.[145]

Structure - Any building or appurtenance except aerial or underground lines, towers, poles, and other supporting facilities for utilities such as sewer, electric, telephone, telegraph, gas, etc. Includes decks, membrane structures, carports, cargo/shipping containers, and above or below-ground pools without a deck (see 10.101 Performance Standards for Private non-commercial recreation facilities).[146] [147]

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

Subdivision - Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Substantially begun - for non commercial structures shall mean the excavation for, and the placement of a complete footing or slab on grade.

Surface water-oriented commercial use - (see "Waterfront commercial").

Suspended sign - any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.[148]

Swimming pool, outdoor – any outdoor structure intended for swimming that contains water over twenty four (24) inches deep. This includes outdoor in-ground, above-ground, and on-ground swimming pools.[149]

Temporary sign – any sign displayed on a property for no more then 14 consecutive days, 30 days apart, and no more then 4 times per calendar year.[150]

Temporary structure – A structure without any foundation or footings and which is removed from the property[151] when the designated time period, activity or use for which the temporary structure was erected has ceased, but not to exceed 60 (sixty) days in a calendar year.[152] Excludes buildings incidental to construction work on the premises which are not of a permanent nature and are removed once construction is completed.[153] Such buildings incidental to construction work may

include manufactured homes of less than 24 feet in width or recreational vehicles.[154] All temporary structures shall meet all dimensional standards.[155]

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

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

Total site signage - the maximum permitted combined area of all signs allowed on a specific property.[156]

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

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

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

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

Visible - capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.[157]

Wall - any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.[158]

Wall or facia sign - any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.[159]

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

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

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

Window sign - any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.[160]

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

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

Yard, front - A yard extending across a lot between the side yard setback lines and lying between the right-of-way of a road and the road setback or, in the case of water frontage only, lying between the ordinary high water level and the shoreline setback. For corner lots, shall abut the right-of-way (or access easement) with the shortest frontage (based on the underlying plat).[161]

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

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

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

10.04 (RESERVED)

10.05 ADMINISTRATION

10.0501 Zoning Officer

A. Authority. The provisions of this ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the City Council.

B. Duties and responsibilities. The Zoning Officer shall have the following duties and responsibilities:

1. Determine that all zoning permits comply with the terms of this ordinance.
2. Conduct inspections of buildings and use of land to determine compliance with the terms of this ordinance.
3. Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, fee schedules, and permits, conditional uses, variances, appeals and applications therefore.
4. Receive, file and forward all applications for appeals, variances, conditional uses and other matters to the designated official bodies.
5. Initiate, in the name of the City of Cohasset, any appropriate actions or proceedings against a violator of this ordinance as provided by law.
6. Interpret and administrate this ordinance subject to appeals to the Planning Commission acting as the Board of Zoning Appeals.
7. Maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. Also, maintain a record of the elevation to which structures or alterations and additions are flood-proofed.

10.0502 Zoning Permit

A. Permit required. A Zoning Permit shall be obtained before any person may:

1. Occupy or use any vacant land; or
2. Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged; or
3. Change the use of a structure or land to a different use; or
4. Change a non-conforming use; or
5. Place any fill or excavate in any area designated as a shoreland, wetland or which is identified on the Flood Hazard Map.

B. Information required. Applications for a Zoning Permit shall be accompanied by a plot plan showing clearly and completely the location, dimensions and nature of any structure involved and such other information as the Zoning Officer may require for the administration of this ordinance, together with a filing fee in accordance with a schedule established by resolution of the City Council.

10.0503 Certificates of Occupancy

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

B. Livability Code[162]

1. Minimum Standards: Basic Equipment. No person shall occupy or let to another for occupancy any dwelling or apartment for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following:

a. Kitchen Sink. Every single family dwelling or apartment must contain a kitchen sink in good working condition and must be properly connected to a water and sewer system.

b. Toilet and Lavatory Basin. Every single family dwelling or apartment must contain a room which affords privacy to a person within said room, be equipped with a flush water closet and a lavatory basin in good working condition and be properly connected to a water and sewer system.

c. Bathtub or Shower. Every single family dwelling or apartment must contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and be properly connected to a water and sewer system.

d. Hot and Cold Water. Every kitchen sink, lavatory basin, and bathtub or shower must be properly connected with both hot and cold water lines.

e. Water Heating Facilities. Every dwelling must have water heating facilities which are properly installed, maintained in safe and good working condition, properly connected with the hot water lines required under the provisions of d., and capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F. Such water heating facilities must be capable of meeting the requirements of this section when the

dwelling or apartment heating facilities required under the provisions of f. are not in operation.

f. Heating Facilities. Every dwelling must have heating facilities which are properly installed, maintained in safe and good working condition, and capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every apartment located therein to a temperature of at least 68 degrees F at a distance three feet above the floor level and not closer than two feet from an outside wall, window or door, when the temperature outside is minus 20 degrees F.

2. Minimum Standards – Fire Safety. No person shall occupy or let to another for occupancy any dwelling or apartment for the purpose of living therein, which does not comply with the following:

a. Smoke and Carbon Monoxide Detectors. Every dwelling unit shall be provided with an approved, UL listed single station smoke and carbon monoxide detector, properly mounted on the ceiling or wall outside of the sleeping rooms of the dwelling unit. All required smoke and carbon monoxide detectors must be maintained in an operable condition at all times and tested on a regular basis to insure batteries are in place and replaced as necessary to insure the detector is operational. Smoke and carbon monoxide detectors that fail to sound an alarm when tested and smoke and carbon monoxide detectors more than ten years old must be replaced. It is the building owner's responsibility to provide and install properly working smoke and carbon monoxide detectors and establish a maintenance program to insure their proper operation.

b. Emergency escape or rescue openings in sleeping rooms.

1. Emergency escape or rescue openings must be provided in all sleeping rooms. In any case, the escape opening must provide: (A) a minimum 24-inch clear, opening height; (B) a minimum 20-inch clear, opening width; (C) a minimum five square foot clear opening; and (D) a finished sill height not more than 48 inches above the floor. Such openings must be maintained clear of obstructions and in good operating condition at all times. The net clear opening dimensions must be the result of the normal operation of the opening and must not involve the use of keys, tools or special knowledge.

2. Notwithstanding anything in subdivision 1 to the contrary:

a) Escape windows are not required if a building is protected throughout by an approved automatic fire sprinkler system; and

b) Escape windows need not be installed in rooms of existing buildings having two separate means of escape provided that the means of escape are independent of each other and they pass through only one adjacent non-lockable room or area.

3. Minimum Standards: Exterior.

a. Siding. Every single family dwelling or apartment building must have in place an approved and finished exterior siding of masonry, wood, vinyl or aluminum.

b. Roofing. Every single family dwelling or apartment building must have in place

an approved roofing.

c. Driveway approach. Every single family dwelling or apartment building must have in place an approved driveway approach.

d. All windows and door openings (including garages). Every single family dwelling or apartment building providing openings must be installed, finished, and operational.

4. Minimum Standards: Miscellaneous.

a. Plumbing. Every single family dwelling or apartment building needs to be fully operational with all fixtures installed and connected to an approved waste system and supply.

b. HVAC. Every single family dwelling or apartment building must have a proper primary heat source. All heating sources will be properly vented to the exterior of the home.

c. Electrical. Every single family dwelling or apartment building must have an final electrical inspection sticker inside of the main panel from the state electrical inspector.

10.0504 Planning Commission

A. Establishment. A City Planning Commission for the City of Cohasset is hereby established.

B. Membership

1. The Planning Commission shall consist of seven (7) members who shall be appointed by resolution of the City Council. The City Clerk, City Engineer and a representative from the City Council shall be ex-officio non-voting members of the Planning Commission.[163]

2. Initial terms shall have staggered lengths with two (2) members having a one (1) year term, two (2) members having a two (2) year term and three (3) members having a three (3) year term. Thereafter, all appointments shall be for terms of three (3) years ending on January 31st of the third year[164].

3. Members may be reappointed upon resolution of the City Council.

4. Any vacancy occurring in the membership of the Planning Commission shall be filled, for the unexpired term only, by resolution of the City Council.

5. Members of the Planning Commission shall reside in and be registered voters of the City of Cohasset.

6. The Planning Commission shall adopt by-laws and elect from among the appointed members a chair and vice-chair. In case of

chair or vice-chair vacancy the Planning Commission shall hold an election to fill the unexpired terms.[165]

7. Members shall serve without pay but may be reimbursed for expenses pertaining to Planning Commission business upon receiving prior authorization and approval by resolution of the City Council.

8. The City Council may remove any member of the Planning Commission for good cause. For the purpose of this ordinance "good cause" shall include failure to regularly attend meetings of the Planning Commission.

9. The City Attorney shall act as the legal advisor to the Planning Commission.

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

1. Oversee the preparation of the Cohasset zoning and subdivision ordinances.

2. Hear and review original applications and renewal applications and submit reports and offer recommendations thereon to the City Council for special use permits, grading and filling permits, subdivision plat approval, planned unit developments, manufactured home subdivisions, commercial and industrial development permits, variances, and any other matters to be considered by it under the City zoning and subdivision codes.

3. Initiate procedures for changes and amendments to the City zoning and subdivision ordinances.

4. Hear, review and make recommendations to the City Council on amendments to the City zoning and subdivision ordinances proposed by the City Council.

5. Recommend to the City Council changes to the Cohasset Comprehensive Plan.

6. Prepare and recommend to the City Council plans for specific projects pursuant to the Cohasset Comprehensive Plan and to aid the City Council in the development and completion of such projects.

7. Exercise all powers and perform all duties granted to a planning commission by Sections 462.351 to 462.364 of the Minnesota Statutes.

8. Establish applications, checklists and procedures, including the conduct of public hearings, to assist it in handling matters considered by it.

9. Review Environmental Assessment Worksheets and other environmental documents and submit reports and offer recommendations thereon to the City Council.
10. Act with the authority of a Board of Zoning Appeals.
11. Perform such other functions as may by resolution of the City Council be delegated to it.

D. Meetings and reporting.

1. The Planning Commission shall meet at stated regular intervals fixed by the by-laws of the Planning Commission or at the call of the chair or Planning Commission as determined by the by-laws.
2. All meetings of the Planning Commission shall be open to the public unless involving matters for which meetings may be closed to the public under the Minnesota Open Meeting Laws.
3. The Planning Commission shall make and keep minutes of its meetings and records of its hearings and other official actions.
4. The Planning Commission shall adopt by-laws providing reasonable rules and regulations for the conduct of its business.
5. The Planning Commission shall render any decisions and findings in writing to the City Council as soon as possible after its decision on any matter considered by it.
6. No action of the Planning Commission shall be taken without a quorum being present consisting of 50% of the appointed members (round up).[166]
7. The concurring vote of a majority of the members voting on any matter shall be necessary for any action to be taken by the Planning Commission.

E. General. In exercising the authority granted it under this ordinance, the Planning Commission shall be guided by the pertinent laws of the State of Minnesota and the ordinances and procedures of the City of Cohasset.

10.0505 Board of Zoning Appeals

A. Designation. The Planning Commission is hereby designated to act as the Board of Zoning Appeals in accordance with Chapter 462 of Minnesota Statutes, as amended. The rules governing meetings, voting and other pertinent aspects of the operations of a Board of Zoning Appeals shall be the same as those established for the Planning Commission.

B. Duties and powers. When acting as the Board of Zoning Appeals, the Planning Commission shall not have the power to alter or change the zoning district classification of any property nor to make any change in the terms of intent of this ordinance. Subject to appeals to the City

Council, the Planning Commission acting as the Board of Zoning Appeals shall have the authority to act on the following matters:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the interpretation or enforcement of this ordinance.
2. To hear requests for variances from the literal provisions of this ordinance.

10.0506 Variances

A. Applications. The owner(s) of land may file a signed application with the Zoning Officer on forms provided by the City. The application shall be accompanied by plans drawn to scale and illustrations which accurately reflect existing conditions and the improvements to be made if the variance is granted. The application shall clearly articulate the nature of the circumstances surrounding the request for a variance.

B. Appeals. A person(s) may appeal a decision made by the Zoning Officer or other administrative offices by filing a written appeal within thirty (30) days of the decision of said officer.

C. Hearing and notice. The Zoning Officer shall cause to be published a notice of public hearing before the Planning Commission acting as the Board of Zoning Appeals in the official newspaper not less than ten (10) days prior to the hearing date. Notices shall also be mailed to all owners of property within three hundred fifty (350) feet of the parcel included in the request not less than ten (10) days prior to the hearing; in Rural Residential zone districts, notices shall be mailed to all owners of property within fifteen hundred (1,500) feet of the parcel included in the request.[167] Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with notice requirements was made.[168]

D. Commission decisions. Within sixty (60) days after receipt of the application, the Planning Commission acting as the Board of Zoning Appeals shall conduct a public hearing and decide on the variance or appeal. If the Commission grants the variance, the Commission may impose conditions directly related to and roughly proportional to the impact of the granted variance.[169]

E. Findings for variances. The Planning Commission acting as the Board of Zoning Appeals shall not grant a petition for a variance unless it determines that the strict enforcement of this ordinance would cause undue hardship, as defined herein, because of circumstances unique to the individual property under consideration and that the granting of such variance(s) will be in keeping with the spirit and intent of this ordinance.

Specifically, the Commission must find that each of the following conditions are met:

1. Are there practical in complying with the zoning ordinance? "Practical difficulties" means the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance (economic considerations alone shall not constitute "practical difficulties"); and[170]
2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner; and
3. If granted, the variance will not alter the essential character of the locality; and
4. The variance will be in harmony with the general purposes and intent of this ordinance; and[171][172]
5. The variance is consistent with the comprehensive plan.[173]

F. Burden of proof. It shall be the burden of the applicant to demonstrate sufficient hardship to sustain the need for a variance. Absent a showing of hardship as provided in Minnesota Statutes and this ordinance, the Planning Commission acting as the Board of Zoning Appeals shall not approve any variance.

G. Written findings. Decisions by the Planning Commission acting as the Board of Planning Appeals shall be rendered in writing stating the reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing and according to the criteria contained in this ordinance.

H. Appeals of decisions. Any person(s) who deems themselves aggrieved by the Commission's decision including, but not limited to, the petitioner, an affected property owner or an administrative officer of the City, may appeal the decision of the Commission to the City Council within fifteen (15) days after the decision by the Commission.

I. City Council public hearing. Following the notice procedures prescribed in 10.0506 C of this ordinance, the City Council shall decide the appeal upon the record and findings of the Planning Commission acting as the Board of Zoning Appeals within sixty (60) days after the appeal date, unless the City Council's decision is continued for a period not to exceed forty-five (45) days. The City Council may affirm the decision of the Commission, reverse the decision, or remand the matter back to the Commission for additional findings. If the action of the Council results in the variance being granted, the Council may impose such conditions as it deems necessary to insure compliance with the intent of this ordinance.

J. Resubmission. No application which has been denied by the Commission or, on appeal, by the City Council, shall be resubmitted for a period of one (1) year from the date of denial.

K. Lapse and extension. If, within one (1) year after the date of the variance was granted, a zoning permit was not obtained, the variance shall become null and void. If the applicant requests an extension in writing within one (1) year after issuance, the City Council shall conduct a public hearing and consider an extension utilizing the same notice procedures as required by the original application. The City Council may extend the variance for up to one (1) year upon finding that: 1) a good faith effort has been made to use the variance; 2) there is reasonable expectation that the variance will be used; and 3) the facts upon which the original variance was issued are essentially unchanged.

L. Recording. In compliance with Minnesota statutes 462.3595 and 462.36, certified copies of all variances shall be filed with the County Recorder and shall include the legal description of the property to which it applies.[174]

10.0507 Enforcement, Penalties, and Remedies

A. Investigation and notice. The Zoning Officer shall investigate all alleged violations of this ordinance, notify the property owner in writing of the violations, and direct the property owner to correct violations within a reasonable period of time. If compliance is not granted within a reasonable period of time, the Zoning Officer shall report such violation to the City Attorney and proceed to take appropriate and immediate legal action on the matter.

B. Violations and penalties. Any person(s), firm(s), corporation(s) or voluntary association(s) which violates or refuses to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

C. Remedies. In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, moved, maintained or used in violation of this ordinance, the City Council, in addition to other remedies herein stated, may institute in the name of the City any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or use constituting a violation.

10.0508 Amendments and Rezoning Procedures

A. Authority. The City Council upon the recommendation of the Planning Commission shall have the authority to amend this ordinance.

B. Initiation. The City Council or the Planning Commission may, upon their own motion, initiate a request to amend the text or the zoning map of this ordinance. Any person(s), firm(s), corporation(s) or other entity owning real estate in Cohasset may initiate a request to amend the district boundaries or the text of this ordinance. No application for an amendment which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said denial except on the grounds of new evidence or a substantial change in conditions.

C. Referral to the Planning Commission. Except where initiated by the Planning Commission, any proposed change to this ordinance shall be submitted to the Planning Commission and its recommendation shall be submitted to the City Council within sixty (60) days after the date of application. If no recommendation is transmitted by the Planning Commission within sixty (60) days as prescribed, the City Council may take action without further awaiting such recommendation.

D. Notice and hearing. The City Council upon receiving the recommendation of the Planning Commission or after sixty (60) days from the submission thereof to the Planning Commission without a recommendation, shall review the application, and if a majority of the City Council are in favor, set a public hearing. Notice of a regular or special meeting, at which a public hearing will be held shall be given by publication at least once in the official newspaper, not less than then (10) days prior to said hearing, stating the time and place. Notice shall also be mailed to all owners of property within three hundred fifty (350) feet of the parcel included in the request not less than ten (10) days prior to the hearing; in Rural Residential zone districts, notices shall be mailed to all owners of property within fifteen hundred (1,500) feet of the parcel included in the request.[175176] Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with notice requirements was made.

E. Amendment of shoreland and flood hazard maps. The shoreland designation on the official shoreland map and the flood plain designation on the official flood hazard map shall not be removed or changed for any parcel unless it can be shown that the designation is in error or, in the case of flood hazard areas, that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted only with the written authorization of the Commissioner of the Minnesota Department of Natural Resources.

F. Minnesota Department of Natural Resources. All amendments to the floodplain provisions of this ordinance, including amendments to the floodplain designations on the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and

Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10 days written notice of all hearings to consider an amendment to this ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

G. Effective Date. Upon approval by the city council the amendment shall be published in the official newspaper and the date of publication shall become the effective date of said amendment.[177]

10.0509 Fees

A. Schedule. The City Council shall establish, by resolution, a schedule of fees applicable to all permits, applications, petitions, appeals and penalties required for the administration and enforcement of this ordinance. The fee schedule resolution shall be attached to all copies of this ordinance which are distributed to the public.

B. Payment. No application for a zoning permit, conditional use permit, planned unit development permit, subdivision plat, nor any other required permit, petition to amend the Zoning, Flood Hazard or Shoreland Maps, nor any appeal shall be recognized, acted upon, issued or granted unless and until all required fees have been submitted in full by means of cash, check or money order to the City Clerk. Receipt of all fees shall be subject to their collection by the City. If a fee is submitted by check or money order, no permit granted or action taken shall be of any force or effect until the check or money order so submitted shall prove collectible.

C. Refunds. Should a permit, petition, or appeal be denied, the fee shall not be refunded.

10.06 ZONING MAP AND DISTRICTS

10.061 Establishment of Zoning Districts

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

A. RR Rural Residence District.

B. SR Suburban Residence District.

C. MR Municipal Residence District.

D. WR Waterfront Residence District.

E. GB General Business District

F. RC Rural Commercial District.

G. HC Highway Commercial/Light Industry District.

H. LI Light Industry District.

I. HI Heavy Industry District.

J. RI Rural Industry District

K. MA Managed Resource District.

10.062 Purpose and Intent of Zoning Districts

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

A. <u>RR Rural Residence District.</u>

The purpose of this district is to promote and protect areas which have low density, generally residential, development and are essentially rural in character. It is intended to allow rural activities such as agriculture, forestry, home businesses and occupations in manners which do not degrade the rural character of the area.[178]

B. <u>SR Suburban Residence District.</u>

The purpose of this district is to promote and protect areas of moderate development density for single family dwellings.[179] More dense development is permitted for areas served by public water and sanitary sewer. Manufactured home parks are allowed within this district if served by public water and sanitary sewer.[180]

C. <u>MR Municipal Residence District.</u>

The purpose of this district is to promote and protect areas of modest development density in a traditional urban setting for a range of residen-

tial styles including single-family detached, duplexes, multiple-family units, townhouses and condominiums.[181]

D. WR Waterfront Residence District.

The purpose of this district is to promote and protect areas along lakes, rivers and streams for a balanced type and level of uses in a manner consistent with adjacent land uses and the attributes of the water body. In conjunction with appropriate overlay regulations the district is intended to protect the inherent natural characteristics of the water body while allowing reasonable use of the shoreland.

E. GB General Business District.

The purpose of this district is to accommodate a broad range of retail goods and services land uses and generally serve the entire community. Though not exclusively so, businesses in this district are relatively free standing and tend to occupy independent building sites.

F. RC Rural Commercial District.

The purpose of this district is to accommodate those commercial uses which provide rural neighborhood level convenience services and are not generally intended to serve the entire community. Such businesses are of such size and nature as to blend well with the existing and intended development pattern of the rural neighborhood.

G. HC Highway Commercial/Light Industry District.

The purpose of this district is to accommodate those commercial and light industrial uses which require or are best served by locations along major highway corridors. These businesses tend to serve regional and pass through as well community customers. Though not exclusively so, businesses in this district are relatively free standing and tend to occupy independent building sites.

H. LI Light Industry District.

The purpose of this district is to promote and protect areas for new, modern, high performance, low impact industrial uses. They allow a full range of light industrial, fabricating, and manufacturing activities plus support services but allow only limited sales of goods and services directly to the public. These businesses have minimum adverse impacts such as noise, odor, vibration, electrical emissions and the like to adjacent areas.

I. HI Heavy Industry District.

The purpose of this district is to promote and protect areas for the full range of industrial enterprises specifically those which might have significant impacts on off-site properties and uses.

J. RI Rural Industry District.

The purpose of this district is to provide for the location of industrial activities in a limited number of rural settings where such activities are appropriate as a result of unique site characteristics, such as the presence of specialized structures or unique physical resources directly related to the industrial activity, not created or caused by the proposed activity.

K. MA Managed Resource District.

The purpose of this district is to protect those areas which are generally unsuitable for intensive development due to wetlands, steep slopes, flooding, inadequate drainage, hazardous waste sites, areas highly susceptible to groundwater contamination, significant or unique natural resource values, significant cultural or historical values, severe erosion potential or other features requiring protection or of a value to the community. These areas also include lands where deliberate resource management is undertaken including such practices as forestry, limited agriculture, game farms, nature preserves, and non-intensive recreational uses.

L. CIP Cohasset Industrial Park.[182]

The purpose of this district is to promote the development of light industrial and related uses within the Cohasset Industrial Park or other similar industrial lands.

10.063 Zoning Districts Map

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

10.064 Shoreland Management Areas and Map

A. Water body classification.

The Minnesota Department of Natural Resources has classified the bodies of water within the City of Cohasset as follows:

1. Natural Environment Lakes: Cavanaugh (31-572), Forsythe (31-560), Long (31-570), Lost (31-567), Salter Pond (31-573),

Stevens (31-574), Tioga mine pit (31-946), Warburg (31-563), Unnamed (31558), Unnamed (31-559).

2. Recreational Development Lakes: Bass (31-576), Blackwater (31561), Guile (also known as Snells) (31-569), Jay Gould (31-565), Little Bass (31-575), Little Jay Gould (31-566), Little Rice (31716), Loon (31-571), Rice (31-717).
3. General Development Lakes: Blandin Reservoir (31-533), Pokegama (31-532).
4. Forested Streams: Mississippi River lying west of Blackwater Lake.
5. Urban Stream: Mississippi River between Army Corps Dam and Jay Gould Lake.[183] Bass Brook - From the Mississippi River to the North line of Section 11, Township 55, and Range 26N.[184]
6. Tributary Streams: The remainder of Bass Brook and all other streams in the City.[185]

B. Shoreland map. The location and boundaries of the lands under the jurisdiction of the Shoreland Overlay regulations herein established are shown upon the Official Shoreland Management Area Map, together with all notations, references and other information shown thereon, and all amendments thereto, and shall be as much a part of this ordinance as if fully set forth and described therein. The Shoreland Management Area Map, which may be described separately or jointly with the Zoning Map, shall be kept on file in the office of the City Clerk.

10.065 Flood Hazard Areas and Map

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

10.066 Interpretation of Zoning Districts, Shoreland Management and Flood Hazard Maps

A. Zoning Map.

1. District boundary lines on the Zoning Map are intended to follow section lines (and portions thereof), lot lines, the center lines of

streets, alleys, highways and rights-of-way projected, the ordinary high water level of lakes, ponds and water courses or the corporate limits, all as they exist upon the effective date of this ordinance or changed by a specific amendment thereto.[186]

2. Where district boundaries are so indicated that they are approximately parallel to the center line of a street, alley, highway or right-of-way, such district boundary shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale of said Zoning Map. The location of such boundaries shall not be affected by any future widening or realignment of the adjacent streets or highways unless provisions are made therefore by amendment to this ordinance.

3. Where district boundaries cross property that is not subdivided into lots, and other provisions herein are not applicable, the location of the district line shall be determined by use of the scale on said Zoning Map.

4. Where a zoning district boundary line divides a parcel of land or lot which was of record into two or more districts, any portion of such a divided lot lying within fifty (50) feet of either side of the dividing district boundary line may be used for any use permitted in either district. If, however, the distance exceeds fifty (50) feet, the entire area of the separated portions shall only be used for the uses allowed within their respective zoning districts.

5. Whenever any street, alley or other public right-of-way is vacated by official action of the City, the zoning district on each side of such street, alley or public way shall automatically be extended to the centerline.

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

B. <u>Shoreland and Flood Hazard Maps.</u>

1. The boundary lines for shoreland management areas shall first be attempted to be determined by use of the scale of the Shoreland Management Area Map. If such attempt proves unacceptable to either the Zoning Officer or the landowner, the landowner shall conduct, at his or her expense, a survey to accurately determine the location of the shoreland management boundary line for said parcel.

2. The boundary lines for flood hazard areas shall be determined by the use of the scale of the Flood Hazard Area Map.

3. Appeals from the Zoning Officer's determination concerning the exact location of shoreland management or flood hazard area

boundary lines shall be determined by the Planning Commission acting as the Board of Zoning Appeals.

10.067 Zoning of Annexed Lands

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

10.07 ZONE DISTRICT DIMENSIONAL STANDARDS

10.071 Dimensions

The following table establishes the set of dimensional standards that shall be applied within the appropriate zone districts in the City of Cohasset. These standards shall be interpreted as the minimum requirements for each pertinent subject.

Easements do not reduce lot area or lot width.[187]

Additional standards for properties located within shoreland areas are provided in 10.073.

Zone District	Minimum Lot/Unit Size[188]			Maximum Lot Coverage	Side Yard (2)		Rear Yard (2)		Max Bldg Height (9)	Min Bldg Width (10)[190]	Min Bldg SF[191]
	Lot Area (ac.) (1)	Area/ Unit (SF) [189]	Lot Width		Prin (3)	Acc (4)	Prin	Acc			
RR	5.0		300'	3%	75'	50'	75'	50'	35'		
SR - 1 (5)	1.0		150'	25%	15'	15'	50'	15'	35'	24’	960
- 2 (6)	.67		100'	25%	15'	15'	50'	15'	35'	24’	960
MR	.32	4,000	100'	30%	10'	10'	15'	5'	45'	24’	960
WR[192]	1.0 (7)		150’(7)	25% (7)	15'	15'	50'	15'	25'	24’	960
GB	.25	2,500	75'	90%	10'	10'	15'	5'	45'		
RC	1.0		150'	90%	15’[193]	15'	30'	15'	35'		
HC	1.0		200'	90%	15'[194]	15'	30'	15'	35'		
LI	1.0		150'	90%	25’	15'	25'	15'	45'		
HI	2.5		300'	65%	50'	15'	50'	15'	60'		
CIP[195]	1.0		150’	90%	25’	15	25’ (11)	25’	60’		
RI	20.0		600'	75%	75'	75'	75'	75'	45'		
MA	10.0		300'	2%	75'	50'	75'	50'	35'		

Notes to zone district dimension table:

(1) "Ac." = acres.
(2) All setbacks are measured from the property line.
(3) "Prin" = principal structure on property.
(4) "Acc" = any accessory structures.
(5) "SR-1" = suburban residence district without public sanitary sewer service.
(6) "SR-2" = suburban residence district with public sanitary sewer service.
(7) Lot area, lot width and maximum lot coverage standards in the WR district vary according to the classification of the waterbody nearest to the property in question. The standards are listed in the tables in section 10.073 A of this ordinance.
(8) "N/A" = not applicable in this district.
(9) Maximum Building Height - Applies to all structures in residential districts, except places of worship and non-residential agricultural structures. [196]
(10) Does not include manufactured homes in manufactured home parks.
(11) Where a rear property line abuts a residential district, the minimum distance shall be 50 feet.
(12) GB exception: On lots of less than 75 feet in width the side yard setback shall be reduced to five (5) feet.[197]

10.072 Front yard, road right-of-way setbacks

All buildings and structures shall be setback thirty-five (35) feet from the front yard property line or road right-of-way or the following setbacks from the centerline of roads, whichever is greater:

A. Principal and major arterials, defined as all State and Federal highways (135 feet);

B. Major collectors, defined as all County State Aid Highways (110 feet); except that this provision shall not apply in Municipal Residential Zones where setbacks shall be 35 feet from the road right of way or 68 feet from the road centerline, whichever is greater.

C. Minor collectors and local roads, defined as all other public roads (68 feet).

D. Exceptions:[198]

1. Corner lots - the side yard road right-of-way setback shall be no less than twenty (20) feet (centerline setback shall not apply).[199]

2. Front yard/road right-of-way structure setbacks for properties abutting U.S. Highway 2 in the General Business zone district shall be no less than twenty (20) feet (centerline setback shall not apply).[200]

10.073 Shoreland Dimensions

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

A. Minimum Lot Dimensions. The following table establishes the set of dimensional standards that shall be applied to all divisions of land within the shoreland areas in the City of Cohasset. These standards shall be interpreted as the minimum requirements.[201]

MINIMUM LOT DIMENSIONS IN SHORELAND[202203]													
Classes of Public Waters	Structure Types	Riparian Unsewered Lots			Non-Riparian Unsewered Lots			Riparian Sewered Lots			Non-Riparian Sewered Lots		
		Area	Width	MLC	Area	Width	MLC	Area	Width	MLC	Area	Width	MLC
LAKES													
Natural	Single Family	2.5 Ac	250’	15%	2.5 Ac	250’	15%	2.5 Ac	250’	15%	2.5 Ac	250’	15%
Environment	Duplex	3.5 Ac	350’	15%	4.0 Ac	400’	15%	3.0 Ac	325’	15%	3.0 Ac	325’	15%
	Triplex	4.0 Ac	400’	15%	6.0 Ac	600’	15%	3.5 Ac	400’	15%	3.5 Ac	400’	15%
	Quad	5.0 Ac	500’	15%	8.0 Ac	800’	15%	4.0 Ac	475’	15%	4.0 Ac	475’	15%
Recreational	Single Family	1.5 Ac	200’	25%	1.5 Ac	200’	25%	.67 Ac	100’	25%	.67 Ac	100’	25%
Development	Duplex	2.0 Ac	225’	25%	2.0 Ac	265’	25%	1.0 Ac	135’	25%	1.0 Ac	135’	25%
	Triplex	3.0 Ac	300’	25%	3.0 Ac	375’	25%	1.5 Ac	195’	25%	1.5 Ac	195’	25%
	Quad	4.0 Ac	375’	25%	4.0 Ac	490’	25%	2.0 Ac	255’	25%	2.0 Ac	255’	25%
General	Single Family	1.0 Ac	200’	25%	1.0 Ac	200’	25%	.67 Ac	100’	25%	.67 Ac	100’	25%
Development	Duplex	1.5 Ac	260’	25%	2.0 Ac	265’	25%	1.0 Ac	135’	25%	1.0 Ac	135’	25%
	Triplex	2.0 Ac	340’	25%	3.0 Ac	375’	25%	1.5 Ac	195’	25%	1.5 Ac	195’	25%
	Quad	2.5 Ac	420’	25%	4.0 Ac	490’	25%	2.0 Ac	255’	25%	2.0 Ac	255’	25%
RIVERS													
Remote (none in Cohasset)													
Forested	Single Family	2.0 Ac	250’	25%	2.0 Ac	250’	25%	1.67 Ac	250’	25%	1.67 Ac	250’	25%
(Mississippi River)	Duplex	2.5 Ac	300’	25%	2.5 Ac	300’	25%	2.0 Ac	300’	25%	2.0 Ac	300’	25%
	Triplex	3.2 Ac	400’	25%	3.2 Ac	400’	25%	2.67 Ac	400’	25%	2.67 Ac	400’	25%
	Quad	4.0 Ac	500’	25%	4.0 Ac	500’	25%	3.34 Ac	500’	25%	3.34 Ac	500’	25%
Transition (none in Cohasset)													
Agricultural (none in Cohasset)													
Urban & Tributary	Single Family	0.67 Ac	100’	25%	0.67 Ac	100’	25%	0.5 Ac	100’	25%	0.5 Ac	100’	25%
(Bass Brook and	Duplex	1.33 Ac	150’	25%	1.33 Ac	150’	25%	0.88 Ac	150’	25%	0.88 Ac	150’	25%
all other streams)	Triplex	2.0 Ac	200’	25%	2.0 Ac	200’	25%	1.25 Ac	200’	25%	1.25 Ac	200’	25%
	Quad	2.67 Ac	250’	25%	2.67 Ac	250’	25%	1.65 Ac	250’	25%	1.65 Ac	250’	25%

NOTES: “Blank” = Not Permitted
LC = Maximum Lot Coverage

B. Placement of structures on lots. The following table establishes the set of dimensional standards that shall be applied to all structures placed or proposed to be placed within the shoreland areas in the City of Cohasset. These standards shall be interpreted as the minimum requirements.

CLASSES OF PUBLIC WATERS	SETBACKS FROM OHWL IN FEET		
	Structures		
	Unsewered	Sewered	Sewage Treatment Systems
LAKES			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50
RIVERS			
Remote	200	200	150
Forested and Transition	150	150	100
Agriculture, Urban and Tributary	100	50	75

C. Setback from bluff. No structure may be placed closer than thirty (30) feet from the top of a bluff. In areas with severe or rapid erosion, this distance may be increased at the judgment of the Zoning Officer or the City Engineer.

D. Bluff impact zones. Structures and accessory facilities, except stairways, landings, and lifts, must not be placed within bluff impact zones.

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

F. High water elevations. Structures must be placed in accordance with floodplain regulations applicable to the site. Where none are applicable, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as possible:

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

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

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

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

H. Height of structures. All structures in residential districts, except places of worship and non-residential agricultural structures, must not exceed twenty-five (25) feet in height.

I. Accessory structures and facilities. All accessory structures and facilities, except those that are water-oriented (see performance standards for water-oriented accessory structure requirements including setbacks), shall meet or exceed minimum structure setbacks.[204]

J. Grading and filling. Grading and filling activities within the Shore Impact Zone (SIZ) and Bluff Impact Zone (BIZ) shall be prohibited unless otherwise allowed by this ordinance.[205]

10.075 Subsurface Sewage Treatment System (SSTS) and Water Well Standards

(Entire section 10.075 replaced 8-24-11. See Affidavit of Publication 7-14-11 for detail.)[206]

(Entire section 10.075 replaced 8-27-97. See Affidavit of Publication 8-27-97 for detail.)[207]

A. Subsurface Sewage Treatment System (SSTS). Refer to the City of Cohasset (SSTS) Ordinance # 45.

B. Water supply standards. Any public or private supply of water for domestic purposes must conform to the Minnesota Department of Health standards for water quality. Private wells shall be placed in areas not subject to flooding and upslope from any source of contamination. Wells already existing in areas subject to flooding shall be floodproofed, in accordance with the provisions of this ordinance.

10.08 ZONE DISTRICT LAND USE REGULATIONS

10.081 Uses Permitted in Zone Districts

The following set of tables establishes the uses Permitted, Permitted with Performance Standards, or permitted as Conditional Uses in the zoning districts of the City of Cohasset.

