

**CITY OF TAYLORS FALLS ZONING ORDINANCE**

**CHAPTER ONE**

**ADMINISTRATION**

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**CITY OF TAYLORS FALLS ZONING ORDINANCE**

**CHAPTER ONE**

**ADMINISTRATION**

**SECTION 1000.001 INTENT AND PURPOSE**

**Subd. 1 Purpose**

This Zoning Ordinance is adopted for the following purposes:

- A. To implement the vision and policies established in the Comprehensive Plan.
- B. To stage development and redevelopment to coincide with the availability of necessary public services.
- C. To divide the City into zoning districts that reflects concepts in the Comprehensive Plan.
- D. To define the allowable uses in zoning districts within the City.
- E. To regulate the location, construction, reconstruction, alteration, and use of structures and land within the City.
- F. To provide for the compatibility of different land uses and the most appropriate use of land throughout the City.
- G. To regulate uses or development in Shoreland, Floodplain, St. Croix Scenic Riverway, and Heritage Preservation areas by creating overlay districts with additional regulations applicable to land and structures located within those districts.
- H. To conserve and protect natural resources and maintain a high standard of environmental quality.
- I. To regulate the placement of structures in flood prone areas.
- J. To regulate alterations of natural vegetation and topography.
- K. To provide a variety in housing.
- L. To preserve and protect the rural character, natural landscape, and natural and scenic beauty of the City.
- M. To limit congestion on public roads and to foster public safety and convenience in travel and transportation.
- N. To provide protection against fire, explosions, noxious fumes, and other hazards in the interest of public health, safety, and comfort.
- O. To prevent environmental pollution and to protect surface and groundwater from contamination.

- P. To preserve the value of land and value of structures throughout the City.
- Q. To provide for the wise use and conservation of energy resources.
- R. To provide for the gradual and equitable elimination of those uses of land and structures, which do not conform to the standards for the area in which they are located.
- S. To provide for the orderly development of land through subdivision regulation.
- T. To protect areas needed for future public use from further development consistent with the goals of the Comprehensive Plan and public use goals of the Taylors Falls Master Parks and Trails Plan through Official Maps or other official controls.
- U. To protect the viewshed of the St. Croix Valley by protecting wooded appearance of the steep slopes that face the St. Croix River and to implement the policies Comprehensive Plan envisions for protection of the St. Croix River.
- V. To provide for the enforcement of this Zoning Ordinance and to define and limit the powers and duties of City Staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to the Zoning Ordinance.

**Subd. 2** **Repeal.** Chapter 10 Zoning Ordinance as amended dated June 9, 2001 and Chapter 11 Subdivision Ordinance as amended dated August 13, 2001 are hereby repealed in their entirety.

## **SECTION 1000.002 DEFINITIONS**

For the purpose of this Zoning Ordinance, certain words and phrases are defined as follows

- Subd. 1** **Accessory Apartment.** A secondary dwelling unit within an existing owner-occupied single-family dwelling unit for use as a complete independent living facility.
- Subd. 2** **Accessory Building or Structure.** A subordinate building or structure located on the same lot which the main building is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building. For the purposes of the development regulations, carports shall be considered an accessory building.
- Subd. 3** **Accessory Use.** A use incidental or subordinate to the principal use of the same land.
- Subd. 4** **Accessory Utility Buildings, Structures for Wireless Communication Facilities.** A building or cabinet-like structure located adjacent to or in the immediate vicinity of a commercial wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging, and paging services.
- Subd. 5** **Agricultural-Business, Seasonal.** A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined offering for sale to the general public, produce, or any derivative thereof, grown or raised on the property.
- Subd. 6** **Agriculture Building.** A building or structure used for agricultural use.