USES PERMITTED IN ZONES: A. RESIDENTIAL USES												
RR	SR	MR	WR	GB	RC	HC	LI	HI	RI	MA	CIP [208]	RESIDENTIAL USES
P	P	P	P							PS		Single-family
		P										Duplex
		P		P								Triplex
		P		P								Quad.
P												Single-family dwelling less than 24 feet in width[209][210]
P	P	P	P									Mfg. home[211][212][213][214]
	CU	CU		CU								Manufactured home park[215][216]
		P		P	P	P						Accessory apartment[217]
		P		P								Multiple family
		P		P								Congregate housing
PS	PS		PS							PS		Seasonal residence
PS	CU		PS									Guest cottage[218]
PS	PS	PS	PS									Roomers
PS	PS	PS	PS	P								Bed and breakfast[219]
												State Licensed Residential Facility[220]
P	P	P	P	P[221]								1-6 persons[222]
	CU [223]	CU [224]		CU [225]								7-16 persons with city water & sewer [226] [227] [228]
												State Licensed Day Care Facility[229]
P	P	P	P	P								1-12 persons[230]
		P		P								13 through 16 persons[231]
		CU		CU								17 + persons[232]
												Group Family Day Care Facility[233]
P	P	P	P									1-14 children[234]
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Accessory buildings
PS									PS			Agricultural accessory buildings
PS	PS	PS	PS	PS	PS	PS	PS	PS	P	PS		Agricultural uses
PS	PS	PS	PS									Garage, yard, rummage sales[235]
PS	PS	PS	PS	P	P	P	P	P				Outdoor storage
PS	PS	PS	PS									Private Recreation
PS	PS	PS	PS	PS	PS	P	P	P	P	PS		Satellite dishes/wind energy/ solar system
P	P	P	P									Home occupation-1
P	P											Home occupation-2
PS	PS	PS	PS	PS	PS	PS	PS	PS		PS		Water-oriented accessory structure
P	P	P	P	P	P	P	P	P	P	P		Solid Fuel-fired Heating Device[236]

NOTES: P = Permitted "Blank" = Not permitted
PS = Permitted with Performance Standards CU = Conditional Use Permit required

USES PERMITTED IN ZONES: B. COMMERCIAL USES												
RR	SR	MR	WR	GB	RC	HC	LI	HI	RI	MA	CIP	COMMERCIAL USES
												Agricultural sales and services
CU				CU		CU [237]						Kennel
				PS	PS	PS						Pet shop[238]
P	PS	PS	PS	P		P						Pet Grooming (in-home)[239]
				P	P	P						Veterinary clinic
				P		P						Farm equipment
				P		P						Feed, grain and supplies
												Automotive
				P		P						Sales, new or used
				P		P						Repair
				P		P						Car/truck wash
				P	P	P						Gasoline station
				P		P	P		P			Auto/truck fleet storage
												Construction
				P		P						Building, plumbing, heating, electrical supplies
				P		P	P		P			Contractor's yard and storage
				P		P	P					Equipment and truck sales and service
				P		P						Tool and/or equipment rental
				P	P	CU [240]						Financial Institutions
				CU		CU						On-sale Liquor[241]
												Food Service
CU				CU		CU [242]						Cafe or restaurant[243]
				P		P[244]						Carry-out and/or drive-in restaurant
P												Home business[245]
												Health care
				P		CU [246247]						Clinic (outpatient treatment)
[248]				CU		CU [249]						Hospital

NOTES:

P	=	Permitted
PS	=	Permitted with Performance Standards
CU	=	Conditional Use Permit required
"Blank"	=	Not permitted.

USES PERMITTED IN ZONES: B. COMMERCIAL USES (continued)												
RR	SR	MR	WR	GB	RC	HC	LI	HI	RI	MA	CIP	COMMERCIAL USES
												Lodging
CU				P								Boarding house
CU	CU		CU									Campground including RV park
				P		CU [250]						Motel
				P		CU [251]						Hotel
CU	CU		CU			CU [252]						Resort[253]
				P		CU [254]						Office, business
				P	P	CU [255]						Office, professional
						P[256]					P	Lubricant Oil and Grease Bulk Storage[257]
						P						Petroleum Bulk Plant
												Recreation or entertainment[258]
CU						CU [259]						Outdoor recreation
						CU [260]						Water Slides
						CU [261]						Mini Golf
				P			P	P				Communication services
												Retail
				P	P	P[262]						Convenience Store
				P		P[263]						General sales and services
				P	P	P						Greenhouse, nursery and sales
				P		P[264]						Pharmacy/drugstore
				PS	PS	PS						Temporary outdoor sales
PS	PS	PS	PS	PS	PS	PS	PS	PS				Vending machines
				PS	PS							Video arcade
				PS		PS						[265]Sexually Oriented Businesses (*see separate ordinance)
												Warehouse
				P		P	P	P			P[266]	General
				P	P	P	P				[267] [268]	Mini-storage
CU	CU	CU	CU	CU		CU [269]					P[270]	Waterfront commercial

NOTES:

P	=	Permitted
PS	=	Permitted with Performance Standards
CU	=	Conditional Use Permit required
"Blank"	=	Not permitted..

USES PERMITTED IN ZONES: C. PUBLIC* USES												
RR	SR	MR	WR	GB	RC	HC	LI	HI	RI	MA	CIP	PUBLIC* USES
CU												Airport
P	P	P				CU [271]						Athletic facilities
P	P	P										Cemeteries
P	P	P	P	P	P	P	P	P	P	P	P	Assembly Uses - small[272]
CU	CU	CU	CU	CU	CU	CU	P	P	P		P	Assembly Uses - large
P	P	P	P			CU [273]				CU		Parks (neighborhood, community or regional including boat accesses)
CU						CU [274]				CU		Parks (state or national)
P	P	P	P	P		P				P		Open space
CU	CU	CU	CU	CU	CU	CU	CU			CU		Non-motorized recreational trails[275]
CU	CU	CU	CU	CU	CU	CU				CU		Recreational trails including snowmobile trails[276]
PS	PS	PS		PS		CU [277]						Schools
CU	CU			CU		CU	CU	CU				Solid waste facilities including transfer stations
P	P	P	P	P	P	P	P	P	P	P	P	Minor utility structures[278]
P				P	P	P	P	P	P			Water or sewage treatment, power substations, and similar or related facilities

NOTES:

*		"Public" includes uses and structures that may be owned privately, publicly or in some combination thereof.
P	=	Permitted
PS	=	Permitted with Performance Standards
CU	=	Conditional Use Permit required
"Blank"	=	Not permitted.

USES PERMITTED IN ZONES: D. INDUSTRIAL USES												
RR	SR	MR	WR	GB	RC	HC	LI	HI	RI	MA	CIP	INDUSTRIAL USES
						P	P	P	P		P[279]	Accessory uses and structures
CU						P	P	P	P		P[280]	Custom manufacturing
											P[281]	Manufacture and/or assembly of appliances, electronic equipment, wood products (excepting a lumber/saw mill), home and industrial equipment, recreational equipment, and the like.[282]
											P[283]	Printing, publishing and similar activities.[284]
											P[285]	Services and uses supporting the principal use of its employees (e.g., daycare, cafeteria).[286]
											P[287]	Essential services.[288]
											P[289]	Other CIP uses (see 10.081 E).[290]
							P	P	P		P[291]	Food processing
												General
				P		P[292]	P	P	P		P[293]	Research/testing
				P		CU[294]	P	P	P			Training center
CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	Gravel pits and similar extractive uses[295][296]
						P	P	P				Industrial equipment sales and services
												Heavy Industry
								P				Electrical power generation
CU								P	P			Fabricating, processing, assembly from raw or semi-finished products
								P				Secondary wood products
						PS	PS	PS	PS		P[297]	Outdoor storage
				PS		PS	P	P				Recycling center
								P				Sawmill
							PS	PS				Wrecking, junk or salvage yard

NOTES:

P = Permitted
PS = Permitted with Performance Standards
CU = Conditional Use Permit required
"Blank" = Not permitted.

[298]Other Uses Permitted in CIP District. "Other CIP" uses that may be permitted within the CIP (Cohasset Industrial Park) zone district must meet all the following criteria:

Meets the spirit and intent of this district; and

Generally complements and does not distract from existing uses in the district; and

Generates no readily detectable vibrations, dust, electrical interference on adjacent property; and

Does not generate noise levels at the lot line in violation of pertinent MPCA standards; and

Meets any specific conditions applied by the CEDA.

USES PERMITTED IN ZONES: F. TRANSPORTATION AND OTHER USES												
RR	SR	MR	WR	GB	RC	HC	LI	HI	RI	MA	CIP	TRANSPORTATION USES
						P	P	P				Major transportation Terminals, hangers, switching yards, sidings, runways, heliports, etc.
P	P	P	P	P	P	P	P	P	P	CU		Minor transportation Streets, highways, railroad right-of-way, transit shelters, bicycle and pedestrian paths
												OTHER USES
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Land alteration
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Signs[299]
PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Temporary buildings
				CU							P	Mortuary/Crematorium[300][301]
CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU		Interim Uses of Buildings and Lands[302]

NOTES:

P	=	Permitted
PS	=	Permitted with Performance Standards
CU	=	Conditional Use Permit required
"Blank"	=	Not permitted.

10.082 Off-Street Parking and Loading Space Requirements

A. Purpose. It is the intent of these regulations that off-street parking be provided and maintained by each property owner for the use of occupants, employees and patrons. These regulations are further intended to promote the safe and efficient storage and circulation of motor vehicles on-site to avoid undue congestion of the public streets and roadways.

B. Street access. Each parcel shall be granted up to two curb cuts per street which abuts that parcel.[303] [304] The location and design of curb cuts shall be restricted as follows:

1. No closer than twenty-five (25) feet to any existing curb cut;
2. No closer than twenty-five (25) feet to the nearest point of any street or alley intersection provided that on State and County roads or highways this may be extended to a minimum of one hundred (100) feet upon the recommendation of the appropriate governing unit having jurisdiction over the roadway.
3. No curb cut shall exceed thirty-three (33) feet in width; and

[305] 5. Wherever possible and practicable, common driveways shall be used to limit the number of access points to any road.

C. Parking lot design. The following design standards for parking areas apply to all parking areas except of those for one (1) and two (2) family dwellings. However, certain of the standards shall apply, as noted herein, to those residential dwellings which have home occupations or home businesses.

1. Setback.

   Parking areas shall be separated from the right-of-way of any road by means of a sod or landscaped strip not less than three (3) feet in width or other barrier that clearly delineates the parking lot from the road. This requirement shall apply to home businesses and home occupations.

2. Drainage.

   All parking lots shall have a surface water drainage system, including, if necessary, stormwater detention and retention ponds, which is approved by the City Engineer. This requirement may be applied to home businesses and home occupations in the judgment of the Zoning Officer and the City Engineer.

3. Lighting.

   All lighting shall be arranged so as to deflect the light away from residential districts so that the source is not visible. All lighting cable shall be placed underground and shall be installed in compliance with the State Electrical Codes. The average minimum illumination of two (2) foot-candles at the parking surface shall be required. This requirement shall apply to home businesses or home occupations which regularly serve customers on-site after dark.

4. Surface.

   All parking lots for home occupations and home businesses (in the judgment of the Zoning Officer and City Engineer) and in the General Business zone district shall be paved with a concrete, bituminous or other similar surface in accordance with standards as established by the City and shall be striped with suitable paint in accordance with approved plans.[306307308]

5. Bumper overhang.

   The minimum parking space length may be decreased by up to three (3) feet for spaces which allow the bumper of the auto to project beyond the terminus of the parking space without obstructing other parking spaces, vehicle circulation or a designated pedestrian way.

6. Handicapped parking.

   Parking spaces for people with handicaps shall be provided as required by State Statute or in accordance with the following guidelines, whichever is most restrictive:

   a. Number of designated parking spaces for the disabled required:

Total Parking Spaces In Parking Lot	Accessible Spaces Required	Van Accessible Spaces Req.
1 - 25	1	1
26 - 50	2	1
51 - 75	3	1
76 - 100	4	1
101 - 150	5	1
151 - 200	6	1
201 - 300	7	1
301 - 400	8	1
401 - 500	9	2
501 - 1000	2% of total 20	1 in every 8
over 1000	plus 1 for each 100 over 1000	accessible spaces

   b. Each designated space must be eight (8) feet wide with an adjacent five (5) foot wide access aisle.

c. Van accessible space must have an adjacent eight (8) foot wide access aisle and be designated indicating "van accessible".

d. Designated spaces to be on an accessible route located as near as possible to an accessible entrance.

e. Each space to have a sign with the international symbol of accessibility, indication that a permit is required and notification of a $200 maximum fine for violation.

7. Exceptions for compact cars.

Up to thirty-three (33) percent of the parking required for a given use may be designed specifically for compact cars, provided:

a. Signage is erected at appropriate locations indicating "For Compacts Only";

b. The minimum design and construction standards of this ordinance apply.

8. Drive-up windows and car wash stacking requirements.

No stacking space shall encroach into any drive aisle necessary for the circulation of vehicles on the lot. All stacking shall comply with the setbacks required for parking spaces. The minimum size of stack space shall be nine (9) feet by eighteen (18) feet.

9. Backing into a street.

Except for one (1) and two (2) family dwellings, backing from a parking lot directly into a street, road or alley shall be prohibited. This requirement may be applied to home businesses and home occupations in the judgment of the Zoning Officer.

10. Screening.

Parking areas for more than five (5) vehicles shall be effectively screened from residential uses.

11. Maintenance.

It shall be the joint responsibility of the operator and owner(s) of any principal use to maintain, in a neat and aesthetic manner, the parking space, accessway, landscaping and required screening.

D. Parking stall and driving lane standards. The following standards shall apply to the design, construction and maintenance of parking areas.

FULL SIZE CARS						
	PARKING ANGLE					
DIMENSIONS IN FEET	0°	30°	45°	60°	75°	90°
Driving lane width	12	12	14	18	21	24
Parking space width	8	8.5	8.5	8.5	8.5	8.5
Parking space length	22	17	18	18	18	19
COMPACT CARS						
	PARKING ANGLE					
DIMENSIONS IN FEET	0°	30°	45°	60°	75°	90°
Driving lane width	12	12	14	18	21	24
Parking space width	7.5	8	8	8	8	8
Parking space length	20	16	16	16	16	17

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

1. Location.

   No loading zone shall be located on the side of a building which faces a residential district nor shall a loading zone be located less than twenty-five (25) feet from a residential district unless within a building.

2. Size.

   A large loading zone shall be: fifty (50) feet long, twelve (12) feet wide, and have fourteen (14) feet of clear height.

   A small loading zone shall be: twenty-five (25) feet long, twelve (12) feet wide, and have fourteen (14) feet of clear height.

3. Access.

   Each required loading zone shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

4. Construction.

   All loading zones shall be improved with a durable material to control the dust and drainage according to a plan approved by the City Engineer.

5. Accessory use.

   Any space allocated as a loading zone or access drive so as to comply with the terms of this ordinance shall not be used for the storage of goods, inoperable vehicles, or be included as a part of the space necessary to meet off-street parking requirements.

F. Off-street parking requirements.

1. Parking spaces required.

   The minimum number of off-street parking spaces by type of use shall be required in accordance with the following schedule, provided that uses within the Cohasset Industrial Park (CIP) district are exempt from these standards.[309]

Residential Uses	
One and two family units	2/DU[1]
Multiple family units	2/DU
[310]Senior citizens housing	0.5/DU
Boarding and rooming houses	1/sleeping room
Accessory apartments	1/unit
Bed and breakfast	1/room
Day care/nursery schools	2/DU
Group and foster homes	2/DU
Public and Quasi Public Uses	
Places of worship	1/4 seats in largest assembly room
Elementary school	2/classroom
Junior high/middle school	2/classroom
Senior high school	6/classroom + 1/6 seats in main auditorium
Post high school	10/classroom
Stadiums, arenas, and auditoriums (accessory)	1/6 seats
Museums, libraries and art galleries	1/500 SF GFA[2]
Golf and country clubs	6/hole
Government offices	1/200 SF GFA
Hospitals	1/3 beds plus 1/employee on largest shift
Nursing homes	1/3 beds

[1] "DU" = dwelling unit.
[2] "SF GFA" = square feet of gross floor area.

Clubs and lodges	1/2 persons based on occupancy rating
<u>Commercial Uses</u>	
Business/general offices	1/250 SF GFA
Medical, dental offices and clinics	1/200 SF GFA
Agricultural/animal sales	1/400 SF GFA
Automotive sales/repair	1/300 SF GFA
Beauty/barber shop	3/chair
Bank/S&L/loan agency	1/250 SF GFA plus 4 stacking spaces/drive-up window
Car washes (principal use)	3 plus see footnote[3]
Car washes (accessory use)	4 stacking spaces per bay
Restaurants, cafes, bars	1/75 SF GFA
Drive-up restaurants	1/50 SF GFA plus 6 stacking spaces/drive-up window
Athletic facilities	1/200 SF GFA
Movie theaters	1/3 seats
Gasoline stations	3 plus 2/service stall plus 1/100 SF GFA of retail space
Bowling alleys	5/lane
Hotels, motels, lodging	7/5 guest rooms
Funeral homes/chapels	1/3 seats in largest parlor or chapel
Home furnishings stores	1/500 SF GFA
Hardware/home improvement	1/300 SF GFA
Daycare/group home	1/5 persons enrolled
Pool halls, roller and Ice rinks, exhibition hall	1/2 persons based on occupancy rating
Mini-warehouse	1/10 units
Greenhouse (wholesale)	1/employee[311]
General retail sales (not listed)	1/200 SF GFA (minimum 5)
Retail services (not listed)	1/200 SF GFA (minimum 3)
<u>Industrial Uses</u>	
Custom manufacturing	1/300 SF GFA of retail area plus 1/employee per shift
Other manufacturing	2/3 employees or 1/2000 SF GFA whichever is greater

2. Joint use of parking areas.

Two (2) or more buildings or uses may collectively provide off street parking in which case the number of required parking spaces

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

shall not be less than the sum of the requirements for the individual uses computed separately. In the case of the joint use of off-street parking spaces where operating hours do not overlap, the Planning Commission acting as the Board of Zoning Appeals may grant a variance to allow the total number of required spaces to be reduced below the sum of the individual uses provided a copy of a signed agreement between the joint users is filed with the application.

3. Fractional spaces.

   When determining the number of required parking results in a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.

4. Additional requirements.

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

G. Off-street loading requirements. The minimum number of off-street loading spaces by type of use shall be required in accordance with the following schedule. The City may require additional loading spaces if, in the opinion of the Zoning Officer or City Engineer, a specific proposed use will generate loading facility demand greater than that specified for that use in this ordinance.

USE	SF GFA	BERTHS REQUIRED
Auditoriums, armories, sports arenas, convention halls, exhibition halls	0-3,000	0
	3,001-15,000	1 small
	15,001-50,000	1 large
	50,001-100,000	1 large + 1 small
	>100,000	1 small for each 25,000 SF
Retail sales, offices, public administration buildings, schools, hotels, hospitals	0-5,000	1 small
	5,001-50,000	1 large
	>50,000	1 small for 50,000 SF
Manufacturing, warehousing, fabricating, assembly[4]	0-10,000	1 small
	10,001-50,000	1 large
	>50,000	1 large for each 50,000 SF

H. Permit and administration.

[4] Uses within the Cohasset Industrial Park (CIP) district are exempt from these standards.

1. Permit required.

   Except for residential uses in any district, a zoning permit is required for all new off-street parking or off-street loading spaces which are being developed separately from an accompanying building, structure or proposed use for which a zoning permit is being sought. A separate permit is not required if the proposed parking or loading spaces are part of a proposed project or use.

2. Compliance required.

   In all districts off-street parking and loading shall be provided as follows:

   a. Full off-street parking and loading for all newly constructed buildings, structures or uses.

   b. Whenever a use of a building, structure or lot requiring off-street parking or loading is increased in floor area or when interior building modifications or structural alterations result in an increase in effective capacity for any use, additional parking and loading shall be provided in proper ratio to the increase in floor area or capacity.

   c. Whenever a building or use or part thereof is changed in usage, such that the new use requires more parking or loading than the old, the extent to which the use is changed shall be required to comply fully with the provisions of this ordinance.

3. Site plan information required.

   For any application for uses, structures or buildings to be constructed, extended, enlarged, moved or altered, with the exception of residential properties but including home occupations and home businesses, the Zoning Officer may require the following information to accompany the zoning permit application:

   a. Legal description, property lines, setback lines, and property dimensions;

   b. A topographic survey of the property with a contour interval of not greater than two (2) feet, showing existing and proposed grades;

   c. The location of: principal and accessory buildings; easements of rights-of-way for utilities or service lines; access drives, parking, and loading areas with stalls clearly delineated; sidewalks and pedestrian ways; required screens, fences or buffers; proposed and required landscaping; signs, with information about height and size; nearest existing or proposed fire hydrant; and streets adjacent to site;

d. Specifications for all improvements including but not limited to underground utilities, pavement, sidewalks, curb and gutter, and driveway aprons;

e. Name(s) and address (es) of the property owner(s), applicant(s), and, if pertinent, preparer(s) of the application.

4. Limit on use.

a. No commercial repair work or service of any kind, or sale or display thereof, or the storage of new or used vehicles which are not for the use of the occupant, employees and patrons shall be conducted in such parking area.

b. Any area once designated as required off-street parking or loading shall not be changed to any other use until equal facilities as required by this code are provided elsewhere.

c. Off-street parking existing at the date of adoption of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

10.083 Shoreland Area District and Standards

A. General.

1. Authority.

These shoreland regulations are pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F and Minnesota Regulations, Parts 6120.2500-6120.3900.

2. Policy.

The uncontrolled use of shorelands within the City of Cohasset affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters, conserve the economic and natural environmental values of shorelands, and provide for the proper use of waters and related land resources. This responsibility is hereby recognized by the City of Cohasset.

3. Jurisdiction.

The provisions of this section shall apply to the shorelands of the public water bodies as classified in Section 10.064 of this ordinance. It shall also apply to all non-classified bodies of water greater than five (5) acres in size. It shall not apply to any body of water created by a private user where there was no previous shoreland except those greater than ten (10) acres in size.

4. Compliance.

   The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

B. Notification to the Department of Natural Resources. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under these shoreland management controls shall be sent to the Commissioner of Natural Resources or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions shall include copies of the subdivision. A copy of approved amendments, subdivisions and final decisions granting variances or conditional uses under these shoreland regulations shall be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of the final action.

C. General land use criteria. The land use districts, delineation of land use district boundaries, and decisions regarding shorelands shall be consistent with the comprehensive plan and the following criteria, considerations and objectives:

   1. Preservation of natural areas;
   2. Present ownership and development of shoreland areas;
   3. Shoreland soil types and their engineering capabilities;
   4. Topographic characteristics;
   5. Vegetative cover;
   6. In-water physical characteristics, values, and constraints;
   7. Recreational use of the surface water;
   8. Road and service center accessibility;
   9. Socioeconomic development needs and plans as they involve water and related land resources;
   10. The land requirements of industry which, by its nature, requires location in shoreland areas; and
   11. The necessity to preserve and restore certain areas having significant historical or ecological value.

D. Uses allowed. For uses allowed by this ordinance in accord with the tables in section 10.081 and located in the shorelands of the City of Cohasset, additional use restrictions may apply. Regardless of the status (permitted, permitted as a conditional use, or permitted with

performance standards) granted to specific uses in section 10.081, the following designations shall be enforced in shorelands for the uses listed.

ADDITIONAL RESTRICTIONS FOR SHORELANDS USES						
LAKES*			STREAMS*			
GD	RD	NE	FOR	URB	TRIB	USES
CU	CU	CU	CU	CU	CU	Agricultural feedlots
NAR	NAR	CU	CU	NAR	CU	Duplex, triplex or quad
CU	CU	CU	CU	CU	CU	Residential planned unit development
NAR	NAR	CU	CU	NAR	CU	Commercial
CU	CU	CU	CU	CU	CU	Commercial planned unit development
CU	CU	CU	CU	CU	CU	Surface water-oriented commercial
CU	CU	N	CU	CU	CU	Industrial
N	N	N	N	N	N	Extractive uses[312]
NAR	NAR	CU	CU	NAR	CU	Public
CU	CU	CU	CU	CU	CU	Semi-public
CU	CU	CU	CU	CU	CU	Parks and historic sites

P = Permitted; CU = Conditional Use Permit required;
N = not permitted; NAR = No Additional Restrictions

* GD = General Development; RD = Recreational Development; NE = Natural Environment;
FOR = Forested; URB = Urban; TRIB = Tributary.

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

1. Residential subdivisions.

   Residential subdivisions with dwelling unit densities exceeding those allowed specified in section 10.071 can only be allowed if designed and approved as a residential planned unit development under the terms of this ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

2. Subdivisions on Natural Environment lakes.

   Subdivisions of duplexes, triplexes, and quads on Natural Environment lakes must also meet the following standards:

   a. Each building must be set back at least two hundred (200) feet from the ordinary high water level;

   b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;

c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

d. No more than twenty-five (25) percent of a lake's shoreline can be in duplex, triplex or quad developments.

3. Controlled accesses.

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

a. They must meet the width and size requirements for residential lots and be suitable for the intended uses of controlled access lots;

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

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

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

d. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They may also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetative alterations. They must also require all parking areas, storage buildings,

and other facilities to be screened from view from the public water, assuming summer, leaf-on conditions.

4. Factors and criteria for planned unit developments.

   Planned unit developments in shorelands shall consider and follow these factors and criteria:

   a. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;

   b. Physical and aesthetic impacts of increased density;

   c. Suitability of lands for the planned unit development approach;

   d. Level of current development in the area; and

   e. Amounts and types of ownership of undeveloped lands.

5. Standards for water-oriented commercial, industrial, public and semipublic uses.

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

   a. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

   b. 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

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

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

      (2) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods and services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the

ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial light(s), the light(s) must be shielded or directed to prevent illumination out across public waters; and

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

6. Standards for agricultural uses.

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

Animal feedlots must meet the following standards:

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

b. Modifications or expansions to existing feedlots that are located within three hundred (300) feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

7. Standards for forest management.

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

Forestland conversion to another use requires issuance of a conditional use permit and adherence to the following standards:

a. Shore and bluff impact zones must not be intensively cleared of vegetation; and

b. An erosion and sediment control plan must be developed and approved by the Itasca County Soil and Water Conservation District before issuance of a conditional use permit for the conversion.

F. Shoreland alterations: vegetation alterations. Alterations of vegetation will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this section of this ordinance are exempt from the vegetation alteration standards that follow.

1. Removal or alteration of vegetation.

   Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this ordinance is allowed subject to the following standards:

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

   b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that: (1) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; (2) along rivers, existing shading of water surfaces is preserved; and (3) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards. The maximum corridor as a view to the lake is 20% of lot width.

      75' lot - 15 foot corridor
      100' lot - 20 foot corridor
      150' lot - 30 foot corridor
      200' lot - 40 foot corridor

G. Shoreland alterations: topographic alterations, grading and filling (intensive and limited vegetative clearing standards shall take precedence where applicable).[313] Alterations of vegetation will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these

facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways. Public roads and parking areas are regulated by the Section 10.083 H of this ordinance.

1. Permits required.

   Notwithstanding the previous statements, a grading and filling permit will be required for:

   a. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones. Grading and filling activities within the Shore Impact Zone (SIZ) and Bluff Impact Zone (BIZ) shall be prohibited unless otherwise allowed by this ordinance[314]; and

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

2. Considerations and conditions.

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

   a. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland: (a) sediment and pollutant trapping and retention; (b) storage of surface runoff to prevent or reduce flood damage; (c) fish and wildlife habitat; (d) recreational use; (e) shoreline or bank stabilization; and (f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

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

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

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

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

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

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

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

h. Fill or excavated material must not be placed in bluff impact zones.

i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 103G.245.

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

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

3. Connections to public waters.

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

4. Ice ridge removal:[315]
   a. Shall be no wider than twenty (20) % of the lake frontage (based on minimum conforming lot size).
   b. Shall not be contiguous with adjoining minimum conforming lots.
   c. Side slopes shall be no steeper than 2:1.
5. Beach sand blanket:[316]
   a. Shall be no more than twenty (20) % of the lake frontage (based on minimum conforming lot size and parallel with the shoreline).
   b. Shall not be contiguous with adjoining minimum conforming lots.
   c. Shall be no more than fifteen (15) feet back from the ordinary high water level.
   d. The finished slope shall be no more than twenty (20) %.

e. The sand must be clean with no organic materials.

6. Retaining walls:[317]

Shall be no higher than two (2) feet except as determined by the Zoning Officer or designee, but not to exceed four (4) feet in any circumstance.

7. Stairways, lifts, and landings:[318]

Refer to section 10.101 "Performance Standards".

H. Shoreland alterations: placement and design of roads, driveways, and parking areas (intensive and limited vegetative clearing standards shall take precedence where applicable).[319]

1. General:

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

2. Setbacks:

Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist.

If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

3. Public accesses, roads and parking areas:

Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 10.083 G of this ordinance must be met.

4. Waterbody access road:[320]

Shall be constructed to avoid straight sight line to or from the water body and shall be no wider than twelve (12) feet.

I. Shoreland alterations: stormwater management. The following general and specific standards shall apply to stormwater management activities in shorelands.

1. General Standards.

a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter,

and retain stormwater runoff before discharge to public waters.

b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific Standards.

a. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.

b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

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

1. Water supply.

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

2. Sewage treatment.

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

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

b. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be part of this ordinance.

c. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks established in this ordinance.

d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the following criteria: (1) depth to the highest known or calculated ground water table or bedrock; (2) soil conditions, properties and permeability; (3) slope; (4) the existence of lowlands, local surface depressions and rock outcrops.

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

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

10.084 Flood Hazard Area District and Standards

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

1. The flood hazard areas of the City of Cohasset are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These regulations are based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

B. Statement of purpose. It is the purpose of these regulations to promote the public health, safety, and general welfare and to minimize those losses described in section 10.084 A of this ordinance.

C. General provisions.

1. Lands to which regulations apply.

These regulations shall apply to all lands within the jurisdiction of the City of Cohasset shown on the Official Flood Hazard Map as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Areas.

2. Flood-proofing regulations.

   The publication entitled "Flood Proofing Regulations", Office of the Chief of Engineers, U.S. Army Corps of Engineers, Washington, D.C., dated June 1972, or its official replacements, is hereby adopted by reference and incorporated into this ordinance.

3. Permit required.

   A permit issued by the Zoning Officer in conformity with the provisions of these regulations shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use of change of use of a building, structure, or land; prior to the change or extension of a non-conforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

4. State and Federal permits.

   Prior to granting a permit or processing an application for Conditional Use, Variance or subdivision, the Zoning Officer shall determine that the applicant has obtained all necessary State and Federal permits.

5. Certification.

   The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.

6. Variances.

   Variances to these floodplain provisions may be granted in accordance with the procedures set forth in Section 10.0506 of the Ordinance. "No variance shall have the effect of allowing in any floodplain district uses prohibited in that district, permit a lower degree of flood protection than Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law".

7. Conditional uses.

   The granting of conditional uses within the flood plain district shall be in accordance with the procedures set forth in section 10.11 of this ordinance.

8. a. <u>Notification to the Department of Natural Resources.</u> Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under these

floodplain controls shall be sent to the Commissioner of Natural Resources or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions shall include copies of the subdivision. A copy of approved amendments, subdivisions and final decisions granting variances or conditional uses under these floodplain regulations shall be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of the final action.

b. Flood Insurance Notice and Record Keeping - The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

D. Areas of application. The flood plain regulations of this ordinance apply to the following three types of areas in the City of Cohasset.

1. Floodway Areas.

   The Floodway area shall include those areas designated as floodway on the Official Flood Hazard Map.

2. Flood Fringe Areas.

   The Flood Fringe area shall include those areas designated as floodway fringe on the Official Flood Hazard Map.

3. General Flood Plain Areas.

   The General Flood Plain area shall include those areas designated as unnumbered 'A Zones' on the Official Flood Hazard Map.

E. Permitted and conditional uses.

1. Floodway Areas.

   a. In Floodway Areas only the following uses shall be permitted provided that the uses are also permitted in the underlying zoning district:

      (1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(2) Industrial-commercial loading areas, parking areas, and airport landing strips.

(3) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and recreational trails.

b. In Floodway Areas the following uses shall require conditional use permits provided that the uses are also permitted in the underlying zoning district:

(1) Structures accessory to those listed above.

(2) Extraction and storage of sand, gravel, and other materials.

(3) Marinas, boat rentals, docks, piers, wharves, and water control structures.

(4) Railroads, streets, bridges, utility transmission lines, and pipelines.

(5) Storage yards for equipment, machinery, or materials.

(6) Placement of fill.

(7) Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds.

(8) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

2. Flood Fringe Areas.

Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning district. Any structure that is not elevated on fill or flood-proofed in accordance with this ordinance or any use of land that does not comply with the standards provided in section 10.084 of this ordinance shall only be allowable as a conditional use.

3. General Flood Plain Areas.

The uses and conditions listed in section 10.084 E.1 of this ordinance shall apply in the General Flood Plain Area. All other uses shall require conditional use permits and be subject to the floodway/flood fringe evaluation criteria pursuant to section 10.084 F of this ordinance and, according to the findings of that

evaluation, be governed by the Floodway or Flood Fringe regulations, whichever is appropriate.

F. Procedures to determine Floodway and Flood Fringe areas within the General Flood Plain.

1. Required information.

   Upon receipt of an application for a conditional use permit for a use within the General Flood Plain Area, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Officer for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe area.

   a. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

   b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

   c. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.

2. Technical determination.

   The applicant shall be responsible to submit one (1) copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota regulations NR 6120.5600 - 6120.5700 shall be followed in this expert evaluation. The designated engineer or expert shall: estimate the peak discharge of the regional flood; calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas; and compute the floodway necessary to convey the regional flood without increasing flood stages more than 0.5 feet. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

3. Acceptance of technical determination.

   The Zoning Officer shall present the technical evaluation and findings of the designated engineer or expert to the City Council.

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

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

1. Permitted uses.

   a. The use shall have a low flood damage potential.

   b. The use shall be permissible in the underlying zoning district.

   c. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations, or storage of materials or equipment.

2. Conditional uses.

   a. No structure, (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

   b. The conditional use shall be permissible in the underlying zoning district.

   c. Fill:

      (1) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

      (2) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion and sedimentation prevention component.

   d. Accessory structures:

      (1) Accessory structures shall not be designed for human habitation.

      (2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(3) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 classifications of the U.S. Army Corps of Engineers Flood Proofing Regulations, June 1972 edition. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 classifications of the regulations provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and if a detached garage, must be used solely for parking of vehicles and limited storage.

(4) All flood proofed accessory structures must meet the following additional standards as appropriate: the structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and, any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

e. Storage of materials and equipment:

(1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City of Cohasset planning commission and city council.

f. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

g. A levee, dike or floodwall constructed in the floodway shall not cause an increase in the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

H. <u>Standards for Flood Fringe uses.</u> The following standards apply to all uses or conditional uses in the Flood Fringe Areas of Cohasset.

1. Permitted uses.

   a. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

   b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet for the outside dimension at ground level may be internally flood proofed in accordance with this ordinance.

   c. The cumulative placement of fill where at any one time in excess one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with this ordinance.

   d. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

2. Conditional uses.

   a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc. or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:

      (1) The enclosed area is above-grade on at least one side of the structure;

      (2) It is designed to internally flood and is constructed with flood resistant materials;

      (3) It is used solely for parking of vehicles, building access or storage;

      (4) The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with current U.S. Army Corps of Engineers flood proofing regulations and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent

flood water from entering or accumulating within these components during times of flooding;

(5) When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters; and

(6) That the enclosed area will be designed of flood resistant materials in accordance with current U.S. Army Corps of Engineers flood proofing standards.

b. Basements shall: not be allowed below the Regulatory Flood Protection Elevation, but non-residential basements may be allowed below this elevation provided the basement is structurally dry flood proofed in accordance with this ordinance.

c. All areas of non-residential structures to be placed below the Regulatory Flood Protection Elevation shall be floodproofed in accordance with this ordinance and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood-proofed to the FP-3 or FP-4 classifications shall not be permitted.

d. When at any time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal, or construction of flood control works, an erosion and sedimentation control plan must be submitted. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100 year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to Cohasset.

e. The storage or processing of materials that are, in times of flooding, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited, and, storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the planning commission.

3. All flood fringe uses.

a. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, limitations must be specified on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

b. Accessory land uses such as yards, railroad tracks and parking lots for commercial uses may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of the regional flood.

c. For manufacturing and industrial uses measures shall be taken to minimize interference with normal plant operations especially along streams with protracted flood duration. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set forth in subsection 'b' above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

d. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable methods.

e. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

I. <u>Public utilities, railroads, roads and bridges.</u>

1. Public utilities.

All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with this ordinance or elevated to a height above the Regulatory Flood Protection Elevation.

2. Public transportation facilities.

Railroad tracks, roads, and bridges to be located within the flood plain shall comply with the use standards set forth in this ordinance. Elevation to the Regulatory Flood Protection

Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public

health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

3. On-site sewage treatment and water supply systems.

   On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and, new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State of Minnesota's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

J. Manufactured homes and placement of travel trailers and travel vehicles (RVs).

1. Placement of new or replacement manufactured homes.

   The placement of new or replacement manufactured homes on individual lots of record or in existing manufactured home parks that are located in the flood plain will be treated as a new structure and may be placed only if elevated in compliance with this ordinance.

2. Anchoring required.

   All manufactured homes located in licensed manufactured home parks and in the flood plain shall be securely anchored to a foundation system that resists flotation, collapse or lateral movement.[321] This requirement is in addition to applicable state and federal anchoring requirements for resisting wind forces.[322]

3. Exempted travel trailers and travel vehicles.

   Travel trailers and travel vehicles are exempt from the provisions of this section if they are placed on individual lots of record, in existing commercial recreational vehicle parks or campgrounds, or in existing condominium type associations and, provided they meet the following criteria: (a) have current licenses required for highway use; (b) are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and the vehicle has no permanent structural type additions attached to it; and (c) the travel trailer or travel vehicle and associated used must be permissible in any pre-existing, underlying zoning use district. Travel trailers and travel vehicles lose this exemption when development occurs on the parcel for a structural addition

to the travel trailer or vehicle or an accessory structure such as a garage or storage building.

4. Requirements for non-exempt travel trailers and travel vehicles.

   Travel trailers and travel vehicles which are not exempted from the above section, new commercial travel trailer or travel vehicle parks or campgrounds, new residential type subdivisions and condominium associations, and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

   a. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe areas provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with this ordinance. No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood event.

   b. All new or replacement travel trailers or travel vehicles not meeting the criteria of 'a' above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the underlying zoning district requirements. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must conform to the provisions of this ordinance.

5. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on floodplain subdivisions by Section 10.2100E12 of this ordinance.

10.085 Wetland Standards

A. Policy. It is in the public interest of the City of Cohasset to:

1. Achieve no net loss in quantity, quality and biological diversity of existing wetlands.
2. Restore or enhance diminished or drained wetlands.
3. Avoid direct or indirect impacts on wetlands.
4. Replace wetland values when avoidance is not feasible or prudent.

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

1. Public waters wetlands are those wetlands which have been and continue to be regulated by the Minnesota Department of Natural Resources. These are Type 3, 4 and 5 wetlands as identified by the U.S. Fish and Wildlife Circular No. 39 (1971 Edition), not included in public waters, that are 2.5 or more acres in size.

2. Wetlands are defined as those lands, other than public waters wetlands, transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition wetlands must have the following attributes:

   a. A predominance of hydric soils;

   b. Inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

   c. Under normal circumstances support a prevalence of such vegetation.

C. Administration of the Wetlands Conservation Act (Minnesota Statutes 103G.005) within the City of Cohasset will be as designated by the Cohasset City Council.[323]

10.09 (RESERVED)

10.10 PERFORMANCE STANDARDS

10.101 Use Performance Standards

Whether listed or not in the use tables in section 10.081 of this ordinance, the following performance standards shall be applied to the uses listed herein. Failure to comply with these standards even after receipt of a valid zoning permit shall prove grounds for the revocation of the permit under terms and conditions to be established by the Planning Commission.

A. Accessory buildings.[324][325]

[326]Only two (2) detached accessory buildings shall be allowed on each minimum conforming sized lot of record except in the RR Rural Residential, commercial (GB, HC, RC) and industrial (CIP, LI, HI, RI) districts. Accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway or similar structure or it may be completely detached. If attached to the principal building, an accessory building shall be structurally a part of it and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made part of the principal building shall not be less than six (6) feet from any other separate structure on the same lot.[327]

Tool sheds and other similar buildings for the storage of domestic supplies shall not require a zoning permit if the following standards are met: only one (1) such structure is on the lot; the area of the structure does not exceed one hundred (100) square feet; and the height of the structure does not exceed twelve (12) feet.[328]

In the MR Municipal Residential district accessory buildings shall meet the following standards: shall not exceed thirteen hundred (1300) square feet in area; height shall not exceed eighteen (18) feet; wall height shall not exceed twelve (12) feet.[329][330][331][332]

B. Agricultural accessory buildings. Agricultural accessory buildings may exceed the height limitation of the district provided that the structure is setback a distance at least equal to its height from the nearest property line. Agricultural accessory buildings used to store feed, hay and similar items or to provide temporary shelter or feeding sites for farm animals may be located on parcels lacking a principal building.

C. Agricultural activities (including those with livestock). Agricultural activities, excepting the raising of livestock, are permitted without requiring a zoning permit in all districts. Agricultural activities in all districts are subject to the following:[333]

1. In shoreland areas domesticated animals shall not be picketed, fenced or otherwise contained in shore and bluff impact zones or on steep slopes. However, access to the shore shall be allowed for

watering purposes only on a site and in a manner to be approved by the Soil Conservation Service.

2. No livestock (excluding pets) shall be allowed on parcels of under ten (10) acres in size.[334]

3. On parcels of at least ten (10) acres in size ten (10) animal units plus one (1) unit per acre beyond ten (10) acres, to a maximum of thirty (30) per quarter/quarter section or government lot shall be permitted.

4. The keeping of amounts greater than one thousand (1,000) poultry or small animals or more than two hundred fifty (250) swine or ostrich or animal units per acre which constitute a feedlot according to the state MPCA feedlot standards shall require a conditional use permit.[335]

5. Any parcel containing more than five (5) animal units of swine or ostrich or poultry shall provide enclosed quarters or fencing at a setback of not less than twice that required for the district.[336]

6. No livestock (excluding pets) shall be permitted in the MR Municipal Residential or SR Suburban Residential or Waterfront Residential zone districts.[337]

7. Up to 20 (twenty) hens and no roosters are allowed on parcels of at least one acre in size in the Municipal Residential, Suburban Residential, or Waterfront Residential zone districts provided the chickens are confined at least 25 (twenty-five) feet from the property lines and dwelling.[338]

D. Bed and breakfast. In the MR Municipal Residential and RR Rural Residential districts bed and breakfast facilities shall not have more than five (5) guest rooms and shall not serve more than ten (10) persons.

In the SR Suburban Residential and WR Waterfront Residential districts such facilities shall not have more than two (2) guest rooms and shall not serve more than four (4) persons excluding children under age twelve (12) accompanied by an adult.

Bed and breakfast facilities shall provide one (1) parking space for each guest room in addition to the minimum number required for residential and any other permitted uses.

E. [339]Communication services and utility towers. Utility structures including cellular phone, radio transmission, microwave, communication towers, television relay towers and similar structures that are normally uninhabited and do not contain sanitary sewer facilities or intended as long-term work sites shall be permitted in all zone districts on lots as small as 20,000 square feet provided the following standards are met:

1. Any towers shall be outside of migratory bird flight paths.

2. Any tower shall be setback a distance at least equal to its height and, in any circumstance is not to be closer than twice the tower height to the nearest structure off of the property.

3. Any building or structure accompanying a tower shall not exceed four hundred fifty (450) square feet in area and shall have at least one (1) parking space.

4. The owner(s) and operator(s) of any tower has received and is in compliance with all appropriate government permits and authorizations.

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

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

H. Dog Kennels. Any fences or other enclosures for dog kennels shall meet the same setbacks as required for accessory structures.[340]

I. Fraternal clubs and lodges. Such uses may not be located closer than four hundred (400) feet to any school.

J. Garage, yard, rummage sales.[341]

1. The sale is not more than four (4) successive days in duration;

2. Not more than three (3) such sales are conducted on the premises in a calendar year, and;

3. There shall be at least one (1) month between sales on the same premises.

K. Group and foster homes. Such uses must be licensed by the State of Minnesota and/or Itasca County for the appropriate number of residents.

L. Guest cottage. One (1) guest cottage may be allowed provided the following standards can be met:

1. A guest cottage must not cover more seven hundred (700) square feet of land surface and must not exceed fifteen (15) feet in height.

2. In shoreland areas, the lot size and width shall be at least the minimum duplex sized lot required by this ordinance.[342]

3. For lots which exceed the minimum lot dimensions required by this ordinance, the guest cottage must be located within the smallest, minimum duplex allowable lot that could be created including the principal dwelling unit.[343]

4. In shoreland areas, the guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

M. Junk, wrecking or salvage yard. All junk, wrecking or salvage yards within the City of Cohasset shall meet the following minimum standards.

1. No material shall be disposed of or placed in a wetland and no draining or filling of wetlands shall occur.
2. All such uses shall have a minimum rear, side and road setback of one hundred (100) feet. No activity except fencing, berms or other screening may take place in the setback area.
3. No such use is permitted within three hundred (300) feet of a protected water.
4. All waste including batteries, tires and hazardous waste shall be kept on the property in a manner acceptable to City of Cohasset or disposed of in a manner acceptable to pertinent City, County, State or Federal regulations.
5. Fencing, berms and use of natural topography shall be sufficiently provided to shield the view of any salvage material from any surface water, public recreation facility, public road, private residence, or other structure, within one quarter (1/4) mile of the parcel containing the salvage yard.
6. No delinquent taxes shall be owed on the property at the time a permit is issued nor at any time during the lifetime of the permit. Failure to maintain current payment status with property taxes shall be grounds for revoking the permit.
7. A record shall be kept of all salvage materials and waste brought in and out of the property.
8. The Cohasset Fire Department shall receive information on all flammable and hazardous material stored on the property including amounts, types, and location.
9. Fire breaks and roads shall be approved by the Cohasset Fire Department.
10. A bond or other financial assurances shall be provided to the City of Cohasset sufficient to cover the cost of removal and proper disposal of all salvage material and waste on the property. The City shall determine the amount and type of assurances.
11. No parking related to salvage yard activity shall take place off of the property including all roads and highways.
12. Salvage yards existing at the time of enactment of this ordinance shall apply for an appropriate permit from the Zoning Officer. This permit may not be denied if the applicant satisfies the performance standards of this ordinance. If the owner or operator is unable to follow these minimum standards, the Planning Commission may impose other standards to mitigate the problems with the salvage yard.

N. Land alterations. A zoning permit shall be required for all land alterations except for those land alteration activities which satisfy the following conditions:

1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit.[344]

2. Does not involve the movement of more than ten (10) cubic yards of material (fill or excavation) on steep slopes or within shore or bluff impact zones or the movement of fifty (50) cubic yards of fill or excavation outside of steep slopes and shore and bluff impact zones. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit.

3. Does not occur in or affecting a wetland;

4. Does not occur in the flood plain;

5. Does not contradict, reverse or run contrary to the terms of any permit, conditional use permit, variance, PUD or plat.

O. [345]Outdoor storage. [346]In commercial and industrial districts the outdoor storage of those items not generally considered to be retail display items shall be screened from view from public streets, abutting residences, public surface water and public recreational facilities.

P. Pet Shop. Pet Shops may keep and/or house animals other than common household pets only under the following conditions:

1. No poisonous or otherwise dangerous animals may be kept.

2. No more than four individuals of any species may be kept or housed.

3. Such animals may not be kept as livestock being raised for agricultural purposes unless this use would be permitted under the provisions of this ordinance.

4. Any fences or other enclosures for such animals shall meet the same setbacks as required for accessory structures.[347]

Q. Private non-commercial recreation facilities.[348] Such uses including tennis courts and swimming pools shall be permitted provided they are located no nearer the front lot line than the principal structure and are not less than ten (10) feet from a property line. In addition outdoor swimming pools shall be completely enclosed with a no less than forty eight (48) inch high non-climbing type fence (without toe/foot/hand holds) and have a self-closing/self-latching gate or removable ladder.[349].

R. Recycling center. All outdoor storage of equipment except automobiles and trucks up to two (2) tons and materials/supplies shall be screened from public view.

S. Roomers. The leasing of rooms to not more than two (2) roomers shall be permitted in all residential districts provided that no signs are displayed, the rooms are not equipped with kitchen facilities of any kind, and one (1) on-site parking space is provided for each roomer in addition to the minimum number required for the residence.

T. Satellite dishes, wind energy systems, solar collector systems. Such structures shall be permitted in all districts provided they comply with the yard and height requirements for principal buildings and are an accessory use. Special regulations apply to uses within shoreland areas.

U. Schools.[350]

Elementary, middle or secondary schools shall be on a site of at least one (1) acre in size, shall have minimum setbacks of thirty (30) feet or the minimum for the district whichever is greater, and meet all other requirements of the district.

V. Recreational Vehicles(RVs).[351]

In the MA Managed Resource district such uses shall be permitted provided they do not exceed six hundred (600) square feet in size and shall not be located on a parcel less than ten (10) acres in size and less than three hundred thirty (330) feet in width.

In all residential districts RVs may be used as dwellings provided the vehicles and their use meet the following criteria:[352]

1. The RVs have current licenses required for highway use;[353]
2. RVs are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and the RV has no permanent structural type additions attached to it;[354][355]
3. The RV shall be connected to a state approved method of sewage treatment (as per 7080) or have the self-contained holding tanks pumped by a state licensed pumper as needed;[356][357]
4. The RV shall meet all setbacks except where there is a permanent dwelling. Where there is a permanent dwelling there shall be no front yard/Right-Of-Way (ROW) setback for RVs between the ROW and the dwelling;[358]
5. Excludes:
   a. Camping (including RVs) for up to (ten) 10 consecutive days with (thirty) 30 days in between.[359][360]
   b. Campgrounds.

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

X. Single family residences (MA district). Such uses shall be permitted provided they do not exceed three thousand (3,000) square feet foot print including attached garage(s) and shall not be located on a parcel less than twenty (20) acres in size and less than five hundred (500) feet in width. Any part of the sewage treatment system shall not be closer than 75 feet to a state recognized wetland.[361]

Y. Solid waste facilities including transfer stations. All solid waste facilities that require an individual permit from the Minnesota Pollution Control Agency shall require a conditional use permit from the City of Cohasset. Solid waste facilities that are permitted by the MPCA as a permit by rule do not require any permit from the City.

The City shall not issue a conditional use permit for any solid waste facility if the following conditions cannot be met:

1. The facility is not within the shoreland area;
2. The road authority whose road provides access to the site has authorized the site; and
3. No residences are within one-quarter (1/4) mile of the use.

Z. Stairways, lifts and landings (in shoreland areas). Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

1. Stairways and lifts shall not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space properties, and planned unit developments; conditional use permits are required for such wider stairways.
2. Landings for stairways and lifts on residential lots shall not exceed thirty-two (32) square feet in area. Larger landings may be used for commercial properties, public open-space properties, and planned unit developments; conditional use permits are required for such larger landings.
3. Canopies or roofs are not allowed on stairways, lifts or landings.
4. Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of ground erosion.
5. Stairways, lifts and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer, leaf-on conditions, whenever practical.
6. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are allowed for achieving access to shore areas, provided that the dimensional and performance standards above are

complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

AA. Temporary buildings. Such buildings incidental to construction work on the premises shall be removed upon completion or abandonment of said work or within the period of one (1) year from the establishment of the building whichever is the lesser. No more than one (1) manufactured home of less than 24 feet in width or currently licensed recreational vehicle per parcel may be used as a temporary residence by a homeowner working on his/her own home for a period not to exceed six (6) months; such manufactured home of less than 24 feet in width or recreational vehicle must be served by an authorized sanitary sewage system; no extensions of this allowable time period shall be allowed.[362][363]

BB. Temporary outdoor sales. Such sales are subject to the following:

1. The sale is conducted by the owner or lessee of the premises, or with his/her written permission;
2. The sale is no longer than four (4) months in duration;
3. The setbacks for a parking lot in that district shall be met for the storage and display of all merchandise and equipment used for the sale; and
4. One sign shall be permitted per vendor, with a maximum size of sixteen (16) square feet. Said sign may contain up to two (2) sides. Off premise signs shall not be permitted.

CC. Vending machines. The placement of vending machines outside of a building or structure shall be subject to the following:

1. Machines must be accessory to a permitted principal use;
2. Machines must conform to setback requirements for the principal structure; and
3. Machines must be located immediately adjacent to the principal structure.

DD. Video arcades. Shall be permitted subject to the following:

1. Any arcade with more than fourteen (14) machines shall have an adult supervisor on the premises during all hours of operation; and
2. No arcade shall be operated within five hundred (500) feet of a school, place of worship or residence.

EE. [364]Cohasset Industrial Park (CIP). All uses in the Cohasset Industrial Park (CIP) zone district shall meet all the following standards and regulations.

1. Yard uses. The following uses are allowed in the required front, side, and rear yards:

a. Traveled surfaces of driveways not to exceed 33 feet wide.
b. Landscaping facilities and features such as entranceways, flag poles, plantings, walls, etc.
c. Parking in the rear yard when such yard does not abut a residential district.
d. Parking in the front yard provided the area is setback a minimum of 10 feet from the front lot line. Side and rear yard setbacks for parking shall be 6 feet from the property line.

2. Distance between buildings and placement of Improvements. The minimum distance between any two buildings on the same lot shall be 20 feet. No buildings, outbuildings, loading areas, fences, walls or other structures or improvements except driveways, sidewalks and landscaping shall be constructed within 20 feet of any street, except such structures and improvements may be constructed within the said setback area provided the same is not visible from outside the premises.

3. Parking. Uses within the Cohasset Industrial Park (CIP) district shall meet the parking standards of section 10.082 subsections A through E and sub section H. There shall be maintained on each site facilities for parking, loading and unloading sufficient to meet the needs of all persons associated with the use of the property, either employees, customers, suppliers or visitors. All parking areas shall be fully contained on-site.

4. Loading Areas. All loading areas shall be off-street. No such loading or unloading shall be permitted in a location which interferes with ingress, egress or traffic on the street.

5. Open Space Requirements and Landscaping.
   a. Driveways and parking areas shall be surfaced with concrete, bituminous, or any other material or combination of materials that provides a hard, durable, dust-free condition.
   b. All required yard areas (except for driveways and parking areas) shall be landscaped and maintained in such a manner that they will be aesthetically attractive.
   c. All other open or unoccupied areas shall be continuously maintained in a dust-free condition.

6. Storm Water Drainage. All applicants for development, expansion or redevelopment shall submit plans for the handling of snow melt and storm water drainage, detention, and treatment for approval by the City Engineer in consultation with the Zoning Officer. Storm water plans must be designed at a minimum to handle a 100-year flood. Any approved plans shall become a part of the permit for the structure or use.

7. Signs. Signs erected or installed within the Cohasset Industrial Park (CIP) district shall meet the standards for signs set forth elsewhere in this ordinance or in other pertinent City ordinances regulating signs except that the following standards shall take precedence:

a. No signs shall be erected or installed on any building or premised without the prior written approval of the Zoning Officer after consultation with the Cohasset Economic Development Authority.
b. Total sign area visible from any one place shall be limited to 150 square feet.
c. No sign shall project above any building roofline.
d. Signs which are visible from a public street shall only advertise name and/or insignia, products or services of the company using the site.
e. Illumination of signs, facades, buildings, parking areas, loading and unloading facilities and yards shall be installed so as to eliminate glare, reflection or nuisance to adjoining lots or streets.

8. Outside Storage. Open storage will be permitted only for the following:
   a. Materials or supplies necessary for permitted use.
   b. Finished or semi-finished products of the permitted use.
   c. Open storage shall be screened from an adjacent residential district or abutting public street by a fence, wall, planting, landscape feature, or architectural feature that effectively obscures such storage. In any case, there shall be no open storage of materials, supplies, or products that would conflict with any of this section's performance standards.

9. Maintenance. All walks, driveways and building exterior maintenance shall be the responsibility of the owner, tenant or other occupant.

10. Construction Standards. All buildings erected shall create a credible and acceptable appearance by constructing and maintaining attractive exterior walls and roofing. Development and use of land and construction of buildings thereon shall be in accordance with applicable building ordinances of the State of Minnesota and applicable building and zoning regulations of the City of Cohasset.

HH. [365]Sexually Oriented Business:
1. Shall be no less than one thousand (1,000) feet from:
   a. Schools or public libraries.
   b. Places of worship.
   c. Areas zoned residential.
   d. Governmental buildings.
   e. City/Public parks or open spaces.
   f. Licensed family day-care homes, licensed group family day-care homes, licensed child-care or day-care centers, and senior housing complexes.
2. Shall be at least two thousand five hundred (2,500) feet from each other.
3. Shall not have on or off-sale and/or consume liquor on the premises or in the same building as a business that does.
4. Hours of operation shall be between 10:00 a.m. and midnight and closed on Sundays and holidays.

5. Total signage square footage shall not exceed one hundred (100) square feet, must be flat against the wall not free-standing and not on the roof, and can't contain flashing lights, moving elements or changing messages.
6. Shall have a sign at the entrance(s) that reads: "This business sells or displays activities and/or material containing adult themes. Persons under 18 years of age shall not enter."
7. Dancers shall be a minimum of ten (10) feet from patrons and on a platform at least two (2) feet high.
8. Shall be no physical contact (includes caressing or fondling) between patrons and dancers/performers.
9. Shall be no full nudity.

II. [366]Pet Grooming business(in-home):

1. No more than six (6) animals on the premises at anytime (excluding owners animals).
2. Off-street parking provided as per this ordinance (section 10.082).
3. Retail products directly related to the service may be sold to customers of the service.
4. No person not a member of the family residing on the premises is employed therein.
5. Not more than one-fourth of the main floor area of the dwelling is used for the business.
6. No external alterations to the dwelling shall be allowed to accommodate the business.
7. Only one sign with the name of the business not exceeding four (4) square feet in area, and not illuminated shall be allowed on the property.
8. Conducted entirely within the owner's dwelling and not in any detached accessory structure.
9. No mechanical equipment except as is normal for household purposes shall be allowed.

JJ. [367]Membrane structures shall be adequately anchored and/or secured to the ground as determined by the City.

10.102 Water Oriented Accessory Structures

Water oriented accessory structures allowed within the shore impact zone shall be limited to detached decks, gazebos, satellite dishes, saunas, screen houses, and boathouse/storage buildings. Only one structure or satellite dish, of any type or use, new or existing, shall be allowed within the shore impact zone. Access path square footage does not count toward water oriented deck/patio within the allotted boathouse/storage square footage.[368] In addition, the following performance standards shall be applied to these uses.

A. <u>Detached decks.</u>

1. Shall be limited to one hundred fifty (150) square feet in size, shall not exceed ten (10) feet in height exclusive of safety rails and shall not exceed eight (8) feet above grade at any point.

2. Shall be setback from the ordinary high water level a minimum of twenty (20) feet.

3. Shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, color, assuming summer, leaf-on conditions.

B. Boathouse/Storage.

1. Shall be limited to two hundred fifty (250) square feet in size[369], shall not exceed ten (10) feet in height from the floor level to the highest point of a flat roof, or twelve (12) feet in height from the floor level to the average height of the highest gable of a pitched or hipped roof[370], and shall not have roof overhangs exceeding two (2) feet.[371372373] Boathouse/storage building may have an attached deck/patio within the allotted boathouse/storage square footage.[374]

2. Shall not have pressurized water, nor kitchen or sanitary facilities.

3. Shall be setback from the ordinary high water level a minimum of ten (10) feet.

[375]5. Roofs on Boathouse/Storage buildings may be used as decks, but cannot be enclosed or used for storage. Must have a railing surrounding perimeter at a height of three (3) feet.[376]

6. Shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, or color, assuming summer, leaf-on conditions.

7. The maximum width of the structure (including roof overhang) shall be twenty (20) feet as measured parallel to the configuration of the shoreline.[377]

C. Gazebos and screen houses.

1. Shall be limited to one hundred fifty (150) square feet in size and shall not exceed ten (10) feet in height.

2. Shall not have pressurized water, nor kitchen or sanitary facilities.

3. Shall be setback from the ordinary high water level a minimum of twenty (20) feet.

4. Shall not have decks.

5. Shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, and color, assuming summer, leaf-on conditions.

D. Satellite dishes.

1. Shall have a minimum setback from the ordinary high water level of twenty (20) feet.

2. No more than one (1) satellite dish is allowed on a parcel within the shore impact zone.
3. Shall be of the black mesh type or of a dark color and may not be white.

E. Saunas.

1. Shall not exceed two hundred (200) square feet in size, shall not exceed ten (10) feet in height, and shall not have roof overhangs exceeding two (2) feet.
2. Shall have a minimum setback from the ordinary high water level of twenty (20) feet.
3. May include a changing room but this area may not used for sleeping or cooking.
4. Roofs on saunas may be used as decks, but cannot be enclosed for storage. Must have railings surrounding perimeter of deck at height of 3 feet.[378]
5. Shall not have pressurized water, nor kitchen nor sanitary facilities.
6. Shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, and color, assuming summer, leaf-on conditions.

10.103 PERFORMANCE STANDARDS - SIGNS[379]

A. PURPOSE

1. Findings, purpose and effect.

a. Findings. The city council hereby finds as follows:

(1) Exterior signs have a substantial impact on the character and quality of the
environment.

(2) Signs provide an important medium through which individuals may convey a variety of messages.

(3) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

(4) The city's zoning regulations have, since as early as 1993, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

b. Purpose and intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

(1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

(2) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

(3) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city’s goals of public safety and aesthetics.

(4) Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the city.

c. Effect. A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this sign ordinance, as more specifically set forth herein, is to:

(1) Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.

(2) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

(3) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

(4) Provide for the enforcement of the provisions of this sign ordinance.

B. GENERAL PROVISIONS

1. Size.[380]

a. No sign shall exceed 250 square feet in area.
b. All square footage requirements shall exclude frames/borders of 12 inches or less in width and structural supports.
c. Only one face of multi-faced signs shall count toward square footage.

2. Regulations.

a. General. Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the sidewalk, street or highway. No sign which is erected or maintained flat against any building or structure shall extend or project more than fifteen inches over the sidewalk, street or highway.

b. Exceptions. The provisions of this subsection do not prohibit:

(1) the erection and maintenance of signs, either illuminated or unilluminated, which are on the sides of a marquee which is firmly attached to and a part of a theatre or other building, providing such signs are an integral part of the marquee and do not project above or below the marquee; or

(2) the erection and maintenance of signs, not illuminated, which are attached to the marquee and which do not project more than 16 inches above the marquee.

3. Below marquee.

No sign, either illuminated or unilluminated, may project below a marquee.

4. Electrical signs.

Electrical signs must be installed in accordance with the current electrical code and a separate permit from the state electrical inspector must be obtained prior to placement.

5. Unauthorized signs.

The following signs are unauthorized signs:[381]

a. Off-premise commercial advertising signs which are closer than 1,000 feet to another off-site commercial advertising sign.

b. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

c. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.

d. Signs, excepting governmental signs, are prohibited within public rights-of-way, public easements, and on public property.[382]

6. Setbacks.

a. Public roads - shall be no less than 20 feet (no centerline setback) and no less than the height of the sign from the right-of-way (ROW) whichever is more restrictive.

b. Yards - shall be no less than the height of the sign or the zone district yard setback whichever is more restrictive.

7. Area.[383]

The area within the frame/border shall be used to calculate the square footage except the width of a frame/border exceeding 12 inches shall be included in sign face square footage, and if such letters or graphics be mounted directly on a wall or facia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, facias, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

8. Canopies, marquees and fixed awnings.

Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the commercial, business and industrial districts if they meet following requirements and the applicable square footage requirements.

a. an awning, canopy or marquee may not project into the public right-of-way nearer than 30 inches to the street curb or curb line;

b. awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than seven feet;

c. the architectural style of the awning, canopy or marquee may be consistent with the building being served;

d. awnings, canopy or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision;

e. and awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the city free of all responsibility.

9. Illumination.

External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

10. Height.

The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached or 35 feet above ground level, whichever height is less; except that the height of any changeable sign which is attached to or an integral part of a functional structure, such as a water tower, smoke stack, radio or TV transmitting tower, beacon or similar structure shall be no higher than such structure. Signs, including any superstructure standing or erected free of any building or other structure, shall not exceed an overall height of 35 feet from ground level and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in the zoning code.

11. Retroactive affect.

This sign ordinance shall apply to all sign applications applied for and/or pending prior to its enactment.

12. Non-commercial speech.

Notwithstanding any other provisions of this sign ordinance, all non-commercial speech signs of any size may be posted in any number from 46 (forty-six) days before the State Primary in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.[384]

13. Electronic Message Centers.

a. Images shall be displayed for at least seven (7) seconds before changing to another image.[385]

b. Flashing and moving images are prohibited but static images are allowed.

c. Shall be turned off between the hours of 10 p.m. and 6 a.m. in residential zones.

d. Brightness shall automatically dim based on ambient light conditions.

14. Real Estate For Sale Signs[386].

a. On-Premise:

(1) A maximum of two signs per street frontage and two signs per water frontage.

(2) Signs shall be removed no later than seven days after closing.

(3) Signs shall be a minimum of 10 feet from the right-of-way (ROW).

(4) Signs shall be a maximum of six square feet in size in residential zone districts.

(5) Signs shall be a maximum of 32 square feet in size in nonresidential zone districts.

(6) [387]

b. Off-premise/directional:

(1) Signs shall be a minimum of 12 feet from the street.

(2) Signs shall be a maximum of six square feet in size.

(3) Open house signs shall only be up to two days prior to the beginning of the open house and removed no later than one day after the open house.

(4) A maximum of three signs shall be allowed within 100 feet of each side of an intersection.

(5) Written permission from the property owner abutting the ROW shall be acquired prior to sign placement.

(6) Signs shall be removed no later than seven days after closing.

C. SPECIFIC REGULATIONS BY ZONING DISTRICT

1. Permitted signs by district.

a. Residential Districts

(1) Within residential zoning districts, signs are permitted as follows:

District	Maximum sign area of single sign	Total area of all signs
MR, SR, WR	8 square feet per surface	16 square feet
RR, MA	12 square feet per surface	24 square feet

(2) The following types of signs are not permitted in residential zoning districts:

(a) Awning signs;

(b) Balloon signs;

(c) Canopy signs;

(d) Flashing signs;

(e) Marquee signs;

(f) Pole signs; Pylon signs; and

(g) Shimmering signs.

b. Commercial, Business, and Industrial Districts

Within commercial, business, and industrial zoning districts, signs are permitted as follows:

1. Maximum sign area of single sign is 250 square feet

2. Total area of all signs 4 square feet per front foot of lot plus 1 square foot per foot of side yard abutting a public right-of-way of 50 feet or more. Least width of frontage shall be considered front yard.
3. Wall Signs. Each tenant other than those in multi-tenant buildings may have one flat wall sign, not extending more than 18 inches from the face of the building, except that such signage may extend from the face of the roof over a covered walk. Such wall signs shall not exceed 15% of the area of the wall to which the sign is attached to a maximum of 96 square feet.
4. Canopies and awnings. The design of canopies and awnings shall be in keeping with the overall building design in terms of location, size, and color. No canopies or awnings with visible wall hangers shall be permitted. Signage on canopies or awnings may be substituted for allowed building signage and shall be limited to 25% of the canopy or awning area. Internally illuminated canopies or awnings must be compatible with the overall color scheme of the building.

2. Permitted signs: CIP district.

   a. Wall Signs. Each tenant other than those in multi-tenant buildings may have one flat wall sign, not extending more than 18 inches from the face of the building, except that such signage may extend from the face of the roof over a covered walk. Such wall signs shall not exceed 15% of the area of the wall to which the sign is attached, to a maximum of 96 square feet.

   b. Monument signs. Uses other than those in multi-tenant buildings may have a monument sign that shall not exceed 80 square feet per surface area, and 15 feet in height, and is setback a minimum 20 feet from the property lines.

   c. Multi-tenant signs. Each tenant in a multi-tenant building may have a flat wall sign, not extending more than 18 inches from the face of the building. The aggregate area of such signs shall not exceed 5% of the area of the wall to which they are attached.

   d. Multi-tenant monument signs. One monument sign shall be permitted for each multi-tenant building provided the surface area of the sign does not exceed 100 square feet per side, 15 feet in height, and is setback in no case less than 20 feet from the property lines. The area may be increased to a maximum of 150 square feet per side for developments of over 20 acres.

   e. Canopies and Awnings. The design of canopies shall be in keeping with the overall building design in terms of location, size, and color. No canopies with visible wall hangers shall be permitted. Signage on canopies may be substituted for allowed building signage and shall be limited to 25% of the canopy area. Internally illuminated canopies must be compatible with the overall color scheme of the building.

D. PERMITS

1. Required.

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the issuing authority and shall contain the following information:

a. names and addresses of the owners of the display structure and property;

b. the address at which any signs are to be erected;

c. the lot, block and addition at which the signs are to be erected and the street on which they are to front;

d. a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;

e. the cost of the sign;

f. type of sign (i.e. wall sign, monument sign, etc.);

g. certification by applicant indicating the application complies with all requirements of the sign ordinance; and

h. if the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.

2. Exemptions.

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

a. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.

b. Signs six (6) square feet or less in size.

c. Non-commercial speech signs posted from 46 (forty-six) days before the State Primary in any general election year until 10 (ten) days following the general election and 13 (thirteen) weeks prior to any special election until 10 (ten) days following the special election.[388]

3. Repairs.

Any sign located in the city which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

4. Removal.

In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the ground on which the sign is located, to remove or repair said sign within 60 days after the use is terminated, a notice shall be given by the city and the sign may be removed by the city at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands.

E. NON-CONFORMING SIGNS

1. Compliance.

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

a. No sign shall be enlarged or altered in a way which increases its nonconformity.

b. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.

c. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

d. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which is it located.

e. When a structure loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

F. NON-COMMERCIAL SPEECH

Substitution Clause

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-

commercial message. This provision prevails over any more specific provision to the contrary.

10.104 Handicap Accessibility Standards

(Replaced entire section 9-14-97 see affidavit of publication for details.)[389]

A. Purpose. Any change in use or new construction or alteration projects for commercial and/or public facilities within the City of Cohasset shall be provided with adequate access for people with disabilities.

B. Standards & Statutes (adopted by reference and declared to be part of this ordinance):

   1. Chapter 1341 of Minnesota Rules "Minnesota Accessibility Code" (in its entirety).

C. Administration of Chapter 1341 of "Minnesota Accessibility Code" within the City of Cohasset will be as designated by the Cohasset City Council.

D. Accessibility specialist shall review plans and perform inspections to ensure compliance with the "Minnesota Accessibility Code".

E. Design. For any change in use or new construction or alteration projects for commercial and/or public facilities, no permits shall be issued prior to design approval by the accessibility specialist.

   1. Information required:

      a. Parking lot plan.

      b. Floor plan.

      c. Bathroom plan.

F. Certificate of compliance by the accessibility specialist to be submitted to the Zoning Officer prior to sign-off on permit.

10.105 Additional RI Rural Industry District Standards

All existing and proposed industrial uses within the RI Rural Industry District shall conform with the standards specified in this section.

A. Site Plan. A site development plan must be prepared showing location of all buildings and structures, landscaping including buffers between the operation and adjacent properties, roadways, utilities, surface drainage, and any other features required by the Zoning Officer. Said plan must be approved by the Zoning Officer before any permits may be issued.

B. An operations plan must be prepared indicating days of the week the site will be in operation, operating hours, approved truck routes, and other pertinent items which may be required by the Zoning Officer or Planning Commission. Said plan must be approved by the Zoning Officer before any permits may be issued. Said plan may be amended, with Zoning Officer approval, without requiring a new permit.

C. Documentation must be provided showing estimated noise, dust, odor and electrical emissions generated by the use. The Zoning Officer may apply, as a condition for issuing the permit, reasonable standards for such emissions.

D. The parcel boundary must be properly posted for no trespass and access to the developed portion of the site must be controlled by fencing, posting or other effective means to prevent inadvertent access by hunters, hikers, snowmobilers, users of all-terrain vehicles, or other users of adjacent lands.

10.11 CONDITIONAL USES AND STANDARDS

10.111 Purpose and Intent

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

10.112 Application Requirements

A. Requirements. An application signed by the landowner for a Conditional Use Permit shall be filed with the Zoning Officer together with a filing fee as established by the City Council. Said application shall be accompanied by the following information:

1. A site plan drawn to scale which shows all dimensions; the location of existing and proposed streets, buildings and parking; the existing and proposed building height and floor area; curb cuts and driveway locations; utilities; loading areas and lighting.
2. A drainage and landscape plan showing existing and proposed topography, slopes, surface drainage, vegetation and surface treatments.
3. Building plans showing elevation drawings and floor plans.
4. A written description of the use to be made of the property and buildings including the number of dwellings units, employees, etc. as may be appropriate.
5. [Mandatory for property within shoreland areas and optional for all others] Information regarding soil conditions, water supply, on-site sewage treatment.
6. [Mandatory for property within shoreland areas and optional for all others] Information regarding the type, uses and number of watercraft that the project will generate and the ability of the impacted waterbody to accommodate these watercraft.
7. For property which is or may be located within the flood plain area of Cohasset, the following information may be required:
    a. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; photographs showing existing land uses and vegetation up and downstream; and soil type.

c. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development. A copy of the above information shall be transmitted to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota regulations NR 6120.5600 6120.5700 shall be followed in this expert evaluation. The designated engineer or expert shall: estimate the peak discharge of the regional flood; calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas; and compute the floodway necessary to convey the regional flood without increasing flood stages more than 0.5 feet. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

8. [Mandatory for property deemed within the flood plain area] Plans drawn to scale showing flood-proofing measures; and, specifications for building construction and materials, filling, dredging, grading, channel improvement, and storage of materials.

9. Any other information, which in the opinion of the Zoning Officer, is required to evaluate the application and its consistency with the City Comprehensive Plan.

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

10.113 Hearing and Mailed Notice

The Zoning Officer shall cause to be published a notice of the public hearing before the Planning Commission in the official newspaper at least ten (10) days prior to the hearing date. Notices shall also be mailed to all owners of property within three hundred fifty (350) feet of the parcel included in the request not less than ten (10) days prior to the hearing; in the Rural Residential district notices shall be mailed to all owners of property within fifteen hundred (1,500) feet of the parcel included in the request.[390] Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with notice requirements was made.

10.114 Planning Commission Review and Recommendation

A. Public hearing. The Planning Commission shall conduct a public hearing on the application and make its recommendation with findings and conditions to the City Council.