- Subd. 7** **Agricultural Use.** Those uses commonly associated with the growing and storage of produce and raising of livestock on farms. These uses include: field crop farming; pasture; the production of hay, fruit, trees, plants, shrubs or flower nursery without buildings; truck gardening; roadside produce stands in season; and livestock raising and feeding.
- Subd. 8** **Alley.** A public right-of-way which affords a secondary means of access to abutting property and which is not intended for general traffic circulation.
- Subd. 9** **Alteration.** To change or make different; to remodel or modify.
- Subd. 10** **Animal Unit.** A unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer. Animal unit is defined by Minnesota R. 7020.0300.
- Subd. 11** **Animals, Domestic Farm.** Cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food producing purposes.
- Subd. 12** **Animals, Domestic Pets.** Dogs, cats, birds, and similar animals commonly kept in a residence.
- Subd. 13** **Antenna.** That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fibre, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communications Commission.
- Subd. 14** **Antenna Array.** One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod or whip), directional antenna (panel), and parabolic antenna (disc or dish).
- Subd. 15** **Apartment.** A room or suite of rooms with cooking facilities designed to be occupied as a residency by a single family.
- Subd. 16** **Applicant.** The owner of the land proposed to be subdivided or his representative.
- Subd. 17** **Area, Net Developable.** Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than twenty-four (24%), unbuildable easements or rights-of-way, and required building setbacks.
- Subd. 18** **Attorney.** The City Attorney.
- Subd. 19** **Automotive Dealership.** An automotive dealership is any place where automobiles are sold to the general public. Business activities accessory to this retail use include motor vehicle repair, fuel dispensing, and the rental of vehicles.
- Subd. 20** **Automobile Wrecking or Junk Yard, Salvage Operations.** Any place where five (5) or more vehicles not in running condition and/or not licensed, or parts thereof are stored in the open; or any land, building or structure used for commercial wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles, merchandise, or structures.
- Subd. 21** **Basement.** The portion of a building located partially underground, having more than one-half (1/2) its floor to ceiling height below the average land grade.

- Subd. 22** **Bed and Breakfast Inn.** An owner-occupied dwelling, having no more than four (4) guest rooms for short term lodging and where meals are provided for guests for compensation.
- Subd. 23** **Block.** An area of land within a subdivision which is entirely bounded by streets, railroad right-of-way, waterway, or exterior boundary or boundaries of the subdivision, or a combination of the above.
- Subd. 24** **Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than twenty-four percent (24% (over a distance of one hundred (100') feet or more shall not be considered part of the bluff):
- A. Part or all of the feature is located in a shoreline area;
  - B. The slope rises at least twenty-five feet (25') above the ordinary high water level of the waterbody;
  - C. The grade of the slope from the toe of the bluff to a point twenty-five feet (25') or more above the ordinary high water level averages thirty percent (30%) or greater;
  - D. The slope must drain toward the waterbody.
- Subd. 24** **Bluff Impact Zone.** The bluff and land located within twenty feet (20') from the top of a bluff.
- Subd. 25** **Bluffline.** A line along the top of a slope connecting the points at which the slope becomes less than twenty-four percent (24%). This applies to those slopes within the land use district which are beyond the setback provision from the ordinary high water level.
- Subd. 26** **Boulevard.** The portion of the street right-of-way between the curb line and the property line of abutting properties which may contain within its boundaries a sidewalk.
- Subd. 27** **Buildable Land.** Land with a slope twenty-four percent (24%) or less measured over a distance of one hundred feet (100') measured horizontally, and outside of any required setbacks, and above any floodway, drainageway, or drainage easement.
- Subd. 28** **Building.** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal, or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.
- Subd. 29** **Building Height.** 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.
- Subd. 30** **Building Official.** The designated authority charged with the administration and enforcement of the State Building Code.
- Subd. 31** **Building Permit.** A permit required from the City before any site work, construction or alteration to structures can be started.
- Subd. 32** **Building Setback Line.** A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line or a high water mark or line, behind which buildings or structures must be placed.
- Subd. 33** **Building Setback.** The minimum horizontal distance between the building and the lot line.

- Subd. 34** **Business.** Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- Subd. 35** **Campground.** An area containing campsites or camping spurs for tent and trailer camping.
- Subd. 36** **Car Wash.** A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.
- Subd. 37** **Cemetery.** Land used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.
- Subd. 38** **Certificate of Occupancy.** A certificate issued by the Building Official authorizing the use or occupancy of a building or structure.
- Subd. 39** **Certificate of Survey.** A graphic representation of the boundary survey of a parcel of real property along with the description of the land and the signed certification of a land survey registered in the State of Minnesota.
- Subd. 40** **Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- Subd. 41** **City.** The City of Taylors Falls.
- Subd. 42** **City Council or Council.** The governing body of the City of Taylors Falls.
- Subd. 43** **City Engineer or Engineer.** A consulting or professional engineer designated or employed by the City.
- Subd. 44** **City Planner or Planner.** A consulting planner designated or planner employed by the City.
- Subd. 45** **Clear cutting.** The removal of an entire stand of vegetation.
- Subd. 46** **Club or Lodge.** A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing there is adequate dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state, and local laws.
- Subd. 47** **Co-location/Site Sharing.** Use of a common WCF or common site by two or more wireless license holders or by one wireless license for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.
- Subd. 48** **Commercial Food Producing Farm Operations.** See “Farm” definition.
- Subd. 49** **Commercial Recreation.** All uses such as bowling alley, cart track, golf course, golf driving ranges, miniature golf, pool hall, vehicle racing or amusement, dance hall, skating, swimming, tavern, movie/theater, hunting preserves, boat rental, amusement rides, campgrounds, deer park, tennis, racquetball clubs, and similar uses for which fees are charged for admission or use of the facility, not to include firearms range, gun clubs.