B. City Council action and decision criteria. Within sixty (60) days of receipt of the Planning Commission's recommendation, the City Council may approve or deny the Conditional Use Permit. The City Council shall not approve a Conditional Use Permit unless it shall find that the establishment, maintenance and operation of the use:

1. Will not be detrimental to the public health, safety, morals or general welfare; and
2. Will not cause undue traffic congestion or hazards and will not result in an on-street parking shortage; and
3. Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area; and
4. Will not impede the orderly development of other property in the area; and
5. Will not impose an excessive burden on parks, utilities and other public facilities and services; and
6. Is consistent with the City Comprehensive Plan.

C. Additional considerations in shoreland areas. In addition to the factors considered above, for applications involving shoreland areas, the City Council shall not approve a Conditional Use Permit unless it shall find that the establishment, maintenance and operation of the use:

1. Will prevent soil erosion or other possible pollution of public waters as related to site and development activities, both during and after construction; and
2. Will limit the visibility of the structures and other facilities as viewed from public waters; and
3. Insure that the site is adequate for water supply and on-site sewage treatment (if public utilities are not available); and
4. Insure that the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

D. Additional considerations in flood plain areas. In addition to the factors considered above, for applications involving flood plain areas, the City Council shall not approve a Conditional Use Permit without making findings regarding the following:

1. The danger to life and property due to increased flood heights and velocities caused by encroachments;

2. The danger that materials may be swept onto other lands or downstream to the injury of others or that such materials may block bridges, culverts or other hydraulic structures;
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
5. The requirements of the use for a location in the flood plain area;
6. The availability of alternative locations not subject to flooding for the proposed use;
7. The safety of access to the property in times of flood for ordinary and emergency vehicles;
8. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
9. The importance of the services provided by the proposed use to the community;
10. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
11. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area; and
12. Such other factors which are relevant to the purposes of this ordinance.

E. Special considerations for extractive uses (gravel pits, borrow pits and similar uses).[391] In addition to all applicable considerations noted above, the City Council shall not approve an application for a gravel pit without making findings regarding the following:

1. A site development and reclamation plan for the pit has been prepared by a registered professional engineer and reviewed by the Itasca County soil and water conservation district and other appropriate agencies designated by the Zoning Officer. The site development plan shall indicate the location of all operations, including crushing and sorting; location, size and features of buffer areas between the operations and adjoining property owners; roadways; and any other features designated by the Zoning Officer.
2. An operations plan has been prepared by the applicant. Said plan shall indicate days of the week the pit is to be operated, operating hours, approved truck routes, means of cleaning trucks prior to exiting the premises, and other items identified by the Zoning Officer or the Planning Commission.

3. Estimated noise levels generated by pit operations, including truck traffic, shall be provided for impact sites located at the nearest property line (but not a public road right-of-way), nearest residence, and nearest public road right-of-way. A conditional use permit shall not be granted if nighttime noise level standards, as set by the Minnesota Pollution Control Agency, are violated at any of these points or if the daytime noise level standards, as set by the Minnesota Pollution Control Agency, are violated at the nearest property line or nearest residence.

4. Within shoreland areas, processing machinery associated with extractive use operations including sand and gravel pits must meet the setback from a bluff and from the ordinary high water level that would normally apply to structures.

F. Interim Use of Buildings or Lands. The City may, in accordance with the CU procedures and requirements listed in this ordinance, allow existing buildings or lands to be occupied by uses not permitted by this ordinance for a period not to exceed one (1) year. Up to two (2) one (1) year extensions may be allowed. In the event that all or any part of said building or land is disposed of or transferred to another owner by deed, contract for deed or lease, all interim uses shall cease and the building or land shall thereafter be used in accordance with all requirements of this ordinance.[392]

10.115 Conditions and Restrictions

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

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

10.116 Resubmission

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

10.117 Lapse and Extension

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

10.118 Revocation

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

10.119 Recording

In compliance with Minnesota statutes 462.3595 and 462.36, certified copies of all Conditional Use permits shall be filed with the County Recorder and shall include the legal description of the property to which it applies.[393]

10.12 NON-CONFORMING LOTS, USES, STRUCTURES AND ON-SITE SEWAGE TREATMENT SYSTEMS

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

10.121 Nonconforming Lots[394]

A. General. Lots of record on the date of enactment of this ordinance (March 29, 1993) that do not meet the minimum lot dimensions set forth in this ordinance may be allowed as building sites without requiring a variance from the minimum lot dimensions provided:
   1. The use is permitted by this ordinance.
   2. The lot has been in separate ownership from abutting lands at all times since it became substandard.
   3. The lot complied with the minimum lot dimensions at the time of recording the split.
   4. Sewage treatment requirements of this ordinance are met.
   5. Setback requirements of this ordinance are met.

B. Contiguous lots. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet 75% of the minimum lot dimensions set forth in this ordinance the lot shall not be considered as a separate parcel of land for the purposes of sale or development. The lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this ordinance as much as possible.

C. Exception. Combining of contiguous lots under the same ownership shall not be required if each lot meets 75% of the minimum lot dimensions set forth in this ordinance.

10.122 Nonconforming Uses

A. Nonconforming uses. Uses not permitted by this ordinance but which are in existence prior to the effective date of this ordinance shall be legal nonconforming uses. Such uses may be continued but shall not be intensified, enlarged or expanded beyond the permitted or delineated boundaries of the use of the activity as stipulated in the most current permit issued prior to the adoption of this ordinance.

B. Substandard uses defined as nonconforming uses. All uses in existence prior to the effective date of enactment of this ordinance which are permitted or conditional uses within appropriate zone districts, but which do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses defined as legal

nonconforming uses. Such uses shall be allowed to continue provided that any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

C. Change of use. Such legal nonconforming use shall not be changed to another nonconforming use or be reestablished if discontinued for a continuous twelve (12) month period.

D. Maintenance. Normal maintenance of a building or other structure containing or related to a legal nonconforming use is permitted.

[395]10.123 Nonconforming Structures

A. Variance required. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height and other requirements of this ordinance. Any deviation from these requirements must be authorized by a variance by the Planning Commission acting as the Board of Zoning Appeals.

B. In flood plain areas. No structural alteration or addition to any nonconforming structure over the life of the structure shall exceed fifty percent (50%) of its assessed value at the time of its becoming a nonconforming structure, unless the entire structure is permanently changed to a conforming structure or unless the alteration or addition would substantially reduce potential flood damages for the entire structure.

The cost of all structural alterations and additions constructed since the adoption of the City's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower and labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current assessed value of the structure, then the structure must meet the standards of Sections 10.084E, G, and H for new structures depending upon whether the structure is in the Floodway or Flood Fringe.

C. [396]Other. Any other nonconforming structure may be continued, including through repair, replacement, restoration, maintenance, or improvement but not including expansion, unless:[397]

1. The nonconforming structure is discontinued for a period of more than one year; or.
2. The nonconforming structure is destroyed by fire or other peril to the extent that fifty (50) percent of its fair market value as indicated in the records of the county assessor at the time of the damage and no land use permit has been applied for within 180 days of when the structure was damaged. Provided, however, that it must be reconstructed within twelve (12) months after the date of the damage.

3. Whenever a nonconforming structure ceases to be used and such cessation of use continues uninterrupted for a period of one hundred eighty (180) days following written notice of such fact being given to the owner by the Zoning Officer, then such structure shall not be used unless the nonconformity is eliminated.

4. Normal maintenance of a structure containing or related to a legal nonconforming use or with respect to a nonconforming structure is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconformity.

5. Alterations may be made to a building containing legal nonconforming dwelling units when such alterations will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building.

6. A single-family dwelling which is a nonconforming structure may have an entry porch added to the primary entrance door with maximum dimensions not exceeding 64 square feet provided said entry porch meets all setbacks of this ordinance.[398][399]

10.124 Nonconforming On-site Sewage Treatment Systems

A sewage treatment system not meeting the requirements of this ordinance must be upgraded at any time a permit or variance for a bedroom addition is issued.[400] For the purposes of this ordinance, a sewage treatment system may not necessarily be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level. In addition, sewage systems installed according to all applicable standards in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater then required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

10.13 - 10.19 (RESERVED)

10.20 SUBDIVISION OF LAND[401]

Section 10.20 of this ordinance defines the terms, conditions and procedures for the subdividing of land in the City of Cohasset.

10.2100 METHODS OF SUBDIVING LAND

A. Purpose

Each new division of land becomes a permanent unit in the basic physical structure of the City of Cohasset, to which, in the future, neighborhoods and other development will, of necessity, need to cohere. In order that new divisions of land contribute toward an attractive, orderly, stable, and wholesome community environment, adequate public services, and safe streets, all divisions of land (except subdivisions for some non-residential uses such as utility facilities) shall fully comply with the regulations set forth in this ordinance.

B. Scope

1. Application
   a. This ordinance shall apply to all divisions of land including but not limited to: metes and bounds descriptions; subdivision plats under the provisions of Minnesota Statutes, Chapter 505; Registered Land Surveys under the provision of Minnesota Statutes, Chapter 508; and townhouse, condominium, and group home developments under the provisions of Minnesota Statutes, Chapter 515, 515A, and 515B.
   b. All subdivisions that create five or more lots or parcels that are 2.5 acres or less in size shall be processed as a plat in accordance with these regulations.
2. Exemptions

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

C. General – applies to all subdivisions including minor and major plats.

1. The subdivision shall be consistent with the Cohasset Comprehensive plan.
2. The use of the land proposed to be divided must be allowed under the land use regulations of this ordinance.
3. All tracts shall meet the lot size requirements of this ordinance at time of complete application;
4. All parcels not on or not planned to be on city sewer shall provide effluent dispersal areas as per MN Rules 7080.
5. Does not landlock or otherwise impair ingress or egress to or from any adjacent property.
6. Does not fall within the corridors of any planned or proposed street.
7. Does not violate any local, state or federal law, ordinance, regulation, plan or policy.
8. Each lot created through subdivision must be suitable in its natural state for the proposed use. Suitability analysis by the City may consider:
   a. flooding potential
   b. existence of wetlands
   c. soil and rock formations
   d. erosion potential

e. steep topography
f. inadequate water supply
g. sewage treatment capabilities
h. near-shore aquatic conditions
i. important fish and wildlife habitat
j. significant historic sites
k. any other feature likely to be harmful to the health, safety, or welfare of the community

9. Whenever a proposed subdivision constitutes only a portion of a tract where the intention is for future enlargements, a tentative plan for the future subdivision of the entire tract shall be submitted.

D. Non-Plats - conveyances of land into a maximum of four tracts per Government Lot or quarter-quarter section (forty) shall be permitted as follows:

1. Each lot is surveyed by a licensed professional land surveyor and a Certificate of Survey is prepared and filed with the City.
2. No new public road is required to provide access to any parcel.
3. For the transfer of interest in land by will or pursuant to court order.
4. For the transfer of small parcels in case of encroachments.
5. For transfers to improve land use, if the adjacent property will still meet the requirements of this ordinance.
6. In the case of a request to divide a lot where the division is to permit the adding of a parcel of land to an abutting lot (enhancement).
7. In the case of a request to divide a lot of record, upon which a two-family dwelling, townhouse, or a condominium which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within such a structure.

E. Minor Plat - conveyances of land into five to nine tracts per Government Lot or quarter-quarter section (forty) shall be permitted as follows:

1. All lots shall adjoin a dedicated road ROW or roadway easement of record.
2. Private roads will be allowed if a road maintenance agreement is submitted and approved by the Planning Commission and recorded prior to recording the final plat.
3. Gravel surface is allowed.
4. No public hearing.
5. Approval by the Planning Commission.

F. Major Plat - conveyances of land into more than nine tracts per Government Lot or quarter-quarter section (forty) shall be permitted as follows:

1. Road agreement with the city.
2. All buildable lots must front on an existing or proposed public road.
3. Public hearing by Planning Commission on preliminary plat.
4. Recommendation by Planning Commission on final plat (no public hearing).
5. Decision by City Council on final plat.

G. Plats - minor and major as follows:

1. Concept Plan. Following any pre-application conference(s) the subdivider shall furnish the Zoning Officer with one copy of a concept plan showing the location and size of the tract and general layout of the proposed plat. Within ten working days of receipt of said

drawing, the Zoning Officer shall, by letter, with a copy of the drawing attached, advise the subdivider if a formal preliminary plat application should be made.

2. Preliminary Plat.
   a. Requirements and items to be included:
      i. Shall be prepared by a licensed professional land surveyor.
      ii. Plat boundary - delineated.
      iii. Scale in feet.
      iv. Significant topographical or physical features and improvements.
      v. North arrow.
      vi. Lot sizes in square feet.
      vii. Existing buildings.
      viii. Wetlands and public waters.
      ix. Tree cover.
      x. Existing legal description of record.
      xi. Roads and easements.
      xii. Total acreage.
      xiii. Building setbacks.
      xiv. Existing utilities as marked by utility companies servicing the site and observed while surveying the site.
      xv. Vertical datum noted.
      xvi. Topographic contours at ten foot intervals or less from the United States Geological Survey maps or more accurate sources, showing limiting site characteristics (i.e. drainage patterns) and datum used,
      xvii. Date of preparation.
      xviii. Proposed houses, wells and primary and alternate drainfield locations.
      xix. Special assessments.
      xx. Vicinity map – location by aliquot part, section, township and range not smaller than one inch equals two thousand feet, showing the plats location within the section.
      xxi. Property owners and/or tax payers names and addresses and proof of ownership.
      xxii. Adjacent property owners and/or tax payer names.
      xxiii. Current and proposed zoning of all affected parcels.
      xxiv. Proposed name of final plat, which shall not duplicate or be alike in pronunciation or spelling of the name of any plat heretofore recorded in the County.
   b. Submissions. Upon receipt of 15 copies of the preliminary plat, a copy of the certificate of title insurance or attorney's title opinion, application, and fees, the Zoning Officer shall refer one copy to each of the following:
      i. City Engineer,
      ii. City Roads Foreman,
      iii. City Utilities Foreman.
      iv. Superintendent of Schools, ISD 318,
      v. Itasca County Surveyor,
      vi. Itasca County Highway Engineer,

vii. Appropriate local telephone company,
viii. Appropriate electrical utility provider,
ix. Appropriate local T.V./Cable company,
x. Local Fire Department,
xi. City Attorney,
xii. Postmaster,
xiii. DNR - Division of Waters (if abutting public waters),
xiv. Itasca County Soil and Water Conservation District,
xv. Minnesota Department of Transportation (MNDOT) if abutting a state highway,
xvi. These officials shall submit their comments on the proposed subdivision plat to the Planning Commission within thirty days of receipt.

c. Approval

i. The Planning Commission after a site visit and receipt of the preliminary plat submissions shall hold a public hearing (major plat only) on the preliminary plat at its first regularly scheduled meeting occurring within a sufficient time after the required notice of hearing has been published and mailed. Procedures for public notification and notification of affected property owners shall be the same as those for conditional uses as set forth elsewhere in this ordinance.

ii. No major preliminary plat shall be approved by the Planning Commission unless positive findings are made with respect to each of the following criteria:

(1) The plat conforms to the comprehensive plan,
(2) The plat conforms to the requirements of this ordinance,
(3) The plat is compatible with development permitted under the general provisions of this ordinance with most all land in the vicinity of the plat,
(4) The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the plat,
(5) Adequate consideration has been made for providing safe drinking water and effective treatment of sewage,
(6) Storm water drainage has been provided for in an effective manner,
(7) Adequate provision has been made for areas devoted to public use,
(8) Adequate consideration has been given to providing solar access to all lots within the plat,
(9) Appropriate safeguards have been taken against any identified flood hazards.
(10) The applicant will be responsible for paying all costs incurred by the City in connection with such plat including professional fees.

iii. The decision of the Planning Commission shall be in writing with the factual basis and reasons supporting such decision set forth.

iv. The Planning Commission may impose appropriate safeguards, conditions and restrictions to insure that the spirit and intent of this ordinance and the comprehensive plan are met.

v. The Planning Commission within one hundred twenty days of receipt by the Zoning Officer of a complete preliminary plat, unless an extension of the review

period is agreed to by the applicant, shall approve or disapprove or request revisions to the preliminary plat. If the Planning Commission does not approve or disapprove or request revisions within such period, the preliminary plat shall be deemed approved, and upon demand the Zoning Officer shall execute a certificate to that effect.

vi. If the Planning Commission requires revisions to the Preliminary Plat, the required changes shall be made within sixty days and then presented to the Planning Commission for approval.

d. Appeal to the City Council.

The decision of the Planning Commission on any preliminary plat shall be subject to appeal to the City Council by any person or persons, jointly or severally, aggrieved by the decision, or any taxpayer, officer, department, board or bureau of the City under the procedures set forth in section 10.05 of this ordinance.

3. Final plat

a. Requirements:

i. One copy of the subdivision application.

ii. Twelve copies of the final plat.

iii. Twelve copies of proposed protective covenants, if any.

iv. Certificate of title insurance of attorney's title opinion.

b. Approval:

i. The final plat shall conform to all design standards as specified in this Ordinance. Any proposed deviation from said standards shall require the processing of a variance request as governed by this Ordinance.

ii. The Planning Commission (minor plat) and City Council (major plat) shall consider the final plat along with the reports from City staff and consultants. The Planning Commission (minor plat) or City Council (major plat) shall approve with findings or disapprove with findings or request revisions. If the Planning Commission (minor plat) or City Council (major plat) disapproves the final plat, the grounds for such refusal shall be set forth in the proceedings of the Planning Commission (minor plat) or City Council (major plat) and reported to the applicant.

iii. Within one year following approval of the preliminary plat by the Planning Commission, the applicant shall file with the Zoning Officer twelve full size copies of the final plat containing in final form all the information required. If the final plat is not submitted within such period, the approval of the preliminary plat shall be deemed withdrawn and nullified. An extension of up to six months may be recommended by the Planning Commission and granted by the City Council, upon request by the applicant, for good cause shown, for submitting the final plat.

c. Major plat only.

1. The final plat shall be accompanied by current title insurance no more than 60 days old.

2. Upon receipt of such items a copy of the final plat and title insurance shall be submitted to the City Engineer and the City Attorney. These officials shall submit

written reports to the City Council within thirty days after receipt of such documents. The City Engineer shall state whether the final plat conforms to street engineering standards and specifications established by State law and this ordinance; the City Engineer shall also state whether the final plat conforms to surveying standards and specifications established by State law and this ordinance. The City Attorney shall render an opinion of title. The Zoning Officer shall state whether the final plat conforms to the preliminary plat approved by the Planning Commission.

3. The final plat shall contain a notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, easements and other public areas in the form approved by the City Attorney and a certification by a registered land surveyor to the effect that the plat represents a survey made by him or her under his or her direct supervision and that all monuments and markers shown thereon have been set or will be set within one year after recording and that all survey and mathematical information is correct. All signatures on the plat shall be written with black ink (not ball point).
5. Decision by City Council on final plat. The City Council shall act on the Final Plat within sixty days of the date on which paper prints thereof were submitted to the Zoning Officer. The Council shall not approve a Final Plat unless:
   a. The Final Plat conforms to the preliminary plan approved by the Planning Commission,
   b. The Final Plat meets the design standards and engineering specifications set forth in this ordinance,
   c. The Final Plat conforms to all official municipal plans including the comprehensive plan,
   d. The Final Plat meets all requirements and laws of the State of Minnesota,
   e. The City Council determines that all conditions and requirements upon which the preliminary plat approval was expressly conditioned, either through performance or execution of appropriate agreements assuring performance, have been satisfied,
   f. Applicant has paid or has agreed to pay all costs incurred by the City in connection with the subdivision plat including professional fees.
6. The City Council may impose safeguards, conditions and restrictions on its approval to insure that the spirit and intent of this ordinance and the comprehensive plan are met. Included, without limitation, shall be all the conditions that may have been placed on the preliminary plat approval by the Planning Commission.
7. The decisions of the City Council shall be in writing with factual basis and reasons supporting such decision set forth.
8. If the City Council fails to certify final approval as per Minnesota Statute 15.99, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the Zoning Officer shall execute a certificate to that effect.

9. Approval of a final plat by the City Council shall not constitute acceptance by the City of the streets, sewer and water lines, alleys, other public ways or easements, or parks or other public lands shown on the final subdivision plat. Such streets, sewer and water lines, alleys other public ways or easements, or parks or other public lands shall be accepted by the City Council only by specific action.

d. Recording. Upon execution of the Planning Commission's (minor plat) or City Council's (major plat only) resolution approving the final plat, the City Administrator or Zoning Officer shall be authorized to sign the plat as meeting the requirements of the City. The plat shall be filed and recorded by the applicant at the Office of the County Recorder. Development agreement in place before recording plat – i.e. who pays for maintenance and phased development.

e. Expiration: Plat approval shall expire if after a period of twelve (12) months no action is taken by the applicant upon the property; unless an extension is granted by the Planning Commission.

H. Minimum design standards - minor and major plats as follows:

a. Blocks, lots, and outlots.

i. In residential areas, blocks shall be generally not less than three hundred (300) feet measured along the greatest dimension of the enclosed block area. Minor variations may be allowed if necessitated by topography or to conform with an adjoining plat.

ii. In blocks over eight hundred (800) feet in length, the Planning Commission may require one (1) or more public walkways within an easement not less than ten (10) feet in width to extend entirely across the block and at other locations as deemed necessary.

iii. Blocks shall be wide enough to allow two (2) tiers of lots except where adjoining a lake, stream, railroad or thoroughfare, or where one tier of lots is necessary because of topographic conditions.

iv. Blocks for commercial or industrial areas may vary from the elements of design if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of streets, railroad access right-of-way and utilities shall be provided as necessary.

v. No lot shall have less area or width than is required for the zone district in which such plat is located. Lot widths on cul-de-sacs may be reduced to maintain straight radial lot lines provided the minimum lot area is maintained and the lot frontage abutting the cul-de-sac is not less than forty (40) feet.

vi. Through lots or double-frontage lots (lots that have frontage on two public or planned public roads) shall not be allowed.

vii. Side lot lines shall be substantially at right angles to straight street lines, radial to curved street lines, or radial to lake or stream shores unless topographic conditions necessitate a variation.

viii. To minimize the danger of the building site being flooded, the Planning Commission may require that lots abutting a drainage course, channel, stream or lake have additional depth and/or width.

ix. The plat shall identify all blocks, outlots and lots by number or letter (for outlots) and provide their dimensions and calculated area in square feet.

b. Easements.

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

ii. Easements as needed for public utilities shall be created and shown on the plat. Location of these utilities is normally within the road right-of-way however a ten (10) foot utility easement beyond the road right-of-way may be required. Should additional easements be necessary they will be determined by the subdivider's surveyor in consultation with appropriate public officials, the utility companies, and the developer and shown on the plat.

iii. The location and dimensions of pedestrian ways shall be shown on the plat.

c. Public use and service areas (not required for a minor plat).

i. A minimum of five (5) percent of the gross land area in any proposed subdivision shall be dedicated as green space or preserved for public use as parks, playgrounds, trails or open space. Such open space areas shall not include land devoted to streets, parking and private yards.

ii. In lieu of the foregoing requirement, the City Council may accept an amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes equal to the fair market value of such land. Such cash payment shall be made no later than the time of recording of the subdivision plat. Any cash payments received shall be placed in a special fund by the City to be used only for the purposes for which the money was obtained.

iii. Where a proposed highway, school, park, recreation area, or public access to water frontage shown on an official plat is located in whole or in part in the applicant's subdivision, the City Council shall require as a condition of final approval that such space within the subdivision be dedicated or reserved for the public. Such land shall not be developed for a period of one (1) year from the date of such final approval so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purposes not conforming to the official plan. If it is not acquired and no legal actions are filed by such public agency within such period, said reservation shall be of no further effect and such lands may then be used for other purposes.

d. Road system.

i. A centerline profile and cross-sections for all roads that are to be developed or improved both within and leading to the development shall be submitted with the preliminary plan. The final road profile and cross-sections, showing existing road conditions, cuts, fills, slopes, grades, right-of-way widths, and proposed names of roads shall be submitted with the final plat. Cross-sections shall be at a maximum interval of one hundred (100) feet.

ii. Preliminary and final plats shall show the layout of proposed roads, showing right-of-way widths and names of roads.

iii. Proposed roads shall be properly related to such road plans or parts thereof as have been officially prepared and adopted by the City, Itasca County, or the State of Minnesota.

iv. Roads shall be logically related to the topography so as to produce usable lots and reasonable grades. Roads should follow existing natural contours to the best degree possible.

v. Access shall be given to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not possible.

vi. Private roads, reserve strips, and landlocked areas shall be prohibited except for outlots (major plats only).

vii. When a proposed road does not connect directly with an existing public right-of-way, an easement of 33 feet or greater width shall be filed in the Office of the County Recorder prior to approval of the final plat.

viii. When a subdivision plat does not abut a public road, the road connecting said plat to the public road shall be brought up to minimum City road standards by the developer prior to acceptance of the final plat by the City Council; and the City may not take over the road until (1) at least fifty-five (55) percent of the lots have occupied buildings on them, and, (2) a year has passed since the approval and recording of the final plat.

ix. Half or partial roads will be permitted where they are essential to reasonable subdivision of a tract in conformance with other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the road can be secured.

x. Minor roads shall be laid out to discourage their use by through traffic and, where possible, thoroughfares shall be protected for use by through traffic by frontage roads, lots served by interior roads or by other means.

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

i. Dead end roads shall be prohibited except as stubs to permit future street extension into adjoining tracts, as part of a stage development where the road is shown to eventually go through, as a segment of an officially prepared and adopted road plan by the City, or when designed as a cul-de-sac by reason of unfavorable landform, the irregular shape of the tract of land from which the subdivision is being made, and a normal through street pattern cannot be established. All dead end roads not permanently designated as a cul-de-sac must provide suitable area for the turning around of vehicles.

ii. Unless future extension is clearly impractical, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At the time as such a street is extended, the area utilized for the turnaround, outside the boundaries of the extended street, shall revert in ownership to the property owner fronting on the temporary turnaround.

iii. Cul-de-sac streets shall be provided at the closed end with a turnaround having a minimum driving surface radius of not less than fifty (50) feet and a right-of-way radius of not less than sixty (60) feet.

f. Road design standards.

i. General

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

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

(2) Where a subdivision abuts or contains an existing road of inadequate width, sufficient additional width shall be provided to meet the above standards.

(3) Full width of right-of-way shall be cleared.

(4) Additional right-of-way and roadway widths may be provided or required to promote public safety and convenience when special conditions warrant or to provide parking space in areas of intensive use.

(5) Service roads, marginal access roads, or frontage roads may have lesser roadway width granted by variance if: (1) no section of the new right-of-way is less than fifty (50) feet in width; and (2) does not exceed eight hundred (800) feet in length; and (3) does not serve more than four (4) residential lots.

(6) When a subdivision or final plat adjoins a major thoroughfare, no lot shall have direct access thereto. Said lots shall be provided with frontage or marginal access road as required by the responsible Highway Engineer.

(7) Road intersections shall be as nearly at right angles as is possible and no intersection shall be at an angle of less than seventy (70) degrees.

(8) A proposed road name which is in alignment with and joins an existing and named road shall bear the name of the existing road.

(9) Alleys or other suitable off-street loading and unloading space shall be provided to the rear or side of all lots to be used for commercial or industrial use.

(10) Where a deflection angle of more than two (2) degrees in the alignment of a street occurs a horizontal curve shall be incorporated into the alignment.

Curves shall have a minimum design speed of fifty-five (55) miles per hour for thoroughfares and thirty (30) miles per hour for all other roads.

(11) Street gradients shall not exceed six (6) percent on thoroughfares, eight (8) percent on collector streets, or ten (10) percent on other streets. Vertical curves shall be provided at changes in gradient to maintain the same design speeds required for horizontal curves.

(12) Roads and streets shall have a transverse slope of approximately two (2) percent away from the centerline except on super-elevated curves.

(13) Major thoroughfares in all areas and all streets in commercial and industrial zones shall be designed for nine (9) ton axle loads. All other streets shall be a minimum seven (7) ton design. For strictly residential streets, the City Engineer may approve a five (5) ton design. All street designs shall include bituminous or concrete pavement. Bituminous pavement shall be completed using the current Minnesota Department of Transportation flexible pavement design procedure or a similar procedure approved by the City Engineer. Concrete pavement design procedures shall be as approved by the City Engineer.

ii. Rural Roadway Design Standards

(1) Road driving surfaces shall provide for a future pavement width of twenty-six (26) feet plus three (3) foot shoulders on each side.

(2) Shoulder slopes and backslopes shall be three to one (3:1) or flatter. Ditch bottoms shall be four (4) feet wide.

(3) There shall be a minimum two and one-half (2.5) foot separation from road shoulder to ditch bottom except that this requirement may be relaxed on super-elevated curves.

iii. Urban Roadway Design Standards

(1) Except for alleys, concrete curb and gutter shall be provided.

(2) Street width shall accommodate the following lane widths:

	Travel Lane	Parking Lane
Thoroughfares	12	10
Minor Roads	11	8
Other Roads	10	8
Alleys	8	NA

g. Storm Water Management Plan developed by a Registered Professional Engineer.

i. Surface water drainage shall be provided by storm sewers and/or drainage courses adequate to drain surface water from the subdivision and protect roadway surfaces. Storm water drainage facilities shall be designed to provide positive drainage away from on-site sewage treatment systems and water supply wells. In designing storm water drainage facilities, special consideration shall be given to protect against erosion, siltation of surface waters, and excess runoff directed to adjacent properties.

ii. Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the

storm water through the subdivision to its natural outlet to maintain or replace the natural watercourse.

h. Sewage collection and disposal.

   i. When a subdivision is located within one thousand (1,000) feet of a City sewer line, the subdivision design may include, upon the recommendation of the City Engineer, sanitary sewer lines that are accessible to all lots and tracts in the subdivision. The sewer line shall be designed and constructed in accordance with the requirements for design and construction of public sewer lines established by the City.

   ii. Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewage be permitted in storm water sewers.

   iii. When a subdivision is located more than one thousand (1,000) feet from a City sewer line, provisions must be made for sanitary sewage collection and treatment facilities. This may include individual on-site sewage treatment systems or some form of acceptable community collection and treatment system serving all lots within the subdivision.

i. Utilities

   Except where alleys are provided, utility easements not less than five (5) feet in width along lot lines and ten (10) feet along ROWs or twenty (20) feet across lots or centered on rear or side lot lines shall be provided for use in constructing and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, water mains, electrical lines and other public utilities reasonably required. Such easements shall be placed along rear lot lines whenever possible.

j. Access to solar energy

   The subdivision shall be designed to give appropriate consideration to protecting and assuring access to direct sunlight for solar energy systems to all lots in the subdivision.

k. Controlled access or recreational lots.

   Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the minimum lot standards established in section 10.083 E.3 of this ordinance and shall not contain a dwelling.

l. Flood plain.

   i. In the general flood plain district applicants shall provide the information required in section 10.084 F of this ordinance to determine the one hundred (100) year flood elevation, the floodway and flood fringe district boundaries and the Regulatory Flood Protection Elevation for the subdivision site. For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

   ii. Lots in a subdivision, any part of which is in a flood plain, shall contain a building site at or above the Regulatory Flood Protection Elevation.

   iii. Any part of public utilities and facilities such as gas, electrical and water supply systems in a subdivision, which is in a flood plain, shall be flood proofed in

accordance with this ordinance or elevated above the Regulatory Flood Protection Elevation. In addition, such subdivisions shall have road access to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation.

iv. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one hundred (100) year elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure and multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of the special flood hazard designation will be requested.

m. Discretionary requirements.

The City Council shall have the authority to require that additional design features be added to the subdivision plat in order to comply with the purpose and intent of the comprehensive plan and this ordinance.

10.2200 Planned Unit Development

A. Purpose and scope.

1. Purpose.

   Planned Unit Development (PUD) is established to permit flexibility in the regulations of land development; to encourage innovation and variety in the design, layout and type of structures constructed; to achieve an efficiency in the use of land, natural resources, energy, and the providing of public services and utilities; to encourage provision of usable open space; and to provide better housing, employment, and shopping opportunities. It is the intent of PUD to provide a process for rezoning which results in real property development utilizing a comprehensively prepared site plan which allows for flexibility and variances in building siting, densities and yards; allows for the mixing of uses and housing types and provides for usable open space as well as the preservation of natural features.

2. Eligibility requirements.

   PUD may be applied within any district provided the following requirements are met: the site shall not be less than two (2) acres in size, and, land to be incorporated in a PUD shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as a single integral unit. All residential planned unit developments must contain at least five dwelling units or sites.

3. Uses permitted.

   As a process, PUD conveys no right to the use of the land other than permitted by the district within which located. Zoning shall be required to be in accordance with the City Comprehensive Plan and uses permitted are those allowed by the zoning district.

B. Design guidelines.

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

1. No variance shall be negotiated for yards adjacent to exterior property lines or public streets;
2. No variances shall be negotiated for off-street parking or screening except as provided for elsewhere in this ordinance;
3. A minimum of twenty (20) percent of the gross land areas is to be protected by covenants running with the land by conveyances or otherwise as the Planning Commission may specify, for public

or private open space. Such open space shall not include land devoted to streets, parking, or private yards.

4. Variances may be granted to shoreland requirements but only to the extent allowed by the shoreland provisions of this ordinance in accord with State regulations. Preliminary plans shall be approved by the Commissioner of Natural Resources prior to their approval by the City;

5. A maximum variance from basic density requirements of up to twenty-five (25) percent may be negotiated provided the findings under section 10.2200 D.7 can be made.

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

1. Environmental review.

An Environmental Assessment Worksheet (EAW) must be completed. If the EAW warrants or mandates an Environmental Impact Statement (EIS), the EIS must be completed. No PUD can be approved by the City Council until the environmental process has been completed.

2. Site plan information.

In addition to the information requested for all PUDs, a PUD in shorelands must provide topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two.

3. Site "suitable area" evaluation.

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in subsection 4 below. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions (in feet)

	Unsewered	Sewered
General development lakes-first tier	200	200
General development lakes-second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320

All river classes	300	300

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

4. Residential and Commercial PUD Density Evaluation.

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

   a. Residential PUD "Base" Density Evaluation: The suitable area within each tier is divided by the single residential lot size standard for the underlying zone district lakes as may be modified by the regulations of this ordinance for lakeshore or riverfront property to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in subsequent subsections.

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

      Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development Floor Area Ratio*

Average unit floor area* (square feet)	PUBLIC WATERS CLASSES		
	Sewered general development lakes; First tier on unsewered general development lakes; Urban, agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes; Recreational development lakes; Transition and forested river segments	Natural environment lakes; Remote river segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

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

Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

Divide the total floor area by tier by the average inside living area size determined earlier. This yields a base number of dwelling units and sites for each tier.

Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in subsection 6 below.

5. Density Increase Multipliers.

   a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in section 10.073 are met or exceeded and the design criteria in subsection 6 below are satisfied.

   b. The following dwelling unit or dwelling site density increases (maximum density increase with each tier) for residential or commercial PUDs may be allowed:

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

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

6. Maintenance and Administration Requirements.

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

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

   (1)commercial uses prohibited (for residential PUDs);

   (2) vegetation and topographic alterations other than routine maintenance prohibited;

   (3) construction of additional buildings or storage of vehicles and other materials prohibited; and

   (4) uncontrolled beaching of watercraft prohibited.

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

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

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

(3) assessments must be adjustable to accommodate changing conditions; and

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

7. Open Space Requirements. PUDs must contain open space meeting all of the following criteria:

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

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

c. open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;

d. open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

e. open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;

f. open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;

g. the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and

h. the shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty (50) percent of the shore impact zone area of existing developments or at least seventy (70) percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least fifty (50) percent of the shore impact zone must be preserved in its natural state.

8. Erosion Control and Stormwater Management.

   Erosion control and stormwater management plans must be developed and the PUD must:

   a. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

   b. be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed twenty-five (25) percent of the tier area, except that for commercial PUDs thirty-five (35) percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with section 10.083.

9. Centralization and Design of Facilities.

   Centralization and design of facilities and structures must be done according to the following standards:

   a. PUDs must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and section 10.083 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

   b. Dwelling units or sites must be clustered into one or more groups and located on suitable areas. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with subsection 6 above for developments with density increases;

   c. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas

suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, and depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

d. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

e. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and

f. Water-oriented accessory structures and facilities may be allowed if they meet or exceed appropriate performance standards of this ordinance and are centralized.

10. Conversions.

Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

a. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

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 sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and

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

Existing dwelling unit or dwelling site densities that exceed standards in subsection 6 above may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

D. Procedures.

1. Pre-application conference.

Prior to submitting an application, an applicant may confer with the City to obtain information and guidance, before incurring substantial expense. The proposed application will be discussed at the next regular Planning Commission meeting. Guidance will be provided in concept by the Planning Commission to assist the proponent with the preparation of a Preliminary Development Plan.

2. Application and fees.

Depending upon the outcome of the discussion with the Planning Commission, the proponent shall initiate the PUD process by filing an application signed by the owner(s) and paying the required fee to the Zoning Officer not less than fifteen (15) days prior to the next regularly scheduled Planning Commission meeting. The application shall be accompanied by the information required in section 10.2200 D.3.

3. Plan requirements.

   Fifteen (15) copies of the following information shall be provided by the applicant in graphic and written form:

   a. A written statement which shall include the following:

      (1) A statement of the ownership of all land involved in the PUD.

      (2) An explanation of the general character of the development.

      (3) A general indication of the expected time schedule of development including any subsequent phases.

      (4) A statement describing the ultimate ownership and maintenance of all parts of the development including streets, structures and open space. This shall include materials related to any proposed covenants, agreements or property owners association.

      (5) A statement describing how all necessary governmental services will be provided to the development.

      (6) The total anticipated population to occupy the planned unit development with breakdowns indicating the number of school age children, adults and households.

   b. A graphic description, with supporting documentation, of the Preliminary Development Plan:

      (1) An existing conditions map showing property boundaries, topography, existing natural features, vegetation, water courses, water bodies, soil conditions, buildings, streets and the like.

      (2) Preliminary Development Plan indicating the proposed uses of land; acreage; densities; building square footage, types and height; public and private street locations; walkway locations; recreation areas and facilities; dedicated open space areas; and any other information necessary to evaluate the proposal.

      (3) A staging plan indicating the proposed sequence of development.

      (4) A Preliminary Plat which shall include all information required section 10.2100 of this ordinance.

      (5) Final Development Plan for Phase I, if appropriate.

4. Planning Commission review.

   The Zoning Officer shall distribute the material to the Planning Commission for review at the next Planning Commission meeting. Within sixty (60) days of the application date Planning

Commission shall recommend approval, disapproval or modification of the Preliminary Development Plan and the Phase I Final Development Plan to the City Council. If the proposal is within a shoreland area, the plans will also be forwarded to the Commissioner of the Department of Natural Resources for review and comment.

5. City Council receipt.

   The City Council will consider the recommendations of the Planning Commission at its next meeting after receipt of the recommendations and may require modifications to the plan at that time. The City Council will then set a date for a public hearing.

6. Hearing.

   The City Clerk or Zoning Officer shall give notice of the public hearing in accordance with the procedures established in this ordinance for rezoning.

7. City Council action and findings.

   Within thirty (30) days of the public hearing, the City Council shall consider the advise of the Planning Commission, the Commissioner of the Department of Natural Resources, and the public and shall approve, disapprove, or suggest modifications to the Preliminary and Final Development Plans. If the City Council approves said plans it shall also approve the rezoning for Phase I. The City Council shall not approve a PUD unless it finds as follows:

   a. The proposed development is consistent with the City Comprehensive Plan;

   b. The development appears to harmonize with both existing and proposed development in the surrounding area and is more compatible, having used PUD, with surrounding development than if PUD had not been used;

   c. The open space gain warranted the use of PUD to grant variances;

   d. The Final Development Plan is in substantial conformance with the approved Preliminary Development Plan.

8. Conditions and records.

   The City Council may impose such conditions as it deems necessary on the Preliminary and Final Development Plans and shall maintain a record of all approved plans, amendments and conditions for continuing reference.

9. Subsequent phases and amendments.

a. As rezoning becomes needed for subsequent development phases, the proponent shall prepare Final Development Plans for each phase and shall petition the City for rezoning in accordance with the above procedures. The application shall be accompanied by information as specified in this section. The Planning Commission shall review and recommend on each development phase and the City Council shall, prior to action on the request, hold a public hearing in accordance with the procedures established for rezoning. Each proposed phase shall be in substantial conformance with the approved Preliminary Development Plan.

b. Amendments may be made in the approved final plan when they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City. Minor changes in the location, siting and height of buildings and structures may be authorized by the Planning Commission if requested by engineering or other unforeseen circumstances. All other changes in use, rearrangement of lots, blocks, and open space must be authorized by the City Council under procedures for amendments of this ordinance.

c. Completion of the PUD shall be certified by the Planning Commission on the final development plan. Thereafter, the use of land and the construction, modification or alteration of buildings shall be governed by the approved final development plan. Changes may be authorized only under the following procedures: minor extensions, alterations or modifications of existing structures may be authorized by the Planning Commission if they are consistent with the intent and purpose of the final plan and do not increase the volume of any building or structure by more than ten (10) percent; changes in the use of common open space or the replacement of any building substantially destroyed which exceeds the intent and purposes of the final development plan may be authorized only by amendment to the final development plan.

10. Resubmissions.

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

11. Lapse and extensions.

If within one (1) year after the date of rezoning, a zoning permit has not been issued for development within the rezoned area, the Planning Commission may review the zoning and recommend to the City Council that the rezoning be extended or rescinded. Before acting on the Planning Commission recommendation, the City Council shall conduct a public hearing and notice shall be given in the same manner as the original petition. The City

Council may rescind or extend the zoning previously granted and the Preliminary and Final Development Plans for up to one (1) year upon finding that: a good faith effort has been made to use the PUD; there is reasonable expectation that the PUD will be used; and, the facts upon which the original PUD was issued are essentially unchanged.

10.2300 Manufactured Home Parks[402]

A. Purpose. These regulations are intended to provide guidance for the establishment, maintenance and occupancy of manufactured home parks in the City of Cohasset.[403]

B. General. Manufactured home parks shall require conditional use permits.[404] Parks may only be permitted in areas which currently, or as a result of the proposed park project, are served by public sanitary sewer service.

C. Application. The applicant shall prepare an application for a conditional use permit providing, in addition to the information requested in section 10.11 of this ordinance, the following:

1. Preliminary development plan prepared by a registered professional engineer showing:

   a. Location and legal description of the site;

   b. All streets, streetlights, driveways, parking areas and sidewalks;

   c. Lot locations, lot dimensions, and location and orientation of each manufactured home and accessory structures on each lot;

   d. Location of the community building and all accessory buildings;

   e. Size, location and species of existing and proposed vegetation;

   f. Existing and proposed topography at two (2) foot contour intervals showing grading plan and stormwater drainage; (g) All gas, electric, telephone, water and sewer lines;

   h. Areas to be set aside for recreation and open space;

   i. A typical lot plan;

   j. Elevation drawings of community building, a typical lot with a manufactured home situated on it, and of any pertinent features of the park; and

   k. Any other information which the Planning Officer, City Engineer or Planning Commission deem necessary to properly review the proposed application.

2. A narrative description of the project including at least the following:

   a. Statement of ownership;

   b. Provisions for the removal of trash and garbage;

   c. A maintenance plan for the common property of the park;

   d. A sample lot lease agreement.

D. Permitted uses. The following uses are permitted within a manufactured home park:[405]

1. One (1) manufactured home per lot for single-family occupancy;
2. The following accessory structures to a manufactured home: unheated porch and car port or garage (for homes manufactured after July 1, 1972 the porch, carport or garage or any addition to the home – plans are required to be submitted to the Minnesota Building Codes Division (M.B.C.D.) for plan review and approval prior to construction as per MN statutes 327.33 Subdivision 5) and storage shed.[406] The total square footage of all such accessory structures shall not exceed five hundred seventy-six (576) square feet;
3. Public or private parks and their incidental structures;
4. Minor public utility structures;
5. Manufactured home park community building provided it meets the design standards of this section [see MN statute 327.20 Subdivision 1 (3) separation distances between structures and parking];[407][408]
6. Exterior antennas provided they meet the design standards of this section;
7. Storage building for manufactured home park residents provided it meets the design standards of this section;[409]
8. Home Occupation-1.

E. Design standards. The following standards shall be apply to the design and development of a manufactured home park.[410]

1. Project size.

   A manufactured home park must be a minimum of ten (10) acres in size.[411]

2. Storm shelter.

   Each manufactured home park [as per MN statutes 327.20 Subdivision 1. (6, 7, and 8) and MN statutes 327.205] shall contain one or more storm shelters whose combined capacity will accommodate the anticipated number of park inhabitants.[412][413]

3. Foundations and tiedowns.

   Each manufactured home shall have a foundation support system and tiedowns meeting the Federal Construction Standards and requirements of the State of Minnesota.[414]

4. Skirting.

   Each manufactured home shall be skirted with a material which is of a color and style which complements the manufactured

home. The area skirted shall have 1 sq. ft. of free air venting for every 150 sq. ft. of floor space.[415] The skirting shall extend from the bottom of wall of the manufactured home to the ground. Skirting material shall be resistant to decay.[416]

5. Maximum density.

   A manufactured home park may have no more than six (6) units per acre.[417] Excludes (as per MN statute 462.357 Subdivision 1a) any manufactured home park constructed before January 1, 1995, if when constructed it, complied with the then existing density requirements).[418]

6. Minimum lot dimensions.

   Each manufactured home lot shall be at least: seven thousand eight hundred (7,800) square feet in area; have a minimum depth of one hundred twenty (120) feet; have a minimum width of sixty-five (65) feet except for corner lots which shall be at least eighty (80) feet in width.

7. Manufactured home setbacks [as per MN statutes 327.20 Subdivision 1 (3)].[419]

   a. Parks constructed prior to January 1, 1995. No manufactured home shall be parked closer than three feet to the side lot lines of a manufactured home park if the abutting property is improved property or closer than ten feet to a public street or alley. Each individual manufactured home site shall abut or face on a driveway or unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of adjacent manufactured homes including their attachments and at least three feet between manufactured homes when parked end to end. The space between manufactured homes may be used for parking of motor vehicles of other property provided such vehicle or other property is parked at least ten feet from the nearest adjacent manufactured home position. This paragraph from MN rules chapter 4630.0400.[420]

   b. Parks constructed subsequent to January 1, 1995.[421] Each manufactured home shall have these minimum setbacks: front yard - twenty-five (25) feet; rear yard - fifteen (15) feet; side yard on the entry side of the manufactured home - twenty (20) feet; side yard opposite the entry - five (5) feet or twenty (20) feet if a corner lot or abutting a roadway.[422]

8. Building height.

   The maximum height of a manufactured home shall be sixteen (16) feet. The maximum height of any accessory structures, excepting antennas, shall be sixteen (16) feet.

9. Driveways and sidewalks.

Each manufactured home lot shall have a hard surface driveway and/or off-street parking area providing space for at least two (2) vehicles meeting the dimensional standards of this ordinance. A hard surfaced (not packed dirt) sidewalk shall connect the manufactured home to the driveway or street. The use of shared driveways and/or parking areas for up to four (4) units is encouraged to save space and cost.

10. Interior circulation.

    a. The manufactured home park shall be arranged so that all manufactured home lots and accessory buildings have access to the park interior road system.[423]

    b. No lot shall be directly accessed from a street that is not part of the manufactured home park.[424]

    c. At least two (2) connection points between the interior road system and external streets shall be provided. Streets connecting to the external road system shall be at least thirty-two (32) feet wide (curb to curb).

    d. Interior streets shall be at least thirty (30) feet wide. Designated and properly signed one-way streets may be twenty-four (24) feet wide. All street dimensions, design and other features must be approved by the City Engineer.

    e. All pedestrian walkways shall be designed and maintained in a safe condition by the park developer/operator and kept free of snow and other obstructions.

11. Satellite dishes.

    Satellite dishes of three (3) feet in diameter or less which are attached to individual manufactured homes are permitted.[425] A single dish serving a park cable system is permitted on common property within the park.

12. Signs.

    One (1) area identification sign at each entrance to the manufactured home park may be permitted.[426] Said sign(s) shall conform to the regulations of section 10.103 of this ordinance.

13. Utility installation.

    All utility installations, including, but not limited to, electric power lines, gas lines, telephone lines, television lines, and service connections shall be underground and approved by the City Engineer.

14. Outdoor storage.

    Outdoor storage on manufactured home lots shall conform to the outdoor storage requirements for the Municipal Residential zoning district provided that no major recreational equipment (such as travel trailers, recreational vehicles, ice fishing houses,

and the like) shall be stored on individual lots. An area shall be provided within the park that is fenced and screened for the storage of major recreational equipment; at least one hundred (100) square feet shall be provided per manufactured home lot.

15. Common storage incentive.

    If the park developer prohibits the placement of garages and accessory storage buildings on each manufactured home lot and provides a storage building meeting the following standards, a density increase in the number of allowable lots of 20% may be allowed.

    The storage building(s) shall provide at least six hundred (600) square feet of space for each manufactured home lot. Each storage area shall be secure, have a separate entrance capable of allowing access with an automobile, be accessible from the interior road system on a paved surface, and shall meet the setback requirements for the community building. A maximum height of twenty-five (25) feet will be permitted.

F. Site plan approval. Site plan approval shall be in accordance with the procedures set forth in section 10.200 for Planned Unit Developments.

G. Security agreement. The applicant shall give the City a security agreement on performance in the amount of the estimated cost of the streets, sanitary sewers, storm sewers, water lines, corner markings and all common improvements including structures to complete the project. The security agreement shall be executed by the owner with a surety satisfactory to the City Attorney, guaranteeing the completion of improvements within the time proposed by the owner and approved by the City Council.

H. Permit for manufactured homes in park. A permit shall be required from the Zoning Officer before a manufactured home in a manufactured home park may be occupied.[427] Such permit shall certify that the requirements of this ordinance, the site plan review, and any agreements between the City and the developer and/or operator have been met for the lot for which the permit is requested.

ENDNOTES

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[1] Published 1-22-97 Table of Contents section 10.2300 change "Mobile Home Park" to "Manufactured Home Parks".

[2] Published 7-13-97 section 10.022 C. 3. replace "Accessory structure" with "Tool sheds and similar buildings for the storage of domestic supplies".

[3] Published 7-13-97 section 10.022 C. 3. add h).

[4] Published 6-14-15 section 10.022 C. 3. h) add "/Patios" after Decks and "(excludes water oriented decks/patios)" to end.

[5] Published 7-13-97 section 10.022 C. 3. add i).

[6] Published 7-13-97 section 10.022 C. 3. add j).

[7] Published 7-13-97 section 10.022 C. 3. add k).

[8] Published 7-13-97 section 10.022 C. 3. add l).

[9] Published 12-20-00 section 10.022 C. 4. delete "Whenever in any zone district a use is neither specifically permitted or denied, the use shall be considered prohibited." and add "Similar Uses. When a use is not specifically listed in this ordinance it shall be understood that the use may be allowed if it is determined by the zoning officer that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified by this zoning ordinance and that new uses will evolve over time. This section establishes the zoning officer's authority to compare a proposed use and measure it against those listed in the zoning ordinance for determining similarity. In determining similarity the zoning officer shall make all of the following findings:

a) The proposed uses shall meet the intent of and be consistent with the goals, objectives, and policies of the comprehensive plan;
b) The proposed use shall meet the stated purpose and general intent of the zone district in which the proposed use is to be located;
c) The proposed use shall not adversely impact the public health, safety, and general welfare of the city's residents; and
d) The proposed use shall share characteristics in common with and not be of greater intensity, density, or generate more environmental impact than those uses listed in the zoning district in which it is to be located".

[10] Published 1-24-00 section 10.025 B. 1. change "It fronts on" to "The lot has permanent legal access to".

[11] Published 11-16-03 section 10.025 B. 3. After "ordinance" add "except that combining of contiguous lots under the same ownership shall not be required if each lot meets 75% of the minimum lot dimensions set forth in this ordinance".

[12] Published 6-22-97 section 10.025 E. after "extended roof line" add "(includes awnings, canopies, marquees, and overhangs)".

[13] Published 9-14-97 section 10.026 A. delete first sentence "Structures which require sewage treatment facilities and which locate on a lot serviced by public sewage collection shall be required to connect to such system." and third sentence "No certificate of occupancy shall be issued prior to such permit or approval." and add "1. Lots serviced by public sewage collection shall connect to such system. Connection shall be approved by the City of Cohasset prior to issuance of land use permit." and add "2. For lots not serviced by public sewage collection refer to section 10.075."

[14] Published 4-1-07 section 10.026 B. change "of a building or structure or commencement of a use shall be substantially begun within twelve (12) months of the date of issue of a permit" to "of all permitted buildings or structures or facilities or commencement of a use shall be substantially begun within twelve (12) months of the date of issue of the permit" and insert a new third sentence "Exterior of the structure and rough grading shall be completed within twelve (12) months from substantially begun".

[15] Published 12-20-09 section 10.026 C. delete "This prohibition does not include the use of tents or recreational vehicles for camping for periods not exceeding fourteen (14) consecutive days, on developed lots with an existing structure."

[16] Published 12-20-09 section 10.026 add "G. Structure address display

1. Purpose – to have all residences in the City of Cohasset display the assigned address.
2. Goal – to assist emergency vehicles to find the correct address.
3. Compliance:
   a. All residential, commercial, and public buildings shall display their numerical numbers.
   b. Each address will display the numerical number by one or more of the following means:

- Four (4) inch high numbers next to the front door in contrasting colors to the background,
- Two (2) inch high reflective numbers on the mail box at the street,
- 9-1-1 (blue and white) number sign.
- If the numbers by the front door are not visible from the public street and you don't have a mail box, a sign with four (4) inch high numbers needs to be displayed which is visible form the street.

c. Time for compliance: All owners have forty five (45) days after notification to comply.

4. Violation: Failure to comply will result in a fine as established by the City."

[17] Published 12-14-97 section 10.027B. add to end of second sentence "or as per MN Statute section 116D.04, 116D.045 and MN Rules Chapter 4410 (adopted by reference in its entirety and declared to be part of this ordinance)".

[18] Published 12-20-09 section 10.030 add definition of Abandoned Sign.

[19] Published 11-16-97 section 10.030 definition of "Accessory structure or use" add to end "(does include an above or below-ground pool without a deck). See 10.101 Performance Standards for Private non-commercial recreation facilities."

[20] Published 10-28-01 section 10.030 definition of "Accessory Structure or Use" before "- Any" change "use" to "facility", after "Any" delete "subordinate", after "improvement" delete "on the same lot with the principal structure or use that is customarily incidental and", after "to" change "the" to "a", and after "principal" delete "structure or".

[21] Published 6-22-03 section 10.030 added definitions "Adult Book and/or Media Store, Adult Cabaret, Adult Entertainment Center, Adult Massage Parlor, Adult Sauna, Adult Steamroom/Bathhouse, and Adult Theatre".

[22] Published 12-14-97 section 10.030 definition of "Animal Unit" after "equivalents" add "(approximately one animal unit = one thousand pounds)".

[23] Published 12-14-97 section 10.030 definition of "Animal Unit" after "one swine" add "or ostrich"

[24] Published 12-20-09 section 10.030 add definition of Animated Sign.

[25] Published 7-13-97 section 10.030 add definition of "Apartment".

[26] Published 12-19-10 section 10.030 add definition of Assembly Uses.

[27] Published 12-19-10 section 10.030 add definition of Assembly Uses - small.

[28] Published 12-19-10 section 10.030 add definition of Assembly Uses - large.

[29] Published 12-20-09 section 10.030 add definition of Awning.

[30] Published 12-20-09 section 10.030 add definition of Awning Sign.

[31] Published 12-20-09 section 10.030 add definition of Balloon Sign.

[32] Published 6-25-97 section 10.030 add definition of "Boarding house".

[33] Published 12-20-09 section 10.030 add definition of Building.

[34] Published 12-20-09 section 10.030 add definition of Building sign.

[35] Published 12-20-09 section 10.030 add definition of Cabinet Sign.

[36] Published 12-14-97 section 10.030 definition of "Campground" replace "short-term" with "temporary".

[37] Published 12-20-09 section 10.030 add definition of Canopy.

[38] Published 12-20-09 section 10.030 add definition of Canopy Sign.

[39] Published 12-20-09 section 10.030 add definition of Changeable Copy sign.

[40] Published 2-2-00 section 10.030 add definition "Cohasset Industrial Park".

[41] Published 12-20-09 section 10.030 add definition of Commercial Speech.

[42] Published 6-25-97 section 10.030 add definition of "Congregate Housing".

[43] Published 6-25-97 section 10.030 added definition of "Crematorium".

[44] Published 6-14-15 section 10.030 definition change "Deck" to "Deck/Patio", add after "platform" "of any material", after "site" delete "and at any point extending more than one foot above ground", and change "All such decks" to "All such decks/patios".

[45] Published 7-18-99 section 10.030 definition of "Dwelling" after "Any" add "building," and replace "designed or used as the living quarters for one or more households" with ", or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families".

[46] Published 9-17-99 section 10.030 add definition for "Dwelling, square footage".

[47] Published 7-18-99 section 10.030 add definition for "Dwelling Unit".

[48] Published 2-2-00 section 10.030 add definition "Economic Development Authority".

[49] Published 12-20-09 section 10.030 add definition of Electronic Message Center.

[50] Published 12-20-09 section 10.030 add definition of Elevation.

[51] Published 12-20-09 section 10.030 add definition of Elevation Area.

[52] Published 10-28-01 section 10.030 add definition “Entryway”.
[53] Published 12-20-09 section 10.030 add definition of Erect.
[54] Published 11-16-03 section 10.030 definition of “Extractive use” between “the” and “use” add “one time”, after “removal” add “from the site of more than 1000 CY per acre”, and after “93.51” add “except for residential construction”.
[55] Published 12-18-08 section 10.030 change Extractive Use definition as follows: The use of land for surface or subsurface removal from the site of more than 1000 CY per acre of sand, gravel, rock, peat, or other minerals.
[56] Published 12-20-09 section 10.030 add definition of Facia Sign.
[57] Published 6-25-97 section 10.030 added definition of “Fill”.
[58] Published 3-27-02 section 10.030 added definition of “Fish house”.
[59] Published 12-20-09 section 10.030 add definition of Flag.
[60] Published 12-20-09 section 10.030 add definition of Flashing Sign.
[61] Published 7-18-99 section 10.030 add definition of “Foundation system” and delete “Permanent foundation- The structural supports of a building that allow the building to be physically attached to the ground.”.
[62] Published 12-20-09 section 10.030 add definition of Frame Effect.
[63] Published 12-20-09 section 10.030 add definition of Freestanding Sign.
[64] Published 12-20-09 section 10.030 add definition of Frontage.
[65] Published 12-20-09 section 10.030 add definition of Grade.
[66] Published 4-4-04 section 10.030 added definition of “Grading and filling”.
[67] Published 12-20-09 section 10.030 add definition of Ground Sign.
[68] Published 12-20-09 section 10.030 add definition of Height of Sign.
[69] Published 6-3-18 section 10.030 definition of Home Occupation 1 replace “Any uses customarily incidental and subordinate to the principal residential use conducted within a dwelling and not in any accessory building, provided that: no retail business of any sort is involved; no stock in trade is kept or commodities sold, except as such as are made on the premises; no person not a member of the family residing on the premises is employed therein; no mechanical equipment is used as except such as may be customarily used for domestic or household purposes; and not more than one-fourth of the floor area of one story of the dwelling is devoted to such home occupation. Provided, however, that such home occupation shall not require external alterations or involve special construction of features; that the occupation shall be conducted entirely within the dwelling; that no display pertaining to such occupation be visible from the street; and that only one sign or device not exceeding one square foot in area which may contain the name of the occupation and shall be attached to the dwelling and not be illuminated. No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, heat, glare, and electrical disturbance to radio, telephone or television. In particular, but not exclusively, a home occupation includes the following: artist's or craftsperson's studio; licensed family day care; making clothes; office for a professional practice such as engineer, architect, lawyer or accountant; teaching, with musical instruction limited to not more than two pupils at the same time; home crafts; carpentry work; office facility of a sales person, sales or manufacturer's representative; or other uses deemed similar to the above by the Zoning Officer.” with

a. Any uses customarily incidental and subordinate to the principal residential use,
b. Retail products and inventory are allowed,
c. Any person (family member or not) residing on the premises is allowed to be employed therein,
d. No more than 1,200 square feet is devoted to such home occupation,
e. One sign not exceeding one square foot in area which may contain the name of the occupation and shall be attached to the dwelling and not be illuminated,
f. No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, heat, glare, and electrical disturbance to radio, telephone or television,
g. No display of product may be visible from the street,
h. Shall not create traffic congestion on the public street,
i. In particular, but not exclusively, a home occupation includes the following: artist's or craftsperson's studio; licensed family day care; making clothes; office for a professional practice such as engineer, architect, lawyer or accountant; teaching, with musical instruction limited to not more than two pupils at the same time; home crafts; carpentry work; office facility of a sales person, sales or manufacturer's representative; or other uses deemed similar to the above by the Zoning Officer.

[70] Published 10-30-19 section 10.030 definition of Home Occupation 1 in subsection e. change one square foot to six square feet.

[71] Published 12-20-09 section 10.030 add definition of Hotel, Motel, Motor Hotel.
[72] Published 6-25-97 section 10.030 added definition of "Hotel".
[73] Published 12-20-09 section 10.030 add definition of Illuminated Sign.
[74] Published 6-25-97 section 10.030 added definition of "Impervious surface".
[75] Published 12-20-09 section 10.030 add definition of Interior Sign.
[76] Published 12-20-09 section 10.030 add definition of Issuing Authority.
[77] Published 12-20-09 section 10.030 add definition of Legally Established Nonconforming Sign.
[78] Published 6-14-94 section 10.030 added definition of "Limited vegetative clearing".
[79] Published 12-14-97 section 10.030 definition of "Livestock" before "animals" delete "Farm" and after "cows" add "ostrich, swine".
[80] Published 11-30-11 section 10.030 definition of" livestock" change "personal use" to "consumption".
[81] Published 6-25-97 section 10.030 definition of "Lot coverage" after "structures" replace", driving surfaces including gravel surfaces and parking areas regardless of type of surface" with "and private concrete, bituminous, gravel, and similar impervious surfaces".
[82] Published 6-25-97 section 10.030 definition of "Lot of record" add to end "prior to the effective date of this ordinance (March 29, 1993)".
[83] Published 9-22-04 section 10.030 definition of "Lot Width" change "Lot Width - The shortest distance between lot lines measured at the structure setback line and at the ordinary high water level for property in shoreland" to "Lot Width – Riparian For riparian property lot width requirements shall be met both at the Ordinary High Water Level (OHWL) and at the minimum structure setback line as described below:

A. At the OHWL the lot width shall be measured along the OHWL from the point of intersection of one sideline to the point of intersection with the other sideline.

B. At the minimum structure setback line lot width shall be measured as follow:

- First, determine the minimum structure setback from the public water body from section 10.073 B.[838383]
- Second, draw a line at the minimum structure setback between the point of intersection of one sideline to the point of intersection with the other sideline.
- Third, determine the midpoint of the minimum structure setback line.
- Fourth, determine the shortest possible distance from the midpoint to each of the side lines.
- Finally, add the two distances. The sum of the two segments shall constitute the lot width at the minimum structure setback line.

C. Diagram with note:

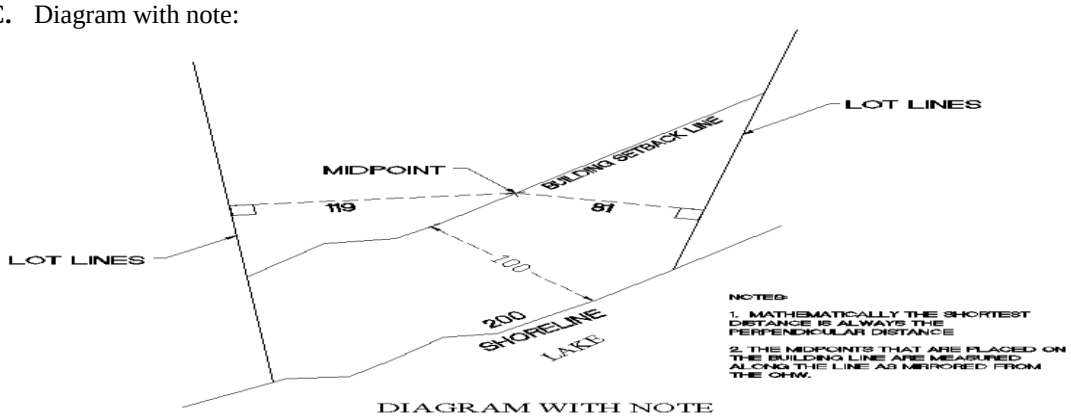

DIAGRAM WITH NOTE

[84] Published 1-26-00 section 10.030 definition of "Lot width" change "midpoint of the building" to "structure setback" and after "and" add "at the".
[85] Published 6-25-97 section 10.030 definition of "Lot width" add to end "and ordinary high water level for property in shoreland".
[86] Published 12-22-02 section 10.030 add definition for "Lubricant Oil and Grease Bulk Storage."
[87] Published 7-18-99 section 10.030 definition of "Manufactured home of less than 24 feet in width" change "Manufactured home of less than 24 feet in width" to "Manufactured home– means (as per MN statute 327.31 Subdivision 6) a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet (porches, vestibules and structures attached to the manufactured unit shall not be included in determining whether the dimensional requirements of this ordinance have been met), and which is built on a permanent

chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under MN statutes 327."

[88] Published 1-22-97 section 10.030 definition of "Mobile home" change "Mobile home" to "Manufactured home of less than 24 feet in width".

[89] Published 1-22-97 section 10.030 definition of "after "manufactured home" in first sentence add "(5 years old or newer)".

[90] Published 7-18-99 section 10.030 definition of "Manufactured home" replace " 5 years old or newer" with "built from July 1, 1972 and newer".

91 Published 7-18-99 section 10.030 definition of "Manufactured home" delete "1. Is at least fourteen (14) feet in width and fifty (50) feet in length provided that porches, vestibules and structures attached to the manufactured unit shall not be included in determining whether the dimensional requirements of this ordinance have been met; and 2. If affixed to the land on which is located, the title to which land is in the same name as the owner of the dwelling unit; and 3. Is installed on a foundation in accordance with Minnesota State Rules and Regulations for Manufactured Homes; and[91]

[92] Published 7-18-99 section 10.030 add definition of "Manufactured home accessory structure".

[93] Published 7-18-99 section 10.030 delete definition of "**Manufactured home of 24 feet or more in width** - A structure (5 years old or newer), transportable in one or more sections, which when erected on site is a minimum of twenty-four (24) feet wide, a minimum of thirty-six (36) feet long, has a minimum finished floor area at or above the lot on one floor of eight hundred sixty-four (864) square feet, has a minimum roof pitch of three (3) feet rise over twelve (12) feet run (3/12 roof), and which is placed on and attached to a permanent full perimeter foundation provided that any so-called "floating slab on grade foundation" or any so-called "pier and post" foundation systems may be used if reviewed and certified to by a structural engineer competent in soil mechanics and licensed and certified by the State of Minnesota.[939393] Said structure is to be designed for and used as a dwelling unit and shall include the same water supply, waste disposal, mechanical and electrical systems as stick-built housing.".

[94] Published 7-18-99 section 10.030 add definition of "Manufactured home park".

[95] Published 12-20-09 section 10.030 add definition of Marquee.

[96] Published 12-20-09 section 10.030 add definition of Marquee Sign.

[97] Published 2-18-07 section 10.030 add definition "Membrane structure – a structure with a canvas or other membrane material canopy suspended from a pole structure that has at least one end that can be opened".

[98] Published 7-18-99 section 10.030 add definition of "Modular home".

[99] Published 12-20-09 section 10.030 add definition of Monument Sign.

[100] Published 6-25-97 section 10.030 add definition of "Mortuary".

[101] Published 6-25-97 section 10.030 add definition of "Motel".

[102] Published 12-20-09 section 10.030 add definition of Multiple Tenant Site.

[103] Published 12-20-09 section 10.030 add definition of Non-commercial Speech.

[104] Published 12-20-09 section 10.030 add definition of Off-premise Sign.

[105] Published 12-20-09 section 10.030 add definition of On-premise Sign.

[106] Published 12-20-09 section 10.030 add definition of Parapet (wall).

[107] Published 6-14-15 section 10.030 add "Patio/Deck – See Deck/Patio".

[108] Published 6-25-97 section 10.030 add definition of "Performance Standards".

[109] Published 11-30-11 section 10.030 add definition of "Pets".

[110] Published 3-14-95 section 10.030 add definition of "Pet Shop".

[111] Published 1-22-97 section 10.030 definition of "Planned unit development, residential" change "mobile home" to "manufactured home".

[112] Published 12-20-09 section 10.030 add definition of Pole Sign.

[113] Published 12-20-09 section 10.030 add definition of Political Sign.

[114] Published 10-28-01 section 10.030 add definition "Porch".

[115] Published 12-20-09 section 10.030 add definition of Portable Sign.

[116] Published 12-20-09 section 10.030 add definition of Porte Cochere.

[117] Published 12-20-09 section 10.030 add definition of Principal Building.
[118] Published 12-20-09 section 10.030 add definition of Projecting Sign.
[119] Published 12-20-09 section 10.030 add definition of Property Owner.
[120] Published 12-20-09 section 10.030 add definition of Public Notices.
[121] Published 12-20-09 section 10.030 add definition of Public Street Right-of-Way.
[122] Published 12-20-09 section 10.030 add definition of Pylon Sign.
[123] Published 12-20-09 section 10.030 add definition of Real Estate Sign.
[124] Published 7-18-99 section 10.030 add definition "Recreational camping area".
[125] Published 7-18-99 section 10.030 add definition "Recreational camping vehicle".
[126] Published 12-20-09 section 10.030 add definition of Residential District.
[127] Published 12-20-09 section 10.030 add definition of Roof.
[128] Published 12-20-09 section 10.030 add definition of Roof Line.
[129] Published 12-20-09 section 10.030 add definition of Roof Sign.
[130] Published 12-20-09 section 10.030 add definition of Roof Sign, Integral.
[131] Published 6-22-97 section 10.030 add definition of "Roomer".
[132] Published 12-20-09 section 10.030 add definition of Rotating Sign.
[133] Published 12-20-09 section 10.030 add definition of Setback, Front.
[134] Published 12-20-09 section 10.030 add definition of Setback, Rear.
[135] Published 12-20-09 section 10.030 add definition of Setback, Side.
[136] Published 6-22-03 section 10.030 added definition "Sexually Oriented Business".
[137] Published 12-20-09 section 10.030 add definition of Shimmering Sign.
[138] Published 12-20-09 section 10.030 replace the following definition of Sign and replace with new definition:

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

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

_____, address - A sign identifying street address only, either written or numerical.

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

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

_____, banners and pennants - Advertising or attention getting devices which resemble flags, streamers or similar devices and are made of paper, cloth, plastic or similar materials.

_____, business - A sign which identifies a business, product, service or commodity sold or conducted on the premises where such sign is located.

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

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

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

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

_____, illuminated - Any sign which depends upon any artificial light source either directed at the sign or as an integral component of the sign.

_____, multiple-faced or back-to-back - Any sign that has one or more faces as a result of being constructed back-to-back or of a "V" type construction.

_____, name plate - A sign which contains only the name and address of the occupant or the name and address of the building.

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

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

_____, projecting - Any sign which is affixed to the outside of an exterior wall of a building and which extends more than eighteen (18) inches from the building wall face.

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

_____, roof - Any sign which is permanently attached to the roof of a building that extends above the roof the building to which it is attached.

_____, wall - Any sign that is affixed to the outside of an exterior wall or other part of any building.

[139] Published 12-20-09 section 10.030 add definition of Sign Face.

[140] Published 12-20-09 section 10.030 add definition of Sign Structure.

[141] Published 12-20-09 section 10.030 add definition of Site.

[142] Published 6-22-03 section 10.030 add definition “Specified Anatomical Areas”.

[143] Published 6-22-03 section 10.030 add definition “Specified Sexual Activities”.

[144] Published 10-28-01 section 10.030 add definition of “Stoop”.

[145] Published 12-20-09 section 10.030 add definition of Stringer.

[146] Published 7-13-11 section 10.030 definition of “Structure” after “Includes decks,” add “membrane structures, carports, cargo/shipping storage shipping containers,”

[147] Published 11-16-97 section 10.030 definition of “Structure” add to end “(does include an above or below-ground pool without a deck). See 10.101 Performance Standards for Private non-commercial recreation facilities.”

[148] Published 12-20-09 section 10.030 add definition of Suspended Sign.

[149] Published 4-5-2017 section 10.030 add definition of Swimming Pool, outdoor.

[150] Published 12-20-09 section 10.030 add definition of Temporary Sign.

[151] Published 2-18-07 section 10.030 definition of “Temporary structure” after “removed” add “from the property”.

[152] Published 1-26-00 section10.030 definition of “Temporary building” immediately after “Temporary” change “building” to “structure” and add new first sentence of “A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure erected has ceased, but not to exceed 60 (sixty) days in a calendar year.”.

[153] Published 1-26-00 after “in a calendar year.” change “Such” to “Excludes”.

[154] Published 1-26-00 after “Such buildings” add “incidental to construction work”.

[155] Published 2-18-07 section 10.030 definition of “Temporary structure” add sentence to end “All temporary structures shall meet all dimensional standards”.

[156] Published 12-20-09 section 10.030 add definition of Total Site Signage.

[157] Published 12-20-09 section 10.030 add definition of Visible.

[158] Published 12-20-09 section 10.030 add definition of Wall.

[159] Published 12-20-09 section 10.030 add definition of Wall or Facia Sign.

[160] Published 12-20-09 section 10.030 add definition of Window Sign.

[161] Published 9-27-97 section 10.030 definition of “Yard, front” add to end “For corner lots, shall abut the right-of-way (or access easement) with the shortest frontage (based on the underlying plat).”.

[162] Published 9-20-09 section 10.0503 add B. Livability Code.
[163] Published 6-14-94 section 10.0504 B.1. delete "One member shall be selected by the City Council from its own members." and after "ex officio" add "non-voting".
[164] Published 5-13-12 section 10.0504 B. 2. Add to end of sentence "ending on January 31st of the third year."
[165] Published 10-4-09 section 10.0504 B. 6. add sentence to end "In case of chair or vice-chair vacancy the Planning Commission shall hold an election to fill the unexpired terms".
[166] Published 10-4-09 section 10.0504 D. 6. change "No action of the Planning Commission shall be taken without a quorum consisting of four (4) appointed members being present" to "No action of the Planning Commission shall be taken without a quorum being present consisting of 50% of the appointed members (round up)".
[167] Published 5-21-97 section 10.0506 C. change "three hundred (300)" to "three hundred fifty (350)".
[168] Published 6-22-97 section 10.0506 C. add to end "Failure to give such or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with notice requirements was made".
[169] Published 11-30-11 section 10.0506 D. change last sentence from "If the Commission grants the variance, the Commission may impose such conditions as it deems necessary to insure compliance with the intent of this ordinance." to "If the Commission grants the variance, the Commission may impose conditions directly related to and roughly proportional to the impact of the granted variance."
[170] Published 11-30-11 section 10-0506 E. 1. replace "The property in question cannot be put to reasonable use if used under conditions allowed by the official controls; economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this ordinance." with "Are there practical in complying with the zoning ordinance? "Practical difficulties" means the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance (economic considerations alone shall not constitute "practical difficulties")".
[171] Published 10-28-01 section 10.0506 E. delete "5. The variance being requested is not prohibited by Minnesota Law".
[172] Published 11-30-11 section 10.0506 E. 4. replace "The variance will be in keeping with the spirit and intent of this ordinance." with "The variance will be in harmony with the general purposes and intent of this ordinance."
[173] Published 11-30-11 section 10.0506 E. add 5. "The variance is consistent with the comprehensive plan.
[174] Published 3-14-95 add L.
[175] Published 5-21-97 section 10.0508 D. change "three hundred (300)" to "three hundred fifty (350)".
[176] Published 6-22-97 section 10.0508 D. within third sentence replace "meeting" with "hearing; in Rural Residential zone districts, notices shall be mailed to all owners of property within fifteen hundred (1,500) feet of the parcel included in the request".
[177] Published 6-22-97 section 10.0508 add G.
[178] Published 7-18-99 section 10.062 A. after "intended to allow" delete "traditional".
[179] Published 7-18-99 section 10.062 A. change "traditional single family detached" to "single family".
[180] Published 1-22-97 section 10.062 B. change "Mobile" to "Manufactured".
[181] Published 7-18-99 section 10.062 C. change "density for a traditional" to "density in an" and delete "Manufactured homes of less than 24 feet in width are expressly not allowed in this district.[181]".
[182] Published 2-2-00 section 10.062 add "L. CIP Cohasset Industrial Park. The purpose of this district is to promote the development of light industrial and related uses within the Cohasset Industrial Park or other similar industrial lands".
[183] DNR Waters reclassification 2-14-18 section 10.064 A. 4. Forested Stream after "Mississippi River" add "lying west of Blackwater Lake" and in 5. Urban Stream before "Bass Brook" add "Mississippi River between Army Corps Dam and Jay Gould Lake".
[184] Published 3-14-95 section 10.064 A. 5. delete "and Tributary" and "and all other streams in the city" and add "- From the Mississippi River to the north line of section 11, township 55N, range 26W".
[185] Published 3-14-95 section 10.064 A. add 6.
[186] Published 6-22-97 section 10.066 A. 1. after "to follow" add "section lines (and portions thereof),".
[187] Published 10-28-01 section 10.071 number the first two paragraphs and between
add "2. Easements do not reduce lot area or lot width."
[188] Published 10-17-99 section 10.071 within table add "Minimum Lot/Unit Size" over "Lot Area" and "Lot Width" columns.
[189] Published 10-17-99 section 10.071 within table between "Lot Area" and "Lot Width" columns add column "Area/Unit (SF)" and in same column add "4,000" for the "MR" and "2,500" for the "GB" zone district

[190] Published 7-18-99 section 10.071 add column for “Minimum Building Width” and footnote (10).
[191] Published 7-18-99 section 10.071 add column for “Maximum Building Square Footage”.
[192] Publish 7-29-02 section 10.071 add “1.0” under Lot Area, add “150’” under Lot Width, and add “25” under Lot Coverage.
[193] Publish 1-24-99section 10.071 replace “30” with “15”.
[194] Publish 1-24-99section 10.071 replace “30” with “15”.
[195] Publish 2-2-00section 10.071 add row for “CIP” zone district with footnote (11).
[196] Published 10-11-95 section 10.071 add footnote (9)
[197] Published 12-18-08 section 10.071 add footnote (12) as follows: GB exception: On lots of less than 75 feet in width the side yard setback shall be reduced to five (5) feet.
[198] Published 7-13-97 section 10.072 add D.
[199] Published 7-13-97 section 10.072 D. add 1.
[200] Published 7-13-97 section 10.072 D. add 2.
[201] Published 6-22-97 section 10.073 add A.
[202] Published 7-29-02 section 10.073 A. fill in empty spaces in table “MINIMUM LOT DIMENSIONS IN SHORELAND” under “RIVERS” for “Area” and “Width” and “MLC” (all previously mentioned spaces were empty).
[203] Published 2-18-98 section 10.073 A. fill in empty spaces in table “MINIMUM LOT DIMENSIONS IN SHORELAND” under “LAKES” for “Area” and “Width” and “MLC” for “Duplex” and “Triplex” and “Quad” (all previously mentioned spaces were empty).
[204] Published 10-28-01 section 10.073 add “I. Accessory structures and facilities. All accessory structures and facilities, except those that are water-oriented (see performance standards for water-oriented accessory structure requirements including setbacks), shall meet or exceed minimum structure setbacks.”.
[205] Published 4-4-04 section 10.073 added “J. Grading and filling. Grading and filling activities within the Shore Impact Zone (SIZ) and Bluff Impact Zone (BIZ) shall be prohibited unless otherwise allowed by this ordinance.”
[206] Published 7-13-11 section 10.075 replaced entire section.
[207] Published 9-27-97 section 10.075 replaced entire section.
[208] Published 2-2-00 section 10.081 add “CIP” column.
[209] Published 6-14-97 section 10.081 A. Residential Uses change “Mobile home” to Manufactured home less than 24 feet in width”.
[210] Published 7-18-99 section 10.081 A. Residential Uses replace “Manufactured Home” with “Single-family dwelling”.
[211] Published 6-14-94 section 10.081 A. Residential Uses change “Manufactured Home” to “PS” in “SR”, “MR”, and “WR” zone districts.
[212] Published 1-22-97 section 10.081 A. Residential Uses change “Manufactured home” to “Mfg. home of 24 feet or more in width”.
[213] Published 6-22-97 section 10.081 A. Residential Uses “Mfg. home 24 feet or more in width” change “PS” to “P”.
[214] Published 7-18-99 section 10.081 A. Residential Uses delete “24 feet or more in width”.
[215] Published 1-22-97 section 10.081 A. Residential Uses change “Mobile home park” to “Manufactured home park”.
[216] Published 7-18-99 section 10.071 A. Residential Uses “Manufactured Home Park” add “CU” under “MR” and “GB”.
[217] Published 6-22-97 section 10.081 A. Residential Uses “Accessory apartment” add “P” in “RC” and “HC” zone districts.
[218] Published 9-27-97 section 10.081 A. Residential Uses “Guest Cottage” add “CU” in “SR” zone district.
[219] Published 6-22-97 section 10.081 A. Residential Uses “Bed and breakfast” add “PS” in “SR” and “WR” zone districts.
[220] Published 6-28-98 section 10.081 A. Residential Uses change “Group and Foster Home” to “State Licensed Residential Facility”.
[221] Published 12-18-08 section 10.081 A. Residential Uses for State Licensed Residential Facility 1-6 persons add “P” under “GB”.
[222] Published 6-28-98 section 10.081 A. Residential Uses “State Licensed Residential Facility 1-6 persons” change “PS” to “P”.

[223] Published 12-18-08 section 10.081 A. Residential Uses for State Licensed Residential Facility 7-16 persons with city water & sewer change "P" to "CU" for "SR".
[224] Published 12-18-08 section 10.081 A. Residential Uses for State Licensed Residential Facility 7-16 persons with city water & sewer change "P" to "CU" under "MR".
[225] Published 12-18-08 section 10.081 A. Residential Uses for State Licensed Residential Facility 7-16 persons with city water & sewer change "P" to "CU" under "GB".
[226] Published 6-28-98 section 10.081 A. Residential Uses "State Licensed Residential Facility 7-16 persons" change "PS" to "P" in the MR zone district and add "P" in the "GB" zone district.
[227] Published 6-28-98 section 10.081 A. Residential Uses "State Licensed Residential Facility" row after 7-16 persons" delete entire row ("16+ persons" and"PS" in the MR zone district).
[228] Published 1-8-06 section 10.081 A. Residential Uses "State Licensed Residential Facility 7-16 persons" add to end "with city water and sewer" and allow as a "P" in the Suburban Residential zone district.
[229] Published 6-28-98 section 10.081 A. Residential Uses change "Day Care" to "State Licensed Day Care Facility".
[230] Published 6-28-98 section 10.081 A. Residential Uses "State Licensed Day Care Facility 1-14 persons" change "12" to "14" and add "P" in the "SR" and "WR" zone district.
[231] Published 6-28-98 section 10.081 A. Residential Uses "State Licensed Day Care Facility 15+ persons" change "15+" to "13-16" and add "P" in the "MR" zone district.
[232] Published 6-28-98 section 10.081 A. Residential Uses "State Licensed Day Care Facility after 13-16 persons" add a new row "17+persons" and "CU' in the "MR" and "GB" zone district.
[233] Published 6-28-98 section 10.081 A. Residential Uses "State Licensed Day Care Facility after 17+ persons" add a new row "Group Family Day Care Facility".
[234] Published 6-28-98 section 10.081 A. Residential Uses "Group Family Day Care Facility" add new row "1-14 children" and "P" in "RR, SR, MR, and WR".
[235] Published 8-19-98 section 10.081 A. Residential Uses "Garage, yard, rummage sales" change "P" to "PS".
[236] Published 7-13-97 section 10.081 A. Residential Uses "Solid Fuel-fired Heating Devices" change "PS" to "P" in all zone districts.
[237] Published 12-18-08 section 10.081 B. Commercial Uses for Kennel add "CU" under "HC".
[238] Published 3-14-95 section 10.081 B. Commercial Uses "Pet shop" change "P" to "PS" in "GB", "RC", and "HC" zone districts.
[239] Published 3-13-05 section 10.081 B. Commercial Uses add row "Pet grooming (in-home)" and allow as "P" in "RR", "GB, and "HC" and "PS" in "SR", "MR", and "WR".
[240] Published 12-18-08 section 10.081 B. Commercial Uses for Financial Institutions add "CU" under "HC".
[241] Published 8-19-98 section 10.081 B. Commercial Uses after "Financial Institutions" add "On-sale Liquor" as a "CU" in "GB" and "HC".
[242] Published 1-29-09 section 10.081 B. Commercial Uses for Café or restaurant change "P" to "CU" under "HC".
[243] Published 8-19-98 section 10.081 B. Commercial Uses "Café or restaurant" add "P" in "HC".
[244] Published 12-18-08 section 10.081 B. Commercial Uses delete row for "Licensed Residential Treatment Facility".
[245] Published 6-22-97 section 10.081 B. Commercial Uses "Home business" change "PS" to "P".
[246] Published 1-29-09 section 10.081 B. Commercial Uses for Clinic change "P" to "CU" under "HC".
[247] Published 12-18-08 section 10.081 B. Commercial Uses for Clinic add "P" to "HC" under "HC".
[248] Published 12-18-08 section 10.081 B. Commercial Uses for Kennel add "CU" under "HC".
[249] Published 1-29-09 section 10.081 B. Commercial Uses for Hospital change "P" under "CU" under "HC".
[250] Published 1-29-09 section 10.081 B. Commercial Uses for Motel change "P" to "CU" under "HC".
[251] Published 1-29-09 section 10.081 B. Commercial Uses for Hotel change "P" to "CU" under "HC".
[252] Published 1-29-09 section 10.081 B. Commercial Uses for Resort change "P" to "CU" under "HC".
[253] Published 11-16-97 section 10.081 B. Commercial Uses (lodging) add "Resort" as a "CU" in "RR", "SR", and "WR" zone districts.
[254] Published 1-29-09 section 10.081 B. Commercial Uses for Office, business change "P" to "CU" under "HC".
[255] Published 1-29-09 section 10.081 B. Commercial Uses for Office, professional change "P" to "CU" under "HC".
[256] Published 12-18-08 section 10.081 B. Commercial Uses for Lubricant Oil and Grease Bulk Storage add "P" under "HC".

[257] Published 12-22-02 section 10.081 B. Commercial Uses add row for "Lubricant Oil and Grease Bulk Storage" and allow as a "P" in the CIP column.
[258] Published 12-19-10 section 10.081B. delete rows for Indoor recreation or entertainment (theaters and taverns) and Fraternal organizations.
[259] Published 1-29-09 section 10.081 B. Commercial Uses for Outdoor recreation change "P" to "CU" under "HC".
[260] Published 1-29-09 section 10.081 B. Commercial Uses for Water Slides change "P" to "CU" under "HC".
[261] Published 1-29-09 section 10.081 B. Commercial Uses for Mini Golf change "P" to "CU" under "HC".
[262] Published 12-18-08 section 10.081 B. Commercial Uses for Convenience Store add "P" under "HC".
[263] Published 3-9-03 section 10.081 B. Commercial Uses add "P" in HC column for general retail sales and services.
[264] Published 12-18-08 section 10.081 B. Commercial Uses for Pharmacy/Drug Store add "P" under "HC".
[265] Published 6-22-03 section 10.081 B. Commercial Uses add row "Sexually Oriented Businesses" and allow as "PS" in "GB" and "HC" zone districts.
[266] Published 2-2-00 section 10.081 B. Commercial Uses add "P" in CIP column for general warehouse.
[267] Published 2-2-00 section 10.081 B. Commercial Uses add "P" in CIP column for mini-storage warehouse.
[268] Published 2-18-04 section 10.081 B. Commercial Uses delete "P" in CIP column for mini-storage warehouse.
[269] Published 1-29-09 section 10.081 B. Commercial Uses for Waterfront commercial change "P" to "CU" under "HC".
[270] Published 2-2-00 section 10.081 B. Commercial Uses add "P" in CIP column for waterfront commercial warehouse.
[271] Published 1-29-09 section 10.081 C. Public Uses for Athletic facilities change "P" to "CU" under "HC".
[272] Published 12-19-10 section 10.081C. delete rows: Places of worship (churches), Community facilities, Cultural facilities, and Golf/Country club. Add row for Assembly Use – small and permit in all zone districts. Add row for Assembly Uses – large and allow as Conditional Use in all residential, business, and commercial zone districts and allow as permitted in all industrial zone districts.
[273] Published 1-29-09 section 10.081 C. Public Uses for Parks (neighborhood, community or regional including boat accesses) change "P" to "CU" under "HC".
[274] Published 1-29-09 section 10.081 C. Public Uses for Parks (state or national) change "P" to "CU" under "HC".
[275] Published 1-26-00 section 10.081 C. Public Uses add row "Non-motorized recreational trails" and allow as "CU" except in "HI" and "RI" zone districts.
[276] Published 1-26-00 section 10.081 D. Industrial Uses for whole row change "P" to "CU".
[277] Published 1-29-09 section 10.081 C. Public Uses for Schools change "P" to "CU" under "HC".
[278] Published 3-11-03 section 10.081 C. Public Uses change "PS" to "P" in all columns for Minor Utility Structures.
[279] Published 2-2-00 section 10.081 D. Industrial Uses add "P" in CIP column for Accessory Uses and Structures.
[280] Published 2-2-00 section 10.081 D. Industrial Uses add "P" in CIP column for Custom Manufacturing.
[281] Published 2-2-00 section 10.081 D. Industrial Uses add "P" in CIP column for Manufacture and/or assembly of appliances, electronic equipment, wood products (excepting a lumber/saw mill), home and industrial equipment, recreational equipment, and the like.
[282] Published 2-2-00 section 10.081 D. Industrial Uses add "Manufacture and/or assembly of appliances, electronic equipment, wood products (excepting a lumber/saw mill), home and industrial equipment, recreational equipment, and the like."
[283] Published 2-2-00 section 10.081 D. Industrial Uses add "P" in CIP column for Printing, publishing and similar activities.
[284] Published 2-2-00 section 10.081 D. Industrial Uses add "Printing, publishing and similar activities".
[285] Published 2-2-00 section 10.081 D. Industrial Uses add "P" in CIP column for Services and uses supporting the principal use of its employees (e.g., daycare, cafeteria).
[286] Published 2-2-00 section 10.081 D. Industrial Uses add "Services and uses supporting the principal use of its employees (e.g., daycare, cafeteria)".
[287] Published 2-2-00 section 10.081 D. Industrial Uses add "P" in CIP column for Essential services.
[288] Published 2-2-00 section 10.081 D. Industrial Uses add "Essential services".
[289] Published 2-2-00 section 10.081 D. Industrial Uses add "P" in CIP column for Other CIP uses (see 10.081 E).
[290] Published 2-2-00 section 10.081 D. Industrial Uses add "Other CIP uses (see 10.081 E)".
[291] Published 2-2-00 section 10.081 D. Industrial Uses add "P" in CIP column for Food Processing.

[292] Published 12-18-08 section 10.081 C. Industrial Uses for Research/Testing add "P" under "HC".
[293] Published 2-2-00 section 10.081 D. Industrial Uses add "P" in CIP column for Research/Testing.
[294] Published 1-29-09 section 10.081 C. Public Uses for Training center change "P" to "CU" under "HC".
[295] Published 11-16-03 section 10.081 D. in row for "Industrial Uses for Gravel pits and similar extractive uses" add "CU" to all zone districts but RR (already allowed as a CU).
[296] Published 3-14-95 section 10.081 D. Industrial Uses after "Gravel pits" add "and similar extractive uses".
[297] Published 2-2-00 section 10.081 D. Industrial Uses add "P" in CIP column for Outdoor Storage.
[298] Published 2-2-00 section 10.081 add "E. Other Uses Permitted in CIP District. "Other CIP" uses that may be permitted within the CIP (Cohasset Industrial Park) zone district must meet all the following criteria:
Meets the spirit and intent of this district; and
Generally complements and does not distract from existing uses in the district; and
Generates no readily detectable vibrations, dust, electrical interference on adjacent property; and
Does not generate noise levels at the lot line in violation of pertinent MPCA standards; and
Meets any specific conditions applied by the CEDA".
[299] Published 12-20-09 section 10.081 allow signs with performance standards in all zone districts.
[300] Published 7-31-02 section 10.081 F. Transportation and Other Uses "Mortuary/Crematorium" add a "P" in "CIP" zone district.
[301] Published 11-16-97 section 10.081 F. Transportation and Other Uses add "Mortuary/Crematorium" as a "CU" in "GB" zone district.
[302] Published 3-14-95 section 10.081 F. Transportation and Other Uses add "Interim Uses of Buildings and Lands" as "CU" in all zone districts.
[303] Published 1-8-06 section 10.082 B. In first sentence delete "at least one" and change "cut " to "cuts". Delete second and third sentences "However, up to two curb cuts may be permitted on any one street provided that one of the accesses is designated as an entrance and the other as an exit. Two curb cuts per street per lot shall be permitted in the Cohasset Industrial Park zone districts".
[304] Published 10-24-04 section 10.082 B. after "as an exit" add "Two (2) curb cuts per street per lot shall be permitted in the Cohasset Industrial Park zone district."
[305] Published 1-8-06 section 10.082 B. delete subsection "4. One way curb cuts shall not exceed 16 feet in width"
[306] Published 12-14-97 section 10.082C.4. after " lots" add "for home occupations and home businesses (in the judgement of the Zoning Officer and City Engineer) and in the General Business zone district".
[307] Published 12-14-97 section 10.082C.4. after "by the City" delete "All parking spaces" and join both sentences with the word "and".
[308] Published 12-14-97 section 10.082C.4. delete last sentence "This requirement shall be applied to home occupations and may be applied to home businesses in the judgment of the Zoning Officer and City Engineer.".
[309] Published 2-2-00 section 10.081 add ", provided that uses within the Cohasset Industrial Park (CIP) district are exempt from these standards"
[310] Published 7-18-99 section 10.082 F. delete "Manufactured homes 2/DU".
[311] Published 12-14-97 section 10.082F. before "General retail sales" add "Greenhouse (wholesale) 1/employee".
[312] Published 11-16-03 section 10.083 D. within table "Additional Restrictions for Shoreland Uses" in row for "Extractive Uses" change all "CU" (Conditional Use) to "N" (not permitted).
[313] Published 12-14-97 section 10.083G. to end of first sentence add "(intensive and limited vegetative clearing standards shall take precedence where applicable)".
[314] Published 4-4-04 section 10.083 G. 1. a. add "Grading and filling activities within the Shore Impact Zone (SIZ) and Bluff Impact Zone (BIZ) shall be prohibited unless otherwise allowed by this ordinance."
[315] Published 12-14-97 section 10.083G. add 4.
[316] Published 12-14-97 section 10.083G. add 5.
[317] Published 12-14-97 section 10.083G. add 6.
[318] Published 12-14-97 section 10.083G. add 7.
[319] Published 12-14-97 section 10.083H. to end of first sentence add "(intensive and limited vegetative clearing standards shall take precedence where applicable)".
[320] Published 12-14-97 section 10.083H. add 4.
[321] Published 7-18-99 section 10.084 J. 2. after "located in" add "licensed manufactured home parks and in" and replace "to a foundation system that resists" with "to resist".
[322] Published 7-18-99 section 10.084 J. 2. after "applicable state" add "and federal".

[323] Published 7-13-97 section 10.085 replace C. and to end of section with "Administration of the Wetlands Conservation Act (Minnesota Statutes 103G.005) within the City of Cohasset will be as designated by the Cohasset City Council.".

[324] Published 9-22-04 section 10.101 A. delete whole first section as follows "Construction of an accessory building or structure prior to the principle structure shall be permitted subject to the following: Principal structure must be started 24 months from the date of the building permit issuance for an accessory structure and/or building."

[325] Published 6-14-94 section 10.101 after "Accessory buildings." Add "Construction of an accessory building or structure prior to the principle structure shall be permitted subject to the following: Principal structure must be started 24 months from the date of the building permit issuance for an accessory structure and/or building.".

[326] Published 6-14-94 section 10.101 "Accessory buildings." delete first sentence " No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory."

[327] Published 9-22-04 section 10.101 "Accessory Buildings" in first sentence after "allowed" add "on each minimum conforming lot of record" and add "CIP" to industrial zone districts.

[328] Published 6-22-97 section 10.101 "Accessory buildings" within third paragraph change "one hundred sixty (160)" to "one hundred (100)".

[329] Published 2-28-98 section 10.101 "Accessory buildings" within fourth paragraph change "ten (10)" to "twelve (12)" and delete to the end of the sentence "; in no case shall an accessory building exceed the size or height of the principal building or one hundred (100) percent of the first floor area; and no other accessory buildings are allowed on the lot".

[330] Published 6-22-97 section 10.101 "Accessory buildings" within fourth paragraph change "garage" to "accessory building"

[331] Published 6-22-97 section 10.101 "Accessory building" within fourth paragraph change "structure garage" to "building".

[332] Published 6-22-97 section 10.101 "Accessory building" within fourth paragraph change "storage accessory structure" to "accessory building".

[333] Published 9-27-97 section 10.101C. "Agricultural activities (including those with livestock)" replace "Non-commercial" with "Agricultural" , replace "Commercial" with "Agricultural", in second sentence delete "are permitted", and replace "are" with "without a zoning permit".

[334] Published 11-30-11 section 10.101 B. 2. change "animal units" to "livestock (excluding pets)"

[335] Published 12-14-97 section 10.101C.4. "Agricultural activities" after "swine" add "or ostrich or animal units per acre which constitute a feedlot according to the sate MPCA feedlot standards".

[336] Published 12-14-97 section 10.101C.5. "Agricultural activities" after "swine" add "or ostrich".

[337] Published 11-30-11 section 10.101 B. 6. after "livestock" add "(excluding pets)" and after "Suburban Residential" add "or Waterfront Residential zone".

[338] Published 11-30-11 section 10.101 B. add 7. "Up to 20 (twenty) hens and no roosters are allowed on parcels of at least one acre in size in the Municipal Residential, Suburban Residential, or Waterfront Residential zone districts provided the chickens are confined at least 25 (twenty-five) feet from the property lines and dwelling".

[339] 12-19-10 section 10.101 delete E. Churches (places of worship). Places of worship must be on a site of at least one (1) acre in size and no principal building shall be located within thirty (30) feet of any lot line of an abutting lot in a residential district.

[340] Published 11-16-97 section 10.101 add "Dog Kennels".

[341] Published 8-19-98 section 10.081 add "Garage, yard, rummage sales" with performance standards.

[342] Published 2-18-98 section 10.101 J. Guest cottage 2. After "minimum" add "duplex sized lot" and delete last sentence "In addition, on Natural Environment lakes an unsewered lot shall be at least 3.7 acres in size with a minimum width of four hundred (400) feet, and, a sewered lot shall be at least 2.8 acres in size with a minimum width of three hundred (300) feet."

[343] Published 2-18-98 section 10.101 J. "Guest cottage" 3. Replace "standard" with "duplex".

[344] Published 6-22-97 section 10.101 "Land Alterations" add 1.

[345] Published 4-20-03 section 10.101 delete "P. Minor Utility Structures – no such structures shall be located within 30 feet of any lot line of an abutting residential district".

[346] Published 2-25-18 section 10.101 O. Outdoor Storage delete the first two paragraphs as follows: "In all residential districts not more than two (2) portable recreation buildings or licensed and road ready

recreational vehicles may be stored outside provided they are owned by the resident(s) of a principal structure on the same site, are maintained in a neat, safe and orderly fashion, and provided that they are not stored in the front yard or nearer to the front lot line than the principal building, or less than five (5) feet from any other lot line.

Fuel wood storage piles are permitted provided they are maintained in a neat, safe and orderly fashion, and provided that they are not stored in the front yard or nearer the front lot line than the principal building, or less than five (5) feet from any other lot line.

[347] Published 3-14-95 section 10.101 add "P. Pet Shop".

[349] Published 4-5-17 section 10.101 Q. change last sentence from "Swimming pools shall be completely enclosed with a six (6) foot high protective fence/climbing barrier." to "In addition outdoor swimming pools shall be completely enclosed with a no less than forty eight (48) inch high non-climbing type fence (without toe/foot/hand holds) and have a self-closing/self-latching gate or a removable ladder."

[350] Published 12-18-08 section 10.10 delete first paragraph of "V" as follows: Schools within existing buildings, including churches and other places of worship, shall be permitted provided that no more than twenty-five (25) students are enrolled, that there shall be no external alteration to the building(s) or grounds to reflect school usage, and sufficient parking shall be provided as required by this ordinance.

[351] Published 2-25-18 section 10.101 V. Seasonal residences change as follows: heading "Seasonal residences" to "Recreational Vehicles (RVs)", in second paragraph after "may be used as" delete "seasonal", delete 3. "The recreational vehicle is not situated or used on the property more than one hundred twenty (120) days in a calendar year;", in new 4. Add after "The recreational vehicle shall meet all setbacks" add "except where there is a permanent dwelling. Where there is a permanent dwelling there shall be no front yard/Right-Of-Way setback for RVs between the ROW and the dwelling", delete 6. "The recreational vehicle shall be limited to the habitation of one recreational vehicle or principle structure per lot of record", in new 5. delete a. "Recreational vehicle storage (see outdoor storage).", in b. after "Camping" change "that meets all setbacks" to "including RVs" and after "for up to" change "30 days in a calendar year on developed lots with an existing dwelling" to "(ten) 10 consecutive days with (thirty) 30 days in between", and add c. "Campgrounds".

[352] Published 12-14-97 section 10.101U. after "In" replace "the RR Rural Residential and WR Waterfront Residential" with "all residential".

[353] Published 12-14-97 section 10.101U.1. add "Recreational" at the beginning of the sentence.

[354] Published 12-14-97 section 10.101U.2. add "Recreational" at the beginning of the sentence.

[355] Published 12-14-97 section 10.101U.2. after "campgrounds and the" add "recreational".

[356] Published 12-14-97 section 10.101U. add 4.

[357] Published 12-20-09 section 10.101 W change "Shall have a state approved method of sewage treatment (as per 7080)" to "Shall be connected to a state approved method of sewage treatment (as per 7080) or have the self-contained holding tanks pumped by a state licensed pumper as needed"

[358] Published 12-14-97 section 10.101U. add 5.

[359] Published 12-14-97 section 10.101U. add 7.

[360] Published 12-20-09 section 10.101 W. change "Excludes recreational vehicle storage and camping for up to fourteen (14) consecutive days." to "Excludes: a. Recreational vehicle storage (see outdoor storage). b. Camping that meets all setbacks for up to 30 days in a calendar year on developed lots with an existing dwelling."

[361] Published 10-29-06 section 10.101Y. "Single family residences (MA district)"change "nine hundred (900) square feet in size" to "three thousand (3,000) square feet foot print including attached garage(s)" and add sentence to end "Any part of the sewage treatment system shall not be closer than 75 feet to a state recognized wetland".

[362] Published 1-22-97 section10.101 "Temporary buildings" change "mobile home" to "manufactured. home of less than 24 feet in width".

[363] Published 1-22-97 section 10.101 "Temporary buildings" change "mobile home" to "manufactured. home of less than 24 feet in width".

[364] Published 2-2-00 section 10.101 add "GG <u>Cohasset Industrial Park (CIP).</u> All uses in the Cohasset Industrial Park (CIP) zone district shall meet all the following standards and regulations.

1. <u>Yard uses.</u> The following uses are allowed in the required front, side, and rear yards:
   a. Traveled surfaces of driveways not to exceed 33 feet wide.
   b. Landscaping facilities and features such as entranceways, flag poles, plantings, walls, etc.

c. Parking in the rear yard when such yard does not abut a residential district.
d. Parking in the front yard provided the area is setback a minimum of 10 feet from the front lot line. Side and rear yard setbacks for parking shall be 6 feet from the property line.

2. Distance between buildings and placement of Improvements. The minimum distance between any two buildings on the same lot shall be 20 feet. No buildings, outbuildings, loading areas, fences, walls or other structures or improvements except driveways, sidewalks and landscaping shall be constructed within 20 feet of any street, except such structures and improvements may be constructed within the said setback area provided the same is not visible from outside the premises.
3. Parking. Uses within the Cohasset Industrial Park (CIP) district shall meet the parking standards of section 10.082 subsections A through E and sub section H. There shall be maintained on each site facilities for parking, loading and unloading sufficient to meet the needs of all persons associated with the use of the property, either employees, customers, suppliers or visitors. All parking areas shall be fully contained on-site.
4. Loading Areas. All loading areas shall be off-street. No such loading or unloading shall be permitted in a location which interferes with ingress, egress or traffic on the street.
5. Open Space Requirements and Landscaping.
   a. Driveways and parking areas shall be surfaced with concrete, bituminous, or any other material or combination of materials that provides a hard, durable, dust-free condition.
   b. All required yard areas (except for driveways and parking areas) shall be landscaped and maintained in such a manner that they will be aesthetically attractive.
   c. All other open or unoccupied areas shall be continuously maintained in a dust-free condition.
6. Storm Water Drainage. All applicants for development, expansion or redevelopment shall submit plans for the handling of snow melt and storm water drainage, detention, and treatment for approval by the City Engineer in consultation with the Zoning Officer. Storm water plans must be designed at a minimum to handle a 100-year flood. Any approved plans shall become a part of the permit for the structure or use.
7. Signs. Signs erected or installed within the Cohasset Industrial Park (CIP) district shall meet the standards for signs set forth elsewhere in this ordinance or in other pertinent City ordinances regulating signs except that the following standards shall take precedence:
   a. No signs shall be erected or installed on any building or premised without the prior written approval of the Zoning Officer after consultation with the Cohasset Economic Development Authority.
   b. Total sign area visible from any one place shall be limited to 150 square feet.
   c. No sign shall project above any building roofline.
   d. Signs which are visible from a public street shall only advertise name and/or insignia, products or services of the company using the site.
   e. Illumination of signs, facades, buildings, parking areas, loading and unloading facilities and yards shall be installed so as to eliminate glare, reflection or nuisance to adjoining lots or streets.
8. Outside Storage. Open storage will be permitted only for the following:
   a. Materials or supplies necessary for permitted use.
   b. Finished or semi-finished products of the permitted use.
   c. Open storage shall be screened from an adjacent residential district or abutting public street by a fence, wall, planting, landscape feature, or architectural feature that effectively obscures such storage. In any case, there shall be no open storage of materials, supplies, or products that would conflict with any of this section's performance standards.
9. Maintenance. All walks, driveways and building exterior maintenance shall be the responsibility of the owner, tenant or other occupant.
10. Construction Standards. All buildings erected shall create a credible and acceptable appearance by constructing and maintaining attractive exterior walls and roofing. Development and use of land and construction of buildings thereon shall be in accordance with applicable building ordinances of the State of Minnesota and applicable building and zoning regulations of the City of Cohasset".

[365] Published 6-22-03 section 10.101 add "HH. Sexually Oriented Businesses".

1. Shall be no less than one thousand (1,000) feet from:
   a. Schools or public libraries.
   b. Places of worship.
   c. Areas zoned residential.
   d. Governmental buildings.
   e. City/Public parks or open spaces.
   f. Licensed family day-care homes, licensed group family day-care homes, licensed child-care or day-care centers, and senior housing complexes.
2. Shall be at least two thousand five hundred (2,500) feet from each other.
3. Shall not have on or off-sale and/or consume liquor on the premises or in the same building as a business that does.
4. Hours of operation shall be between 10:00 a.m. and midnight and closed on Sundays and holidays.
5. Total signage square footage shall not exceed one hundred (100) square feet, must be flat against the wall not free-standing and not on the roof, and can't contain flashing lights, moving elements or changing messages.
6. Shall have a sign at the entrance(s) that reads: "This business sells or displays activities and/or material containing adult themes. Persons under 18 years of age shall not enter."
7. Dancers shall be a minimum of ten (10) feet from patrons and on a platform at least two (2) feet high.
8. Shall be no physical contact (includes caressing or fondling) between patrons and dancers/performers.
9. Shall be no full nudity.

[366] Published 3-13-05 section 10.101 add "II. Pet Grooming (in-home)".

1. No more than six (6) animals on the premises at anytime (excluding owners animals).
2. Off-street parking provided as per this ordinance (section 10.082).
3. Retail products directly related to the service may be sold to customers of the service.
4. No person not a member of the family residing on the premises is employed therein.
5. Not more than one-fourth of the main floor area of the dwelling is used for the business.
6. No external alterations to the dwelling shall be allowed to accommodate the business.
7. Only one sign with the name of the business not exceeding four (4) square feet in area, and not illuminated shall be allowed on the property.
8. Conducted entirely within the owner's dwelling and not in any detached accessory structure.
9. No mechanical equipment except as is normal for household purposes shall be allowed.

[367] Published 2-18-07 section 10.101 add "JJ. Membrane structures shall be adequately anchored and/or secured to the ground as determined by the City".

[368] Published 6-14-15 section 10.102 insert third sentence "Access path square footage does not count toward water oriented deck/patio square footage".

[369] Published 12-17-14 section 10.102 B. 1. after "in size" delete "(including roof overhangs)".

[370] Published 2-11-15 section 10.102 B. 1. After "height" replace "(see definition)" with "from the floor level to the highest point of a flat roof, or twelve (12) feet in height from the floor level to the average height of the highest gable or pitched roof".

[371] Published 10-28-01 section 10.102 B. 1. after "height" add "(see definition)".

[372] Published 1-22-97 section 10.102 B. 1. change "200 square feet in size" to "400 square feet in size (including roof overhang) on general and recreational development lakes and all other public waters shall be limited to 250 square feet in size (including roof overhang)".

[373] Published 3-27-02 section 10.102 B. 1. Delete "four hundred (400) square feet in size (including roof overhang) on general and recreational development lakes and all other public waters shall be limited to".

[374] Published 6-14-15 section 10.102 B. 1. add sentence to end "Boathouse/storage building may have an attached deck/patio within the allotted boathouse/storage square footage".

[375] Published 2-24-15 section 10.102 B. delete "4. Shall not be constructed on slopes exceeding twenty (20) percent".

[376] Published 6-14-94 section 10.102 B. 5. wording edit. Prior wording read: Shall not have decks.

[377] Published 1-22-97 section 10.102 B. add "7. The maximum width of the structure (including roof overhang) shall be 20 feet as measured parallel to the configuration of the shoreline."

[378] Published 6-14-94 section 10.102E. 4. wording edit. Prior wording read: A deck may be allowed but it must meet setback requirements for the structure and its area will be included in the maximum allowable floor area.

[379] Published 12-20-09 section 10.103 replace the following entire sign section with a new sign section:

A. Purpose. The intent of the establishment of use and performance standards for signs is to protect and promote the health, safety, morals and general welfare of the inhabitants of the City of Cohasset through the creation of impartial standards, regulations and procedures which govern the erection, use and/or display of devices, signs, or symbols serving as a means of visual communication to persons situated within, upon or adjacent to public rights-of-way of properties. It is the intent of these provisions to authorize visual communicative devices which: are compatible with their surroundings; are appropriate to the type of activity to which they pertain; are safely located with respect to vehicular and pedestrian traffic; preserve and promote the aesthetics of the location and community; and protect the value of land, buildings and landscapes.

B. General provisions. The following general provisions shall apply in all zone districts:

1. A sign, except Class D signs, shall be considered as a structure or part of a structure for the purpose of applying height and yard requirements. The front yard setback for any sign within a commercial or industrial zone shall be one-half (1/2) the required front yard setback for a principal structure.
2. Signs, excepting governmental signs, are prohibited within public rights-of-way and easements and on public property without written permission of the City Council.
3. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above said pedestrian way of ten (10) feet. No projecting sign shall extend more than four and one-half (4 1/2) feet from the building wall to which it is attached.
4. All free standing signs shall be plainly marked with the name and address of the owner of said sign.
5. All square footage area requirements shall include border and exclude structural supports.

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

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

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

1. Class A: On-Site Advertising

   Class A signs are signs which advertise a business, product, service, commodity or profession located on the same premises as the sign.

2. Class B: Off-Site Advertising

   Class B signs are outdoor advertising signs which direct the attention of the general public to a business, product, service, commodity or profession which is conducted, sold or offered other than on the premises on which the sign is located.

3. Class C: Temporary Advertising

   Class C signs are signs which advertise a business, product, service, commodity or profession located on the same premises as the sign and which are not permanently affixed to the premises.

4. Class D: Exempt

   Class D signs are signs which do not require a permit as long as the pertinent performance standards are satisfied. Class D signs include, but are not limited to, the following: signs required by the governing body having jurisdiction including, but not limited to, the City of Cohasset, Itasca County Highway Department and the Minnesota Department of Transportation; signs used to inform the general public in a non-advertising message; temporary construction and real estate signs; election signs, posters or banners, except that a temporary sign belonging to a church or non-profit agency may advertise a service or an event.

5. Signs in Cohasset Industrial Park (CIP) district shall meet all requirements of section 10.103 except where specifically superseded by the requirements set forth in section 10.101 GG of this ordinance.[379]

E. Performance standards.

1. Class "A" on-site advertising signs

   a. Free standing signs

      (1) One (1) free standing sign with a maximum square footage of one hundred (100) square feet shall be allowed on all lots having two hundred (200) feet of frontage or less; or

      (2) Two (2) free standing signs of one hundred (100) square feet or less or one (1) free standing sign of two hundred (200) square feet or less shall be allowed on all lots having frontage of two hundred one (201) feet to five hundred (500) feet; or

      (3) Three (3) free standing signs of one hundred (100) square feet or less or one (1) free standing sign of two hundred (200) square feet or less shall be allowed on lots having frontage of more than five hundred (500) feet.[379]

      For the purposes of calculating the area of a free standing back-to-back or "V" type construction sign, only one face of such sign shall be considered.

   b. Area identification signs

      In residential districts one (1) area identification sign shall be allowed for each dwelling group of five (5) or more dwelling units, which sign shall

not exceed three (3) square feet plus one (1) square foot for each unit over one (1) per surface.

c. Other signs

All other on-premise signs on the lot of record shall be limited to signs attached to the walls, facia or painted on the surface of a building or structure. The maximum sign area of such signs shall be two (2) square feet for every one (1) front foot of the principal building on such premises. No attached sign shall project more than four and a half (4 1/2) feet beyond a building when attached thereto or be higher than the top roofline.

d. Height

The maximum height of any Class A free standing sign shall not exceed thirty-five (35) feet.

e. Spacing

No Class A free standing sign shall be closer than fifty (50) feet to any other Class A free standing sign.

f. Lighting

Class A signs may be illuminated. Illumination of signs shall not be of a flashing, moving or intermittent type. Changing, or automatic, signs are permitted.

g. Setback

Class A free standing signs shall maintain a side yard setback equal to the height of the sign structure.

h. Signs in commercial and industrial districts

The aggregate sign area per lot for advertising, business, area identification, and nameplate signs shall not exceed the sum of: two (2) square feet per front foot of lot, plus, one (1) square foot for each foot of side yard abutting a public right-of-way fifty (50) feet or more in width.

i. Signs for home businesses or home occupations

Home occupations shall be permitted one (1) wall business sign provided that the sign area does not exceed three (3) square feet and that the sign is not illuminated.

Home businesses shall be permitted one (1) wall business sign provided that the sign area does not exceed three (3) square feet and that the sign is not illuminated. In addition, home businesses shall be permitted one (1) Class C free standing sign provided that the sign area does not exceed one hundred (100) square feet and meets all setbacks for structures in the district in which it is located.

2. Class B off-site advertising signs

a. Size

The maximum sign area for any one face of a Class B sign shall not exceed three hundred ninety (390) square feet. Such maximum size limitation shall apply to each face of a sign structure. Class D signs may be placed back-to-back or in a "V" type construction, which is not to exceed forty-five (45) degrees, but not more than one (1) display is allowed on each face of a sign structure. For purposes of calculating the

area of a back-to-back or "V" type construction sign, however, only one face of such sign shall be considered.

b. Height

The maximum height of any Class B free standing sign shall not exceed the lesser of thirty-five (35) feet or the district height requirements.

c. Spacing

No Class B free standing sign shall be closer than one thousand (1,000) feet to any other Class B sign on the same side of a street or highway. This provision does not prohibit back-to-back or "V" type construction of Class B signs. The distance between Class B signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along the same side of the street or highway.

d. Lighting

Class B signs may be illuminated. Illumination of signs shall not be of a flashing, moving or intermittent type. Changing, or automatic, signs are permitted.

e. Specifications

The Class B sign structure shall be constructed of metal only. Display panels and borders may be constructed or finished in wood. All Class B signs shall be constructed on a single free standing, self-supporting pole.

f. Setback

Class B free standing signs shall maintain a side yard setback equal to the height of the sign structure.

3. Class C temporary advertising signs

a. Type

Class C signs shall be limited to banners, pennants and portable signs.

b. Size

The maximum square footage for the total of all Class C signs on a single lot of record shall be one (1) square foot of sign area for every one (1) lineal foot of lot frontage.

c. Height

The maximum height for all Class C signs not attached to buildings shall not exceed ten (10) feet.

d. Time limitation

Class C signs shall be allowed by permit for a period of time not to exceed thirty (30) consecutive days within any one hundred eighty (180) day period.

4. Class D exempt signs

a. Government signs

Government signs shall be allowed in any zone district as required by the governing body having jurisdiction including, but not limited to, the City of Cohasset, Independent School District 318, Itasca County Highway Department, and State of Minnesota Department of Transportation. Class D government exempt signs include fire numbers and emergency (9-1-1)

identification numbers. Size, height, spacing and other requirements shall conform to those set by the appropriate governing body.

b. Real estate signs

For the purpose of selling, renting or leasing any real estate, a sign of twenty-five (25) square feet or less may be placed in the front yard. Said sign shall be removed within seven (7) days following the sale, lease or termination of sales agreement.

c. Temporary construction

One (1) temporary construction or identification sign of not more than one hundred (100) square feet may be installed upon a construction site in any district denoting the name of the architect, engineer, contractor and/or future business, provided the sign shall not be installed prior to the issuance of a building permit for the proposed construction and provided further that the sign shall be removed within thirty (30) days following occupancy of the building.

d. Place of worship directional signs

Signs directing people to places of worship shall be allowed in all districts provided the total area of such signs shall not exceed four (4) square feet and shall not be considered Class B off-site advertising signs for the purposes of this ordinance.

e. Public service, Non-Profit Organization or Church Group signs

Temporary signs which advertise a special event or public service either on or off site but not permanently affixed to any premises shall be allowed in any zone district for a period not exceeding 30 days in any 180 day period without a zoning permit provided that such signs are limited to a maximum area of 32 square feet and a maximum height of 8 feet.

f. Informational signs

Signs of a non-advertising nature which inform, direct, provide address information, warn or similar signs shall be allowed in all districts provided that the total area of such signs shall not exceed six (6) square feet in surface area. Class D exempt informational signs include, but are not limited to, signs that indicate to a visitor on the property that the visitor should enter, exit, stop, not enter, or not trespass.

g. Election signs

Signs, posters, or banners which pertain to an upcoming election of a candidate or political issue shall be permitted in all districts. Class D exempt election signs shall not include Class B off-site outdoor advertising signs purchased or rented by political candidates or in connection with a political issue. The maximum square footage for Class D exempt election signs shall be ten (10) square feet in all residential districts and twenty-five (25) square feet in all other districts. In addition, the following standards apply to Class D exempt election signs: maximum height shall not exceed ten (10) feet; shall not be placed upon any right-of-way or on any publicly owned property, any public utility pole or on any private property without the consent of the owner of occupant of such property; may not be placed so as to constitute a hazard to any person or property; may not be placed in any location earlier than thirty (30) days prior to an election and they shall not be allowed to remain on the location more than ten (10) days after the election; removal of signs shall be the responsibility of the owner or occupant of the lot upon the sign is located.

h. Garage/yard/rummage sale signs

Signs advertising garage, yard or rummage sales shall be permitted in all districts provided that the signs shall be located on private property and shall not be placed on the public right-of-way, shall not exceed four (4) square feet in total surface, and may be placed one (1) day prior to sale and shall be removed within one (1) day of termination of sale.

i. Name plate or identification signs

Signs identifying the name of a building or occupants of a building or structure and/or the address of said building shall be permitted in all districts provided that the signs do not exceed three (3) square feet in area per face.

j. Window signs

Signs located on or inside a window shall be permitted in all districts.

F. Permits.

1. Required

Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered within the City until a sign permit has been issued by the City of Cohasset.

2. Exceptions

All applicable provisions of this ordinance shall apply except that no permit or permit fee shall be required for the following signs or conditions:

a. Class D signs;

b. Copy changes on permitted signs.

3. Application, fees, and duration

Application for a sign permit shall be made to the Zoning Officer. The application shall contain the following information: exact location of the proposed sign; the dimensions of the proposed sign; a listing of the materials with which the proposed sign will be constructed; whether the sign will be illuminated or use any type of artificial light source; name and address of the owner of the property on which the sign is to be constructed; name and address of the person that is to construct the proposed sign. The Zoning Officer may require additional information consistent with the provisions of this ordinance. All signs shall be constructed and placed in substantial compliance with the permit and data submitted by the applicant.

An application for a sign permit shall be accompanied by the fee specified by resolution by the City Council, except that Class D signs shall not require a fee. No application will be considered unless and until the required fee has been paid by the applicant. Any fee paid shall be refunded if the applicant withdraws the application prior to its consideration by the Zoning Officer.

Any sign permit issued by the Zoning Officer under this ordinance shall be valid for a period of twelve (12) months from the date of issuance, If the construction of the sign is not completed within twelve (12) months from the date of its issuance, the permit shall be void and the site for which the permit was sought shall be returned to its condition prior to the issuance of said sign permit.

4. Certification by structural engineer

The structural design of the following signs shall be certified by an engineer or architect registered in the State of Minnesota:

a. Any freestanding sign which has a sign area in excess of fifty (50) square feet or a height greater than fifteen (15) feet;

b. Any projecting sign which has a sign area in excess of fifty (50) square feet;

c. Permitted signs supported by the roof of a building.

In lieu of the above, if a structural design book showing standard sign designs is filed with the Zoning Officer, and the designs therein are certified by an engineer licensed in the State of Minnesota, and the proposed sign is shown in the standard design book, no individual certification shall be required.

5. Maintenance

All signs shall be maintained so as not to threaten danger to persons or property. Abandoned signs and signs that have become damaged, dangerous, or dilapidated shall be repaired or removed immediately. The City shall have the rights and shall follow the procedures set forth in Minnesota Statutes with respect to any abandoned, dangerous or dilapidated sign.

G. Non-conforming signs.

1. Except as specified in 10.103 G.4 of this section and except for signs which possess one or more characteristics prohibited in 10.103 C of this ordinance, non-conforming signs shall be allowed to continue and reasonable maintenance of said signs shall be allowed. The changes in advertising message and/or maintenance and repair upon an existing sign shall not be considered a relocation, replacement or structural alteration.

2. A sign which is non-conforming because of its location may be structurally altered or modified in its existing location, provided that the sign is not made more non-conforming. For the purpose of administering this principle, the following tests will be used:

a. The modified sign may not be larger in area than the existing sign;

b. The modified sign may not encroach into a required yard any further than the existing sign;

c. The modified sign must meet all other applicable codes and requirements.

3. Non-conforming signs shall not be relocated or replaced without being brought into compliance with all requirements of this ordinance.

4. Portable and/or temporary signs, except as permitted in this ordinance, shall either be removed or brought up to the requirements of this ordinance within twelve (12) months of the adoption of this ordinance.

[380] Published 4-20-16 section 10.103 B. 1. replace the following:

No sign shall exceed 250 square feet in area (all square footage requirements shall include borders and exclude structural supports).

With the following:

a. No sign shall exceed 250 square feet in area.
b. All square footage requirements shall exclude frames/borders of 12 inches or less in width and structural supports.
c. Only one face of multi-faced signs shall count toward square footage.

[381] Published 4-20-16 section 10.103 B. 5. a. change "Off-premise except off-premise signs that display commercial speech on an occasional or incidental basis." to "Off-premise commercial advertising signs which are closer than 1,000 feet to another off-site commercial advertising sign."

[382382] Published 4-20-16 section 10.103 delete "Electronic Message Centers except Electronic Message Centers that display non-commercial speech or commercial speech on an occasional or incidental basis.

[383] Published 4-20-16 section 10.103 change "The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding 12 inches shall constitute sign face" to "The area within the frame/border shall be used to calculate the square footage except the width of a frame/border exceeding 12 inches shall be included in sign face square footage"

[384] Published 11-30-11 section 10.103 change "all signs of any size containing Non-Commercial Speech may be posted from August 1" to "all non-commercial speech signs of any size may be posted in any number from 46 (forty-six) days before the State Primary".

[385] Published 4-20-16 section 10.103 B 13 a change three seconds to seven seconds.

[386] Published 4-4-12 section 10.103 B add 14 - Real Estate For Sale Signs as follows:

a. On-Premise:
   (1) A maximum of two signs per street frontage and two signs per water frontage.
   (2) Signs shall be removed no later than seven days after closing.
   (3) Signs shall be a minimum of 10 feet from the right-of-way (ROW).
   (4) Signs shall be a maximum of six square feet in size.
b. Off-premise/directional:
   (1) Signs shall be a minimum of 12 feet from the street.
   (2) Signs shall be a maximum of six square feet in size.
   (3) Open house signs shall only be up to two days prior to the beginning of the open house and removed no later than one day after the open house.
   (4) A maximum of three signs shall be allowed within 100 feet of each side of an intersection.
   (5) Written permission from the property owner abutting the ROW shall be acquired prior to sign placement.
   (6) Signs shall be removed no later than seven days after closing.

[387] Published 7-1-18 section 10.103 B. 14. a. (4) after "feet in size" add "in residential zone districts" and add (5) Signs shall be a maximum of 32 square feet in size in nonresidential zone districts.

[388] Published 11-30-11 section 10.103 D. 2. add c. Non-commercial speech signs posted from 46 (forty-six) days before the State Primary in any general election year until 10 (ten) days following the general election and 13 (thirteen) weeks prior to any special election until 10 (ten) days following the special election.

[389] Published 9-14-97 section 10.104 replaced entire section.

[390] Published 5-21-97 section 10.113 change "three hundred (300)" to "three hundred fifty (350)".

[391] Published 3-14-95 section 10.114 E. wording change. Prior wording read: Special considerations for gravel pits.

[392] Published 3-14-95 section 10.114 add F.

[393] Published 3-14-95 add section 10.119 "Recording".

[394] Published 11-16-03 section 10.121 "Nonconforming Lots" change entire section from:

A. General. Lots of record in the office of the Itasca County Recorder on the date of enactment of this ordinance that do not meet the requirements of the appropriate zone district set forth in this ordinance may be allowed as building sites without variance from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with the official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met. An exception to the separate ownership requirement shall be made where the proposed subdivision of a nonconforming lot results in a lot meeting the minimum lot size standard including width as established by the State of Minnesota in its Statewide Standards for "Management of Shoreland Areas" in effect at the time of the proposed sale of the substandard lot and the lot was a separate lot of record at the time of enactment of the Cohasset Zoning and Subdivision Ordinance.

B. Variance required. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a nonconforming lot. In evaluating the variance, the Planning Commission acting as the Board of Zoning Appeals shall consider sewage treatment and water

supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

C. Contiguous lots. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of the appropriate lot size requirements set forth in this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this ordinance as much as possible.

and change to:

A. General. Lots of record on the date of enactment of this ordinance (March 29, 1993) that do not meet the minimum lot dimensions set forth in this ordinance may be allowed as building sites without requiring a variance from the minimum lot dimensions provided:
   1. The use is permitted by this ordinance.
   2. The lot has been in separate ownership from abutting lands at all times since it became substandard.
   3. The lot complied with the minimum lot dimensions at the time of recording the split.
   4. Sewage treatment requirements of this ordinance are met.
   5. Setback requirements of this ordinance are met.

B. Contiguous lots. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not 75% of the minimum lot dimensions set forth in this ordinance the lot shall not be considered as a separate parcel of land for the purposes of sale or development. The lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this ordinance as much as possible.

C. Exception. Combining of contiguous lots under the same ownership shall not be required if each lot meets 75% of the minimum lot dimensions set forth in this ordinance.

[395] Published 7-18-99 section 10.122 delete "E. Certain manufactured homes of less than 24 feet in width.[395] The following shall govern the continued use of manufactured homes of less than 24 feet in width which prior to February 17, 1993 a) were not located in a manufactured home park or b) were located on a parcel of land on which the only dwelling was such manufactured home of less than 24 feet in width and the title to said land was in the same name as the owner of the manufactured home of less than 24 feet in width, and, which are located within the MR Municipal Residential, SR Suburban Residential or WR Waterfront Residential districts:[395395395395]

1. Such manufactured homes of less than 24 feet in width shall be deemed non-conforming uses.[395]
2. If such manufactured home of less than 24 feet in width is vacant for an uninterrupted period of six (6) months following written notice of such fact being given by the Zoning Officer, then such manufactured home of less than 24 feet in width cannot continue to be used as a dwelling and must be removed from the property on which it is located.[395395]
3. Any such manufactured home of less than 24 feet in width to which part 10.122 E 2 is not applicable may be replaced with another manufactured home of less than 24 feet in width as herein defined and which has been manufactured not earlier than five (5) years from the date of permit application.[395395]

[396] Published 10-28-01 section 10.123 delete "C. Decks in shoreland areas. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

1. The structure existed on the date the structure setbacks were established;
2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
3. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive; and
4. The deck is constructed primarily of wood and is not roofed or screened."

[397] Published 12-17-14 section 10.123 C. after "may be continued" replace "in any other zone district subject to the following" with "including through repair, replacement, restoration, maintenance, or improvement but not including expansion, unless". In 1. Replace "No such structure shall be enlarged, increased or extended in such a manner as to make the nonconformity worse. In no case shall a nonconforming structure which is also

a nonconforming use be enlarged, increased or extended." with "The nonconforming structure is discontinued for a period of more than one year; or". In 2. replace "If at any time a" with "The" and after "destroyed" add "by fire or peril" and after "market value," replace "said value to be determined by the City Assessor, then without future action by the City Council, such structure shall, from and after the date of such destruction, be subject to all the regulations specified in this ordinance for the district in which said land and buildings are located. Any structure which is damaged to an extent less than fifty (50) percent of its value may be restored to its former extent" with "as indicated in the records of the county assessor at the time of the damage, and no land use permit has been applied for within 180 days of when the structure was damaged".

[398] Published 1-22-97 section 10.123 D. 6. change "mobile home" to "manufactured home of less than 24 feet in width".

[399] Published 7-18-99 section 10.1230 D. 6. replace "manufactured home of less than 24 feet in width" with "single-family dwelling".

[400] Published 6-22-97 section 10.124 after "permit or variance" change "of any type is required for any improvement on, or use of, the property" to "for a bedroom addition is issued".

[401] Published 4-5-17 section 10.2100 replaced the following:

Section 10.20 of this ordinance defines the terms, conditions and procedures for the dividing of land in the City of Cohasset.

10.2100 Subdivision and Platting of Land

Purpose. Each new division of land becomes a permanent unit in the basic physical structure of the City of Cohasset, to which, in the future, neighborhoods and other development will, of necessity, need to cohere. In order that new divisions of land contribute toward: an attractive, orderly, stable, and wholesome community environment; adequate public services; and safe streets, all divisions of land shall fully comply with the regulations set forth in this ordinance.

Scope.

1. Application.

   This ordinance shall apply to all divisions of land by metes and bounds description; subdivision plats under the provisions of Minnesota Statutes, Chapter 505; Registered Land Surveys under the provision of Minnesota Statutes, Chapter 508; and townhouse, condominium, and group home developments under the provisions of Minnesota Statutes, Chapter 515 and 515A. All subdivisions that create five (5) or more lots or parcels that are 2.5 acres or less in size shall be processed as a plat in accordance with these regulations.[401]

2. Exemptions.

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

C. Back lot access strips. Back lots (parcels not fronting on a public road) shall include ownership of a sixty six (66) foot wide strip of land on one side or the other of the front parcel.[401]

D. [401]Metes and bounds conveyances. Conveyances of parcels of land by metes and bounds, as herein defined, shall be permitted as follows:

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

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

1. Comprehensive plan.

   The subdivision shall be consistent with the Cohasset comprehensive plan.

2. Land use regulations.

   The use of the land proposed to be platted must be allowed under the land use regulations of this ordinance and no lot within a subdivision shall require a later variance from one or more standards of this ordinance in order to be used for its intended purpose. In those shoreland areas which are not served by community sewer and water systems, a subdivision shall not be approved unless domestic water supply is available and a sewage treatment system consistent with this ordinance can be provided for every lot; in addition, each lot shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems; in addition, lots that would require the use of holding tanks shall not be approved.

3. Land suitability.

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

4. Staged (phase) development.

   Whenever a proposed subdivision constitutes only a portion of a tract of a size sufficient for future enlargements of such subdivided portion from time to time, or where the intention is for future enlargements of such subdivided

portion from time to time, a tentative plan for the future subdivision of the entire tract shall be submitted.

5. Identification and description.[401]

   Preliminary and final plats shall provide the following information:

   a. Proposed name of final plat, which shall not duplicate or be alike in pronunciation or spelling of the name of any plat heretofore recorded in the County.

   b. Location, by aliquot part, section, township and range, with sketch, not smaller than one (1) inch equals two thousand (2,000) feet, showing the subdivision's location within the section.

   c. Graphic scale, not smaller than one (1) inch equals one hundred (100) feet.

   d. North point.

   Preliminary plats shall provide the following information:

   a. Date of preparation.

   b. Boundary line of proposed subdivision clearly indicated and designation of which lands are “Abstract title” and which are “Torrens title”.

   c. Total approximate acreage of the plat.

6. Existing land conditions.

   The following information shall be provided by the subdivider with the preliminary plat:

   a. Platted streets, railroad right-of-way, and utility easements.

   b. Permanent buildings and other structures.

   c. Location of nearest public water lines and sanitary sewer mains, existing culverts, or other underground facilities.

   d. Topographic contours at ten (10) foot intervals or less from the United States Geological Survey maps or more accurate sources, showing limiting site characteristics.

   e. All surface water features on or immediately abutting the property shall be plainly shown and designated. Source and date of information is to be noted.

   f. Existing storm water drainage patterns.

   g. As may apply to a given plat, location of any property located within the Flood Plain or in shoreland areas, line indicating ordinary high water level, the toe and top of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

   h. Existing vegetation in outline.

   I. Any unique natural, historic or cultural features.

   j. In shoreland areas, 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 run-off and erosion, both during and after construction activities.

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

1. Blocks and lots.

   a. In residential areas, blocks shall be generally not less than six hundred (600) feet nor more than fourteen hundred (1,400) feet in length measured along the greatest dimension of the enclosed block area. Minor variations may be allowed if necessitated by topography or to conform with an adjoining plat.

   b. In blocks over eight hundred (800) feet in length, the Planning Commission may require one (1) or more public walkways within an easement not less than ten (10) feet in width to extend entirely across the block and at other locations as deemed necessary.

   c. Blocks shall be wide enough to allow two (2) tiers of lots except where adjoining a lake, stream, railroad or thoroughfare, or where one tier of lots is necessary because of topographic conditions.

   d. Blocks for commercial or industrial areas may vary from the elements of design if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of streets, railroad access right-of-way and utilities shall be provided as necessary.

   e. No lot shall have less area or width than is required by this title for the zone district in which such subdivision is located. Lot widths on cul-de-sacs may be reduced to maintain straight radial lot lines provided the minimum lot area is maintained and the lot frontage abutting the cul-de-sac is not less than forty (40) feet.

   f. Each lot must front upon and be accessed from a public street.

   g. Through lots or double-frontage lots shall not be allowed.

   h. Residential lots shall be separated from thoroughfares and railroad rights-of-way by a landscape buffer not less than fifty (50) feet in width.

   i. Side lot lines shall be substantially at right angles to straight street lines, radial to curved street lines, or radial to lake or stream shores unless topographic conditions necessitate a variation.

   j. To minimize the danger of the building site being flooded, the Commission may require that lots abutting a drainage course, channel, stream or lake have additional depth and/or width.

   k. The plan shall identify all blocks, outlots and lots by number and provide their dimensions and calculated area in square feet.

2. Easements.

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

   b. Easements as needed for public utilities will be provided and shown on the plat. Location of these utilities is normally within the road right-of-way however a ten (10) foot utility easement beyond the road right-of-way

shall be provided. Should additional easements be necessary they will be determined by the subdivider's surveyor in consultation with appropriate public officials, the utility companies, and the developer and shown on the plan.

c. The location and dimensions of pedestrian ways will be shown on the plan.

3. Public use and service areas.

A minimum of five (5) percent of the gross land area in any proposed subdivision shall be dedicated as green space or preserved for public use as parks, playgrounds, trails or open space.[401] Such open space areas shall not include land devoted to streets, parking and private yards.

In lieu of the foregoing requirement, the City Council may accept an amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes equal to the fair market value of such land. Such cash payment shall be made no later than the time of final approval of the subdivision plat. Any cash payments received shall be placed in a special fund by the City to be used only for the purposes for which the money was obtained.

Where a proposed highway, school, park, recreation area, or public access to water frontage shown on an official plan is located in whole or in part in the applicant's subdivision, the City Council shall require as a condition of final approval that such space within the subdivision be dedicated or reserved for the public. Such land shall not be developed for a period of one (1) year from the date of such final approval so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purposes not conforming to the official plan. If it is not acquired and no legal actions are filed by such public agency within such period, said reservation shall be of no further effect and such lands may then be used for other purposes.

4. Road system.

a. A centerline profile and cross-sections for all roads that are to be developed or improved both within and leading to the development shall be submitted with the preliminary plan. The final road profile and cross-sections, showing existing road conditions, cuts, fills, slopes, grades, right-of-way widths, and proposed names of roads shall be submitted with the final plat. Cross-sections shall be at a maximum interval of one hundred (100) feet.

b. Preliminary and final plans shall show the layout of proposed roads, showing right-of-way widths and names of roads.

c. Proposed roads shall be properly related to such road plans or parts thereof as have been officially prepared and adopted by the City, Itasca County, or the State of Minnesota.

d. Roads shall be logically related to the topography so as to produce usable lots and reasonable grades. Roads should follow existing natural contours to the degree possible.

e. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not possible.

f. Private roads, reserve strips, and landlocked areas shall be prohibited.

g. When a proposed road does not connect directly with an existing public right-of-way, a public easement of equal or greater width as the platted road shall be filed in the Office of the County Recorder prior to approval of the final plat.

h. When a subdivision plat does not abut a public road, the road connecting said plat to the public road shall be brought up to minimum City road standards by the developer prior to acceptance of the final plat by the City Council; and the City may not take over the road until (1) at least fifty-five (55) percent of the lots have occupied buildings on them, and, (2) a year has passed since the approval of the final plat.

i. Half or partial roads will not be permitted, except where they are essential to reasonable subdivision of a tract in conformance with other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the road can be secured.

j. Wherever a tract to be subdivided borders an existing half or partial road, the other part of the road shall be platted within such tract.

k. Minor roads shall be laid out to discourage their use by through traffic and, where possible, thoroughfares shall be protected for use by through traffic by frontage roads, lots served by interior roads or by other means.

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

a. Dead end roads shall be prohibited except as stubs to permit future street extension into adjoining tracts, as part of a stage development where the road is shown to eventually go through, as a segment of an officially prepared and adopted road plan by the City, or when designed as a cul-de-sac by reason of unfavorable landform, the irregular shape of the tract of land from which the subdivision is being made, and a normal through street pattern cannot be established. All dead end roads not permanently designated as a cul-de-sac must provide suitable area for the turning around of vehicles.

b. Unless future extension is clearly impractical, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At the time as such a street is extended, the area utilized for the turnaround, outside the boundaries of the extended street, shall revert in ownership to the property owner fronting on the temporary turnaround.

c. [401]Cul-de-sac streets shall be provided at the closed end with a turnaround having a minimum driving surface radius of not less than fifty (50) feet and a right-of-way radius of not less than sixty (60) feet.

6. Road design standards.

a. General

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

Type of Street	Right-of-way
Major thoroughfare	200 feet
Secondary thoroughfare	150 feet
Minor road	66 feet
Service road	50 feet
Frontage road	50 feet

Marginal access road	50 feet
Alley	20 feet

(2) Where a subdivision abuts or contains an existing road of inadequate width, sufficient additional width shall be provided to meet the above standards.

(3) Full width of right-of-way shall be cleared.

(4) Additional right-of-way and roadway widths may be provided or required to promote public safety and convenience when special conditions warrant or to provide parking space in areas of intensive use.

(5) Service roads, marginal access roads, or frontage roads may have lesser roadway width granted by variance if: (1) no section of the new right-of-way is less than fifty (50) feet in width; and (2) does not exceeds eight hundred (800) feet in length; and (3) does not serve more than four (4) residential lots.

(6) When a subdivision or final plat adjoins a major thoroughfare, no lot shall have direct access thereto. Said lots shall be provided with frontage or marginal access road as required by the responsible Highway Engineer.

(7) Road intersections shall be as nearly at right angles as is possible and no intersection shall be at an angle of less than seventy (70) degrees.

(8) Road jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed.

(9) A proposed road name which is in alignment with and joins and existing and named road shall bear the name of the existing road.

(10) Alleys or other suitable off-street loading and unloading space shall be provided to the rear or side of all lots to be used for commercial or industrial use.

(11) Where a deflection angle of more than two (2) degrees in the alignment of a street occurs a horizontal curve shall be incorporated into the alignment. Curves shall have a minimum design speed of fifty-five (55) miles per hour for thoroughfares and thirty (30) miles per hour for all other roads.

(12) Street gradients shall not exceed six (6) percent on thoroughfares, eight (8) percent on collector streets, or ten (10) percent on other streets. Vertical curves shall be provided at changes in gradient to maintain the same design speeds required for horizontal curves.

(13) Roads and streets shall have a transverse slope of approximately two (2) percent away from the centerline except on super-elevated curves.

(14) Major thoroughfares in all areas and all streets in commercial and industrial zones shall be designed for nine (9) ton axle loads. All other streets shall be a minimum seven (7) ton design. For strictly residential streets, the City Engineer may approve a five (5) ton design. All street designs shall include bituminous or concrete pavement. Bituminous pavement shall be completed using the current Minnesota Department of Transportation flexible pavement design procedure or a similar procedure approved by the City

Engineer. Concrete pavement design procedures shall be as approved by the City Engineer.[401]

b. Rural Roadway Design Standards

(1) Road driving surfaces shall provide for an ultimate pavement width of twenty-six (26) feet plus three (3) foot shoulders on each side.

(2) Shoulder slopes and backslopes shall be three to one (3:1) or flatter. Ditch bottoms shall be four (4) feet wide.

(3) There shall be a minimum two and one-half (2.5) foot separation from road shoulder to ditch bottom except that this requirement may be relaxed on super-elevated curves.

c. Urban Roadway Design Standards

(1) Except for alleys concrete curb and gutter shall be provided.

(2) Street width shall accommodate the following lane widths:

	Travel Lane	Parking Lane
Thoroughfares	12	10
Minor Roads	11	8
Other Roads	10	8
Alleys	8	NA

7. Storm drainage.

Surface water drainage shall be provided by storm sewers and/or drainage courses adequate to drain surface water from the subdivision and protect roadway surfaces. Storm drainage facilities shall be designed to provide positive drainage away from on-site sewage treatment systems and water supply wells. In designing storm drainage facilities, special consideration shall be given to protect against erosion, siltation of surface waters, and excess runoff directed to adjacent properties.

Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet to maintain or replace the natural watercourse.

8. Sewage collection and disposal.

a. When a subdivision is located within one thousand (1,000) feet of a City sewer line, the subdivision design may include, upon the recommendation of the City Engineer, sanitary sewer lines that are accessible to all lots and tracts in the subdivision. The sewer line shall be designed and constructed in accordance with the requirements for design and construction of public sewer lines established by the City.

b. Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewage be permitted in storm water sewers.

c. When a subdivision is located more than one thousand (1,000) feet from a City sewer line, provisions must be made for sanitary sewage collection and treatment facilities. This may include individual on-site sewage treatment systems or some form of acceptable community collection and treatment system serving all lots within the subdivision.

9. Utilities.

Except where alleys are provided for the purpose, utility easements not less than twenty (20) feet in width across lots or centered on rear or side lot lines

shall be provided for use in constructing and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, water mains, electrical lines and other public utilities reasonably required. Such easements shall be placed along rear lot lines whenever possible.

10. Access to solar energy.

    The subdivision shall be designed to give appropriate consideration to protecting and assuring access to direct sunlight for solar energy systems to all lots in the subdivision.

11. Controlled access or recreational lots.

    Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the minimum lot standards established in section 10.083 E.3 of this ordinance.

12. Flood plain.

    a. In the general flood plain district applicants shall provide the information required in section 10.084 F of this ordinance to determine the one hundred (100) year flood elevation, the floodway and flood fringe district boundaries and the Regulatory Flood Protection Elevation for the subdivision site. For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

    b. All lots in a subdivision, any part of which is in a flood plain, shall contain a building site at or above the Regulatory Flood Protection Elevation.

    c. All public utilities and facilities such as gas, electrical and water supply systems in a subdivision, any part of which is in a flood plain, shall be flood proofed in accordance with this ordinance or elevated above the Regulatory Flood Protection Elevation. In addition, such subdivisions shall have road access to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation.

    d. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one hundred (100) year elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure and multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard designation will be requested.

13. Discretionary requirements.

    The City Council shall have the authority to require that additional design features be added to the subdivision plat in order to comply with the purpose and intent of the comprehensive plan and this ordinance.

F. <u>Procedure, administration and fees.</u>

1. Pre-application conference.

   Before submitting an application for a subdivision plat, an applicant may, and is encouraged to, confer with the Zoning Officer or his or her representative to obtain information and guidance before incurring substantial expense in the preparation of plans, surveys and other data.

2. Outline subdivision plan.

   Following any pre-application conference(s) the subdivider shall furnish the Zoning Officer with three (3) copies of a drawing showing the location and size of the tract and general layout of the proposed subdivision. Within ten (10) working days of receipt of said drawing, the Zoning Officer shall, by letter, with a copy of the drawing attached, advise the subdivider if a formal preliminary application on such subdivision should be made.

3. Preliminary subdivision plan.

   a. Following receipt of the report of the Zoning Officer on the Outline Subdivision Plan that a formal preliminary application should be made, the applicant shall submit to the City Clerk ten (10) copies of a Preliminary Subdivision Plan, an application for approval of the plat, and the application fee as set by resolution by the City Council. The application shall contain such information as may be required by the Planning Commission to properly consider the application.

   b. In the case of an application for a preliminary subdivision plan, any part of which is in the flood plain, the subdivider shall submit such information as specified in this ordinance as is deemed necessary by the Planning Commission for the determination of the Regulatory Flood Protection Elevation, whether the propose subdivision is within the floodway or flood fringe, and whether the proposed location of the subdivision is suitable for platting.

   c. The Preliminary Plat shall include the data identified in subsections D 4-6 of this section, address all subdivision design issues as set forth in this ordinance, and address the issues raised in subsections D 1-3 of this section.

4. Referrals for review.

   Upon receipt of the preliminary plan and application, the City Clerk shall refer one (1) copy to each of the following:

   a. City Zoning Officer.
   b. City Engineer.
   c. City Roads Foreman.
   d. Superintendent of Schools, ISD 318.
   e. Itasca County Surveyor.
   f. Itasca County Highway Engineer.
   g. Appropriate local telephone company.
   h. Appropriate electrical utility provider.
   i. Appropriate local T.V./Cable company.[401]
   j. Local Fire Department.[401]
   k. City Attorney.[401]
   l. Postmaster.
   m. DNR - Division of Waters.
   n. Itasca County Soil and Water Conservation District.

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

5. Planning Commission consideration and public hearing.

   The Planning Commission shall hold a public hearing on the application for preliminary plat approval at its first regularly scheduled meeting occurring a sufficient time after the required notice of hearing has been published and mailed. Procedures for public notification and notification of affected

property owners shall be the same as those for conditional uses as set forth elsewhere in this ordinance.

6. Preliminary plan approval.[401]

   a. The Planning Commission shall consider the application for approval of the proposed subdivision plan and preliminarily approve or disapprove such application within one hundred twenty (120) days of receipt by the City Clerk of the completed application, unless an extension of the review period is agreed to by the applicant. If the Planning Commission does not preliminarily approve or disapprove an application within such period, the application shall be deemed preliminarily approved, and upon demand the City Clerk shall execute a certificate to that effect. Action on any preliminary plan shall be by majority vote of the members of the Planning Commission present and voting.

   b. The decision of the Planning Commission shall be in writing with the factual basis and reasons supporting such decision set forth.

   c. The Planning Commission may impose appropriate safeguards, conditions and restrictions to insure that the spirit and intent of this ordinance and the comprehensive plan are met. Included, without limitation, the Planning Commission may condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, water facilities, and similar utilities and improvements or, in lieu thereof, on receipt by the City of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the City that the utilities and improvements will be constructed or installed according to the specifications of the City. In addition, the Planning Commission may condition its approval in compliance with other requirements reasonably related to the provisions of this ordinance and to execute development contracts embodying the terms and conditions of approval.

   d. If the Planning Commission imposes safeguards, conditions or restrictions on the Preliminary Plan, required changes shall be made within 60 days. The revised Preliminary Plan shall be presented to the Planning Commission for final approval prior to initiating the Final Plat.

7. Governing criteria for preliminary plan approval.

   No preliminary subdivision plan shall be approved by the Planning Commission unless positive findings are made with respect to each of the following criteria:

   a. The subdivision plan conforms to the comprehensive plan.

   b. The subdivision plan conforms to the requirements of this ordinance.

   c. The proposed development is compatible with development permitted under the general provisions of this ordinance on substantially all land in the vicinity of the proposed subdivision.

   d. The proposed used will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development.

   e. Adequate consideration has been made for providing safe drinking water and effective treatment of sewage.

   f. Storm water drainage has been provided for in an effective manner.

   g. Adequate provision has been made for areas devoted to public use.

   h. Adequate consideration has been given to providing solar access to all lots within the subdivision.

i. Appropriate safeguards have been taken against any identified flood hazard.

j. The applicant will be responsible for paying all costs incurred by the City in connection with such plat including professional fees.

8. Appeal to the City Council.

The decision of the Planning Commission on any preliminary subdivision plan shall be subject to appeal to the City Council by any person or persons, jointly or severally, aggrieved by the decision, or any taxpayer, officer, department, board or bureau of the City under the procedures set forth in section 10.05 of this ordinance.

9. Final subdivision plan.

a. Within one (1) year following approval of the preliminary subdivision plan by the Planning Commission, the applicant shall file with the City Clerk four (4) copies of a final subdivision plan containing in final form all the information required for the preliminary subdivision plan. If the final subdivision plan is not submitted within such period, the approval of the preliminary plan shall be deemed withdrawn and nullified. An extension of up to six (6) months may be granted by the City Council, upon request by the applicant, for good cause shown, for filing the final subdivision plan.

b. The final subdivision plan shall be accompanied by an Abstract of Title extended to a current date or Certificate of Title and Registered Property Certificate extended to a current date.

c. Upon receipt of such items a copy of the final plan shall be submitted to the City Engineer and the Zoning Officer and the Abstract of Title or Certificate of Title and Registered Property Certificate shall be submitted to the City Attorney. These officials shall submit written reports to the City Council within thirty (30) days after receipt of such documents. The City Engineer shall state whether the final plan conforms to street engineering standards and specifications established by State law and this ordinance; the City Engineer shall also state whether the final plan conforms to surveying standards and specifications established by State law and this ordinance. The City Attorney shall render an opinion of title. The Zoning Officer shall state whether the final plan conforms to the preliminary plan approved by the Planning Commission.

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

10. Decision by City Council on final plat.

a. The City Council shall act on the Final Plat within sixty (60) days of the date on which paper prints thereof were submitted to the City Clerk. The Council shall not approve a Final Plat unless:

(1) The Final Plat conforms to the preliminary plan approved by the Planning Commission;

(2) The Final Plat meets the design standards and engineering specifications set forth in this ordinance;

(3) The Final Plat conforms to all official municipal plans including the comprehensive plan;

(4) The Final Plat meets all requirements and laws of the State of Minnesota;

(5) The City Council determines that all conditions and requirements upon which the preliminary plan approval was expressly conditioned, either through performance or execution of appropriate agreements assuring performance, have been satisfied; and

(6) Applicant has paid or has agreed to pay all costs incurred by the City in connection with the subdivision plan including professional fees.

b. The City council may impose safeguards, conditions and restrictions on its approval to insure that the spirit and intent of this ordinance and the comprehensive plan are met. Included, without limitation, shall be all the conditions that may have been placed on the preliminary plan approval by the Planning Commission.

c. The decisions of the City Council shall be in writing with factual basis and reasons supporting such decision set forth.

d. If the City Council fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the City Clerk shall execute a certificate to that effect.

e. Approval of a final subdivision plat by the City Council shall not constitute acceptance by it of the streets, sewer and water lines, alleys, other public ways or easements, or parks or other public lands shown on the final subdivision plan. Such streets, sewer and water lines, alleys other public ways or easements, or parks or other public lands shall be accepted by the City council only by specific action.

G. Improvements and specifications.

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

1. All work and improvements of streets and utilities is to be in accordance with City and County specifications and shall be subject to the recommendations and approval of the City and/or Itasca County Engineer. The City Engineer shall monitor all street/road improvements during all phases of construction (costs and scheduling to be the responsibility of the developer).[401]

2. All lots shall be graded to secure proper drainage and to prevent the collection of storm water in pools.

3. All sections and/or quarter section corners necessarily used to create boundary lines for a subdivision plat shall be permanently marked and properly perpetuated.

4. The permanent marking of corners and establishment of reference or witness monuments shall be done in accord with State and County regulations. At a minimum at the exact location of the corner there shall be placed a metal or concrete marker not less than three (3) inches in diameter and not less than

thirty (30) inches deep. Reference or witness monuments shall be of a permanent nature.

5. The surveyor placing and establishing the corners and/or monuments shall file a certificate to that effect for each section corner, quarter section corner, meander corner or witness corner in the office of the Itasca County Surveyor.

6. All subdivision boundary corners, block corners, street intersection corners, and points of tangency and curvature shall be marked with survey monuments consisting of galvanized pipes with caps (minimum diameter of 1.5 inches) or deformed steel rods a minimum of 1 inch in diameter and 3 feet long. Lot corners shall be marked with survey monuments consisting of iron pipes, iron rods, or other metal markers. All U.S., State, County, City and other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise location.

7. All proposed streets and roadways shall be fully improved including any bituminous or concrete pavement needed to complete the street or roadway according to the design completed pursuant to Section 10.2100 E. 6. a. (14) of this Ordinance.[401]

8. If, in the sole judgment of the City of Cohasset, it is impractical to require the immediate completion of all the improvements listed above, the City may accept financial guarantees from the developer to ensure the future completion of the required improvements. The form of such financial guarantee shall be as determined by the City.[401]

H. Certifications and recording.

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

1. The subdivider shall submit to the Zoning Officer within thirty (30) days the following:

   a. One (1) twenty (20) inch by thirty (30) inch transparent and reproducible (on mylar or material of equal quality) copy of the Final Plat marked OFFICIAL PLAT to be on file at the Itasca County Recorder.[401]

   b. One (1) twenty (20) inch by thirty (30) inch transparent and reproducible (on mylar or material of equal quality) copy of the Final Plat marked COPY to be on file at the Itasca County Surveyor.[401]

   c. One (1) twenty (20) inch by thirty (30) inch blueline copy of the Final Plat marked COPY to be on file at the City of Cohasset.[401]

   d. One (1) mylar copy, of the Final Plat photographically reduced fifty (50) percent to eleven (11) inches by seventeen (17) inches, to be on file at the Itasca County Surveyor.[401]

   e. One (1) paper copy of the Final Plat photographically reduced to eight and a half (8.5) inches by eleven (11) inches to be on file at the City of Cohasset.[401]

   f. One (1) copy of the graphic portion of the final subdivision plan in a digital format that loads directly into the City's currently computerized drafting/mapping system without any editing, modifications or corrections. The City Engineer shall provide guidance on format and other requirements.

g. These documents shall conform to all applicable Minnesota Statutes, Itasca County Ordinances, and City regulations.[401]

2. The Zoning Officer shall deliver the OFFICIAL PLAT, one of the reproducible copies, and one of the photographically reduced copies to the appropriate Itasca County officials.[401]

3 The Zoning Officer shall be responsible for the certifications, signed in BLACK INK (not ball point pen), of the following:

a. SUBDIVIDER shall certify to be sole owner and proprietor of land platted.

b. LAND SURVEYOR shall certify that he or she is a Licensed Professional Surveyor and the land platted is consistent with applicable Minnesota Statutes.

c. COUNTY SURVEYOR shall certify that a careful examination was made of the plat and found the same to be correct.

d. COUNTY AUDITOR shall certify that there are no unpaid back taxes.

e. COUNTY TREASURER shall certify that all current taxes have been paid in full.

f. MAYOR OF CITY OF COHASSET shall certify that the Final Plat has been approved and signature attested to by the City Clerk.

I. Variances.

Application for variances from the specific provisions of this section for any subdivision plan shall be made in accordance with and subject to the provisions of section 10.0506 of this ordinance.

With the following:

A. Section 10.20 of this ordinance defines the terms, conditions and procedures for the subdividing of land in the City of Cohasset.

10.2100 METHODS OF SUBDIVING LAND

A. Purpose

Each new division of land becomes a permanent unit in the basic physical structure of the City of Cohasset, to which, in the future, neighborhoods and other development will, of necessity, need to cohere. In order that new divisions of land contribute toward an attractive, orderly, stable, and wholesome community environment, adequate public services, and safe streets, all divisions of land (except subdivisions for some non-residential uses such as utility facilities) shall fully comply with the regulations set forth in this ordinance.

B. Scope

1. Application

a. This ordinance shall apply to all divisions of land including but not limited to: metes and bounds descriptions; subdivision plats under the provisions of Minnesota Statutes, Chapter 505; Registered Land Surveys under the provision of Minnesota Statutes, Chapter 508; and townhouse, condominium, and group home developments under the provisions of Minnesota Statutes, Chapter 515, 515A, and 515B.

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

2. Exemptions

Except in the case of resubdivision, this ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this ordinance nor is it intended by this ordinance to repeal, annul, or in any other way impair or interfere with existing

provisions of other laws or resolutions except those specifically repealed by, or in conflict with, this ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land.

C. General – applies to all subdivisions including minor and major plats.

1. The subdivision shall be consistent with the Cohasset Comprehensive plan.
2. The use of the land proposed to be divided must be allowed under the land use regulations of this ordinance.
3. All tracts shall meet the lot size requirements of this ordinance at time of complete application;
4. All parcels not on or not planned to be on city sewer shall provide effluent dispersal areas as per MN Rules 7080.
5. Does not landlock or otherwise impair ingress or egress to or from any adjacent property.
6. Does not fall within the corridors of any planned or proposed street.
7. Does not violate any local, state or federal law, ordinance, regulation, plan or policy.
8. Each lot created through subdivision must be suitable in its natural state for the proposed use. Suitability analysis by the City may consider:
   a. flooding potential
   b. existence of wetlands
   c. soil and rock formations
   d. erosion potential
   e. steep topography
   f. inadequate water supply
   g. sewage treatment capabilities
   h. near-shore aquatic conditions
   i. important fish and wildlife habitat
   j. significant historic sites
   k. any other feature likely to be harmful to the health, safety, or welfare of the community
9. Whenever a proposed subdivision constitutes only a portion of a tract where the intention is for future enlargements, a tentative plan for the future subdivision of the entire tract shall be submitted.

D. Non-Plats - conveyances of land into a maximum of four tracts per Government Lot or quarter-quarter section (forty) shall be permitted as follows:

1. Each lot is surveyed by a licensed professional land surveyor and a Certificate of Survey is prepared and filed with the City.
2. No new public road is required to provide access to any parcel.
3. For the transfer of interest in land by will or pursuant to court order.
4. For the transfer of small parcels in case of encroachments.
5. For transfers to improve land use, if the adjacent property will still meet the requirements of this ordinance.
6. In the case of a request to divide a lot where the division is to permit the adding of a parcel of land to an abutting lot (enhancement).
7. In the case of a request to divide a lot of record, upon which a two-family dwelling, townhouse, or a condominium which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within such a structure.

E. Minor Plat - conveyances of land into five to nine tracts per Government Lot or quarter-quarter section (forty) shall be permitted as follows:

1. All lots shall adjoin a dedicated road ROW or roadway easement of record.
2. Private roads will be allowed if a road maintenance agreement is submitted and approved by the Planning Commission and recorded prior to recording the final plat.
3. Gravel surface is allowed.
4. No public hearing.
5. Approval by the Planning Commission.

F. Major Plat - conveyances of land into more than nine tracts per Government Lot or quarter-quarter section (forty) shall be permitted as follows:

1. Road agreement with the city.

2. All buildable lots must front on an existing or proposed public road.
3. Public hearing by Planning Commission on preliminary plat.
4. Recommendation by Planning Commission on final plat (no public hearing).
5. Decision by City Council on final plat.

G. Plats - minor and major as follows:

1. Concept Plan. Following any pre-application conference(s) the subdivider shall furnish the Zoning Officer with one copy of a concept plan showing the location and size of the tract and general layout of the proposed plat. Within ten working days of receipt of said drawing, the Zoning Officer shall, by letter, with a copy of the drawing attached, advise the subdivider if a formal preliminary plat application should be made.
2. Preliminary Plat.
   a. Requirements and items to be included:
      i. Shall be prepared by a licensed professional land surveyor.
      ii. Plat boundary - delineated.
      iii. Scale in feet.
      iv. Significant topographical or physical features and improvements.
      v. North arrow.
      vi. Lot sizes in square feet.
      vii. Existing buildings.
      viii. Wetlands and public waters.
      ix. Tree cover.
      x. Existing legal description of record.
      xi. Roads and easements.
      xii. Total acreage.
      xiii. Building setbacks.
      xiv. Existing utilities as marked by utility companies servicing the site and observed while surveying the site.
      xv. Vertical datum noted.
      xvi. Topographic contours at ten foot intervals or less from the United States Geological Survey maps or more accurate sources, showing limiting site characteristics (i.e. drainage patterns) and datum used,
      xvii. Date of preparation.
      xviii. Proposed houses, wells and primary and alternate drainfield locations.
      xix. Special assessments.
      xx. Vicinity map – location by aliquot part, section, township and range not smaller than one inch equals two thousand feet, showing the plats location within the section.
      xxi. Property owners and/or tax payers names and addresses and proof of ownership.
      xxii. Adjacent property owners and/or tax payer names.
      xxiii. Current and proposed zoning of all affected parcels.
      xxiv. Proposed name of final plat, which shall not duplicate or be alike in pronunciation or spelling of the name of any plat heretofore recorded in the County.
   b. Submissions. Upon receipt of 15 copies of the preliminary plat, a copy of the certificate of title insurance or attorney's title opinion, application, and fees, the Zoning Officer shall refer one copy to each of the following:
      i. City Engineer,
      ii. City Roads Foreman,
      iii. City Utilities Foreman.
      iv. Superintendent of Schools, ISD 318,
      v. Itasca County Surveyor,
      vi. Itasca County Highway Engineer,

vii. Appropriate local telephone company,
viii. Appropriate electrical utility provider,
ix. Appropriate local T.V./Cable company,
x. Local Fire Department,
xi. City Attorney,
xii. Postmaster,
xiii. DNR - Division of Waters (if abutting public waters),
xiv. Itasca County Soil and Water Conservation District,
xv. Minnesota Department of Transportation (MNDOT) if abutting a state highway,
xvi. These officials shall submit their comments on the proposed subdivision plat to the Planning Commission within thirty days of receipt.

c. Approval

i. The Planning Commission after a site visit and receipt of the preliminary plat submissions shall hold a public hearing (major plat only) on the preliminary plat at its first regularly scheduled meeting occurring within a sufficient time after the required notice of hearing has been published and mailed. Procedures for public notification and notification of affected property owners shall be the same as those for conditional uses as set forth elsewhere in this ordinance.

ii. No major preliminary plat shall be approved by the Planning Commission unless positive findings are made with respect to each of the following criteria:

(1) The plat conforms to the comprehensive plan,
(2) The plat conforms to the requirements of this ordinance,
(3) The plat is compatible with development permitted under the general provisions of this ordinance with most all land in the vicinity of the plat,
(4) The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the plat,
(5) Adequate consideration has been made for providing safe drinking water and effective treatment of sewage,
(6) Storm water drainage has been provided for in an effective manner,
(7) Adequate provision has been made for areas devoted to public use,
(8) Adequate consideration has been given to providing solar access to all lots within the plat,
(9) Appropriate safeguards have been taken against any identified flood hazards.
(10) The applicant will be responsible for paying all costs incurred by the City in connection with such plat including professional fees.

iii. The decision of the Planning Commission shall be in writing with the factual basis and reasons supporting such decision set forth.

iv. The Planning Commission may impose appropriate safeguards, conditions and restrictions to insure that the spirit and intent of this ordinance and the comprehensive plan are met.

v. The Planning Commission within one hundred twenty days of receipt by the Zoning Officer of a complete preliminary plat, unless an extension of the review period is agreed to by the applicant, shall approve or disapprove or request revisions to the preliminary plat. If the Planning Commission does not approve or disapprove or request revisions within such period, the preliminary plat shall be deemed approved, and upon demand the Zoning Officer shall execute a certificate to that effect.

vi. If the Planning Commission requires revisions to the Preliminary Plat, the required changes shall be made within sixty days and then presented to the Planning Commission for approval.

d. Appeal to the City Council.

The decision of the Planning Commission on any preliminary plat shall be subject to appeal to the City Council by any person or persons, jointly or severally, aggrieved by the decision, or any taxpayer,

officer, department, board or bureau of the City under the procedures set forth in section 10.05 of this ordinance.

3. Final plat
   a. Requirements:
      i. One copy of the subdivision application.
      ii. Twelve copies of the final plat.
      iii. Twelve copies of proposed protective covenants, if any.
      iv. Certificate of title insurance of attorney's title opinion.
   b. Approval:
      i. The final plat shall conform to all design standards as specified in this Ordinance. Any proposed deviation from said standards shall require the processing of a variance request as governed by this Ordinance.
      ii. The Planning Commission (minor plat) and City Council (major plat) shall consider the final plat along with the reports from City staff and consultants. The Planning Commission (minor plat) or City Council (major plat) shall approve with findings or disapprove with findings or request revisions. If the Planning Commission (minor plat) or City Council (major plat) disapproves the final plat, the grounds for such refusal shall be set forth in the proceedings of the Planning Commission (minor plat) or City Council (major plat) and reported to the applicant.
      iii. Within one year following approval of the preliminary plat by the Planning Commission, the applicant shall file with the Zoning Officer twelve full size copies of the final plat containing in final form all the information required. If the final plat is not submitted within such period, the approval of the preliminary plat shall be deemed withdrawn and nullified. An extension of up to six months may be recommended by the Planning Commission and granted by the City Council, upon request by the applicant, for good cause shown, for submitting the final plat.
   c. Major plat only.
      1. The final plat shall be accompanied by current title insurance no more than 60 days old.
      2. Upon receipt of such items a copy of the final plat and title insurance shall be submitted to the City Engineer and the City Attorney. These officials shall submit written reports to the City Council within thirty days after receipt of such documents. The City Engineer shall state whether the final plat conforms to street engineering standards and specifications established by State law and this ordinance; the City Engineer shall also state whether the final plat conforms to surveying standards and specifications established by State law and this ordinance. The City Attorney shall render an opinion of title. The Zoning Officer shall state whether the final plat conforms to the preliminary plat approved by the Planning Commission.
      3. The final plat shall contain a notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, easements and other public areas in the form approved by the City Attorney and a certification by a registered land surveyor to the effect that the plat represents a survey made by him or her under his or her direct supervision and that all monuments and markers shown thereon have been set or will be set within one year after recording and that all survey and mathematical information is correct. All signatures on the plat shall be written with black ink (not ball point).
      5. Decision by City Council on final plat. The City Council shall act on the Final Plat within sixty days of the date on which paper prints thereof were submitted to the Zoning Officer. The Council shall not approve a Final Plat unless:
         a. The Final Plat conforms to the preliminary plan approved by the Planning Commission,
         b. The Final Plat meets the design standards and engineering specifications set forth in this ordinance,
         c. The Final Plat conforms to all official municipal plans including the comprehensive plan,
         d. The Final Plat meets all requirements and laws of the State of Minnesota,

e. The City Council determines that all conditions and requirements upon which the preliminary plat approval was expressly conditioned, either through performance or execution of appropriate agreements assuring performance, have been satisfied,

f. Applicant has paid or has agreed to pay all costs incurred by the City in connection with the subdivision plat including professional fees.

6. The City Council may impose safeguards, conditions and restrictions on its approval to insure that the spirit and intent of this ordinance and the comprehensive plan are met. Included, without limitation, shall be all the conditions that may have been placed on the preliminary plat approval by the Planning Commission.

7. The decisions of the City Council shall be in writing with factual basis and reasons supporting such decision set forth.

8. If the City Council fails to certify final approval as per Minnesota Statute 15.99, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the Zoning Officer shall execute a certificate to that effect.

9. Approval of a final plat by the City Council shall not constitute acceptance by the City of the streets, sewer and water lines, alleys, other public ways or easements, or parks or other public lands shown on the final subdivision plat. Such streets, sewer and water lines, alleys other public ways or easements, or parks or other public lands shall be accepted by the City Council only by specific action.

d. Recording. Upon execution of the Planning Commission's (minor plat) or City Council's (major plat only) resolution approving the final plat, the City Administrator or Zoning Officer shall be authorized to sign the plat as meeting the requirements of the City. The plat shall be filed and recorded by the applicant at the Office of the County Recorder. Development agreement in place before recording plat – i.e. who pays for maintenance and phased development.

e. Expiration: Plat approval shall expire if after a period of twelve (12) months no action is taken by the applicant upon the property; unless an extension is granted by the Planning Commission.

H. Minimum design standards - minor and major plats as follows:

a. Blocks, lots, and outlots.

i. In residential areas, blocks shall be generally not less than three hundred (300) feet measured along the greatest dimension of the enclosed block area. Minor variations may be allowed if necessitated by topography or to conform with an adjoining plat.

ii. In blocks over eight hundred (800) feet in length, the Planning Commission may require one (1) or more public walkways within an easement not less than ten (10) feet in width to extend entirely across the block and at other locations as deemed necessary.

iii. Blocks shall be wide enough to allow two (2) tiers of lots except where adjoining a lake, stream, railroad or thoroughfare, or where one tier of lots is necessary because of topographic conditions.

iv. Blocks for commercial or industrial areas may vary from the elements of design if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of streets, railroad access right-of-way and utilities shall be provided as necessary.

v. No lot shall have less area or width than is required for the zone district in which such plat is located. Lot widths on cul-de-sacs may be reduced to maintain straight radial lot lines provided the minimum lot area is maintained and the lot frontage abutting the cul-de-sac is not less than forty (40) feet.

vi. Through lots or double-frontage lots (lots that have frontage on two public or planned public roads) shall not be allowed.

vii. Side lot lines shall be substantially at right angles to straight street lines, radial to curved street lines, or radial to lake or stream shores unless topographic conditions necessitate a variation.

viii. To minimize the danger of the building site being flooded, the Planning Commission may require that lots abutting a drainage course, channel, stream or lake have additional depth and/or width.

ix. The plat shall identify all blocks, outlots and lots by number or letter (for outlots) and provide their dimensions and calculated area in square feet.

b. Easements.

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

ii. Easements as needed for public utilities shall be created and shown on the plat. Location of these utilities is normally within the road right-of-way however a ten (10) foot utility easement beyond the road right-of-way may be required. Should additional easements be necessary they will be determined by the subdivider's surveyor in consultation with appropriate public officials, the utility companies, and the developer and shown on the plat.

iii. The location and dimensions of pedestrian ways shall be shown on the plat.

c. Public use and service areas (not required for a minor plat).

i. A minimum of five (5) percent of the gross land area in any proposed subdivision shall be dedicated as green space or preserved for public use as parks, playgrounds, trails or open space. Such open space areas shall not include land devoted to streets, parking and private yards.

ii. In lieu of the foregoing requirement, the City Council may accept an amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes equal to the fair market value of such land. Such cash payment shall be made no later than the time of recording of the subdivision plat. Any cash payments received shall be placed in a special fund by the City to be used only for the purposes for which the money was obtained.

iii. Where a proposed highway, school, park, recreation area, or public access to water frontage shown on an official plat is located in whole or in part in the applicant's subdivision, the City Council shall require as a condition of final approval that such space within the subdivision be dedicated or reserved for the public. Such land shall not be developed for a period of one (1) year from the date of such final approval so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purposes not conforming to the official plan. If it is not acquired and no legal actions are filed by such public agency within such period, said reservation shall be of no further effect and such lands may then be used for other purposes.

d. Road system.

i. A centerline profile and cross-sections for all roads that are to be developed or improved both within and leading to the development shall be submitted with the preliminary plan. The final road profile and cross-sections, showing existing road conditions, cuts, fills, slopes, grades, right-of-way widths, and proposed names of roads shall be submitted with the final plat. Cross-sections shall be at a maximum interval of one hundred (100) feet.

ii. Preliminary and final plats shall show the layout of proposed roads, showing right-of-way widths and names of roads.

iii. Proposed roads shall be properly related to such road plans or parts thereof as have been officially prepared and adopted by the City, Itasca County, or the State of Minnesota.

iv. Roads shall be logically related to the topography so as to produce usable lots and reasonable grades. Roads should follow existing natural contours to the best degree possible.

v. Access shall be given to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not possible.

vi. Private roads, reserve strips, and landlocked areas shall be prohibited except for outlots (major plats only).

vii. When a proposed road does not connect directly with an existing public right-of-way, an easement of 33 feet or greater width shall be filed in the Office of the County Recorder prior to approval of the final plat.

viii. When a subdivision plat does not abut a public road, the road connecting said plat to the public road shall be brought up to minimum City road standards by the developer prior to acceptance of the final plat by the City Council; and the City may not take over the road until (1) at least fifty-five (55) percent of the lots have occupied buildings on them, and, (2) a year has passed since the approval and recording of the final plat.

ix. Half or partial roads will be permitted where they are essential to reasonable subdivision of a tract in conformance with other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the road can be secured.

x. Minor roads shall be laid out to discourage their use by through traffic and, where possible, thoroughfares shall be protected for use by through traffic by frontage roads, lots served by interior roads or by other means.

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

i. Dead end roads shall be prohibited except as stubs to permit future street extension into adjoining tracts, as part of a stage development where the road is shown to eventually go through, as a segment of an officially prepared and adopted road plan by the City, or when designed as a cul-de-sac by reason of unfavorable landform, the irregular shape of the tract of land from which the subdivision is being made, and a normal through street pattern cannot be established. All dead end roads not permanently designated as a cul-de-sac must provide suitable area for the turning around of vehicles.

ii. Unless future extension is clearly impractical, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At the time as such a street is extended, the area utilized for the turnaround, outside the boundaries of the extended street, shall revert in ownership to the property owner fronting on the temporary turnaround.

iii. Cul-de-sac streets shall be provided at the closed end with a turnaround having a minimum driving surface radius of not less than fifty (50) feet and a right-of-way radius of not less than sixty (60) feet.

f. Road design standards.

i. General

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

Type of Street	Right-of-way
Major thoroughfare	200 feet
Secondary thoroughfare	150 feet
Minor road	66 feet
Service road50 feet	
Frontage road50 feet	
Marginal access road	50 feet
Alley	20 feet

(2) Where a subdivision abuts or contains an existing road of inadequate width, sufficient additional width shall be provided to meet the above standards.

(3) Full width of right-of-way shall be cleared.

(4) Additional right-of-way and roadway widths may be provided or required to promote public safety and convenience when special conditions warrant or to provide parking space in areas of intensive use.

(5) Service roads, marginal access roads, or frontage roads may have lesser roadway width granted by variance if: (1) no section of the new right-of-way is less than fifty (50) feet in width; and (2) does not exceed eight hundred (800) feet in length; and (3) does not serve more than four (4) residential lots.

(6) When a subdivision or final plat adjoins a major thoroughfare, no lot shall have direct access thereto. Said lots shall be provided with frontage or marginal access road as required by the responsible Highway Engineer.

(7) Road intersections shall be as nearly at right angles as is possible and no intersection shall be at an angle of less than seventy (70) degrees.

(8) A proposed road name which is in alignment with and joins an existing and named road shall bear the name of the existing road.

(9) Alleys or other suitable off-street loading and unloading space shall be provided to the rear or side of all lots to be used for commercial or industrial use.

(10) Where a deflection angle of more than two (2) degrees in the alignment of a street occurs a horizontal curve shall be incorporated into the alignment. Curves shall have a minimum design speed of fifty-five (55) miles per hour for thoroughfares and thirty (30) miles per hour for all other roads.

(11) Street gradients shall not exceed six (6) percent on thoroughfares, eight (8) percent on collector streets, or ten (10) percent on other streets. Vertical curves shall be provided at changes in gradient to maintain the same design speeds required for horizontal curves.

(12) Roads and streets shall have a transverse slope of approximately two (2) percent away from the centerline except on super-elevated curves.

(13) Major thoroughfares in all areas and all streets in commercial and industrial zones shall be designed for nine (9) ton axle loads. All other streets shall be a minimum seven (7) ton design. For strictly residential streets, the City Engineer may approve a five (5) ton design. All street designs shall include bituminous or concrete pavement. Bituminous pavement shall be completed using the current Minnesota Department of Transportation flexible pavement design procedure or a similar procedure approved by the City Engineer. Concrete pavement design procedures shall be as approved by the City Engineer.

ii. Rural Roadway Design Standards

(1) Road driving surfaces shall provide for a future pavement width of twenty-six (26) feet plus three (3) foot shoulders on each side.

(2) Shoulder slopes and backslopes shall be three to one (3:1) or flatter. Ditch bottoms shall be four (4) feet wide.

(3) There shall be a minimum two and one-half (2.5) foot separation from road shoulder to ditch bottom except that this requirement may be relaxed on super-elevated curves.

iii. Urban Roadway Design Standards

(1) Except for alleys, concrete curb and gutter shall be provided.

(2) Street width shall accommodate the following lane widths:

	Travel Lane	Parking Lane
Thoroughfares	12	10
Minor Roads	11	8
Other Roads	10	8
Alleys	8	NA

g. Storm Water Management Plan developed by a Registered Professional Engineer.

i. Surface water drainage shall be provided by storm sewers and/or drainage courses adequate to drain surface water from the subdivision and protect roadway surfaces. Storm water drainage facilities shall be designed to provide positive drainage away from on-site sewage treatment systems and water supply wells. In designing storm water drainage facilities, special consideration shall be given to protect against erosion, siltation of surface waters, and excess runoff directed to adjacent properties.

ii. Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet to maintain or replace the natural watercourse.

h. Sewage collection and disposal.

i. When a subdivision is located within one thousand (1,000) feet of a City sewer line, the subdivision design may include, upon the recommendation of the City Engineer, sanitary sewer lines that are accessible to all lots and tracts in the subdivision. The sewer line shall be designed and constructed in accordance with the requirements for design and construction of public sewer lines established by the City.

ii. Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewage be permitted in storm water sewers.

iii. When a subdivision is located more than one thousand (1,000) feet from a City sewer line, provisions must be made for sanitary sewage collection and treatment facilities. This may include individual on-site sewage treatment systems or some form of acceptable community collection and treatment system serving all lots within the subdivision.

i. Utilities

Except where alleys are provided, utility easements not less than five (5) feet in width along lot lines and ten (10) feet along ROWs or twenty (20) feet across lots or centered on rear or side lot lines shall be provided for use in constructing and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, water mains, electrical lines and other public utilities reasonably required. Such easements shall be placed along rear lot lines whenever possible.

j. Access to solar energy

The subdivision shall be designed to give appropriate consideration to protecting and assuring access to direct sunlight for solar energy systems to all lots in the subdivision.

k. Controlled access or recreational lots.

Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the minimum lot standards established in section 10.083 E.3 of this ordinance and shall not contain a dwelling.

l. Flood plain.

i. In the general flood plain district applicants shall provide the information required in section 10.084 F of this ordinance to determine the one hundred (100) year flood elevation, the floodway and flood fringe district boundaries and the Regulatory Flood Protection Elevation for the subdivision site. For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

ii. Lots in a subdivision, any part of which is in a flood plain, shall contain a building site at or above the Regulatory Flood Protection Elevation.

iii. Any part of public utilities and facilities such as gas, electrical and water supply systems in a subdivision, which is in a flood plain, shall be flood proofed in accordance with this ordinance or elevated above the Regulatory Flood Protection Elevation. In addition, such subdivisions shall have road access to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation.

iv. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one

hundred (100) year elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure and multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of the special flood hazard designation will be requested.

m. Discretionary requirements.

The City Council shall have the authority to require that additional design features be added to the subdivision plat in order to comply with the purpose and intent of the comprehensive plan and this ordinance.

[402] Published 1-22-97 section 10.2300 change “Mobile Home Parks” to “Manufactured Home Parks”.

[403] Published 1-22-97 section 10.2300 A. change “mobile home parks” to “manufactured home parks”.

[404] Published 1-22-97 section 10.2300 B. change “Mobile home parks” to “Manufactured home parks”.

[405] Published 1-22-97 section 10.2300 D. change “mobile home park” to “manufactured home park”.

[406] Published 7-18-99 section 10.2300 D. 2. After “and car port or garage” add “(for homes manufactured after July 1, 1972 the porch, carport or garage or any addition to the home – plans are required to be submitted to the Minnesota Building Codes Division (M.B.C.D.) for plan review and approval prior to construction as per MN statutes 327.33 Subdivision 5)” and after “and storage shed” add “[the Uniform Building Code 106.2 (1) exempts accesory structures up to 120 sq. ft.]”.

[407] Published 1-22-97 section 10.2300 D. 5. change “Mobile home park” to “Manufactured home park”.

[408] Published 7-18-99 section 10.2300 D. 5. after “of this section” add “[see MN statute 327.20 Subdivision 1 (3) separation distances between structures and parking]”.

[409] Published 1-22-97 section 10.2300 D. 7.change “mobile home park” to “manufactured home park”.

[410] Published 1-22-97 section 10.2300 E. change “mobile home park” to “manufactured home park”.

[411] Published 1-22-97 section 10.2300 E. 1. change “mobile home park” to “manufactured home park”.

[412] Published 1-22-97 section 10.2300 E. 2. change “mobile home park” to “manufactured home park”.

[413] Published 7-18-99 section 10.2300 E. 2. after “manufactured home park” add “[as per MN statutes 327.20 Subdivision 1. (6, 7, and 8) and MN statutes 327.205]”.

[414] Published 7-18-99 section 10.2300 E. 3. after “meeting the” add “Federal Construction Standards and”.

[415] Published 7-18-99 section 10.2300 E. 4. after “complements of the manufactured home.” add “The area skirted shall have 1 sq. ft. of free air venting for every 150 sq. ft. of floor space.”.

[416] Published 7-18-99 section 10.2300 E. 4. after “home to the ground” add “Skirting material shall be resistant to decay.”.

[417] Published 1-22-97 section 10.2300 E. 5. change “mobile home park” to “manufactured home park”.

[418] Published 7-18-99 section 10.2300 E. 5. after “units per acre.” add “Excludes (as per MN statute 462.357 Subdivision 1a) any manufactured home park constructed before January 1, 1995, if when constructed it, complied with the then existing density requirements).”.

[419] Published 7-18-99 section 10.2300 E. 7. after “home setbacks” add “[as per MN statutes 327.20 Subdivision 1 (3)]”.

[420] Published 7-18-99 section 10.2300 E. 7. add paragraph “a.”

[421] Published 7-18-99 section 10.2300 E. 7. b. before “Each manufactured home” add new sentence.

[422] Published 7-18-99 section 10.2300 E. 7. b. replace “ten (10)” with “fifteen (15)” and replace “on the entry side of the manufactured home twenty (20) feet; side yard opposite the entry – five (5) feet or” with “- fifteen (15) feet;” and delete last sentence “Manufactured homes shall not be closer than fifteen (15) feet at side yards.”.

[423] Published 1-22-97 section 10.2300 E. 10. a. change “mobile home park” to “manufactured home park”.

[424] Published 1-22-97 section 10.2300 E. 10. b. change “mobile home park” to “manufactured home park”.

[425] Published 6-22-97 section 10.2300 E. 11. replace “No satellite dishes on individual manufactured home lots” with “Satellite dishes of three (3) feet in diameter or less which are attached to individual manufactured homes”.

[426] Published 1-22-97 section 10.2300 E. 12. change “mobile home park” to “manufactured home park”.

[427] Published 1-22-97 section 10.2300 H. change “mobile home park” to “manufactured home park”.