- Subd. 50** **Commercial Uses.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- Subd. 51** **Commercial Wireless Telecommunication Services.** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
- Subd. 52** **Commission or Planning Commission.** The officially created advisory planning commission of the City of Taylors Falls.
- Subd. 53** **Commissioner.** The Commissioner of the Department of Natural Resources.
- Subd. 54** **Common Open Space.** Land held in common ownership used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes, preserving scenic views or other public benefit purposes.
- Subd. 55** **Community Garden.** Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs, and grasses for the residents' use or to be sold directly to consumers through membership in the garden.
- Subd. 56** **Community Residence.** A facility licensed by the State of Minnesota that provides residential and habilitative services to persons with developmental disabilities. One density unit is attributed to this residence when calculating density.
- Subd. 57** **Comprehensive Plan.** The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities, including recommendations for plan execution which constitute the guide for the future development of the City.
- Subd. 58** **Condominium.** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building.
- Subd. 59** **Conservation Use.** Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, floodplain, native prairie, wildlife corridors, shorelands, steep slopes, and their accessory uses such as interpretive centers and management facilities.
- Subd. 60** **Contiguous.** Parcels of land that share a common lot line or boundary. Parcels that are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of this Zoning Ordinance.
- Subd. 61** **Contour Interval.** The vertical height between contour lines.
- Subd. 62** **Contour Map.** A map on which irregularities of land surface are shown by lines connecting points of equal elevations.
- Subd. 63** **County.** Chisago County, Minnesota

- Subd. 64** **Crosswalk or Pedestrian Way.** A public right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties, and which may be used for the installation of utilities.
- Subd. 65** **Cul-De-Sac.** A street with only one outlet; a dead end street; measured from the point where there is no secondary access.
- Subd. 66** **Cultural Resource.** The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Taylors Falls, Chisago County, and its people.
- Subd. 67** **Decibel.** The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the "Standards on Sound Level Meters of the USA Standards Institute".
- Subd. 68** **Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point elevated above ground.
- Subd. 69** **Deflection Point.** The angle between a line and the prolongation of the preceding line.
- Subd. 70** **Density.** The number of dwelling units permitted per acre of land.
- Subd. 71** **Depth of Rear Yard.** The horizontal distance between the rear building and the rear lot line.
- Subd. 72** **Design Standards.** The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements, and lots.
- Subd. 73** **Developer.** The owner of land proposed to be subdivided or his representative.
- Subd. 74** **Developer's Agreement.** A document prepared by the City and approved by the City which addresses conditions of plat approval, right to proceed with development of the plat, phased development, public and private improvements, erosion control, ownership of improvements, assessment of costs, security, dedication of land for park or public use or cash contribution in lieu thereof, dedication for ponding, warranty for improvements, responsibility for costs, developer's default, and any other topics deemed appropriate by the City. The document shall be in a form that can be recorded at the Chisago County Recorder's Office.
- Subd. 75** **Development.** The act of subdividing land, building structures and installing site improvements.
- Subd. 76** **District.** A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted herein.
- Subd. 77** **Dredging.** The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.
- Subd. 78** **Drive-In.** Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

- Subd. 79** **Driveway Access Permit.** A permit required from the responsible governmental agency that allows access onto a public road. Such permit must be acquired prior to the issuance of a building permit.
- Subd. 80** **Dwelling.** A building or one (1) or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes, boarding houses. (Also see Dwelling Unit.)
- Subd. 81** **Dwelling, Duplex or Two Family.** A residential building containing two (2) complete dwelling units.
- Subd. 82** **Dwelling, Multiple Family.** A residential building or portion of a building, containing two (2) or more dwelling units.
- Subd. 83** **Dwelling, Seasonal.** A residential building not capable of year-round occupancy due to non-winterized construction or inadequate non-conforming year-round on-site sewage treatment systems.
- Subd. 84** **Dwelling, Single.** A residential building containing one (1) detached dwelling unit.
- Subd. 85** **Dwelling Unit.** A residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used or intended for use exclusively as living quarters for one (1) family.
- Subd. 86** **Earth Sheltered Buildings.** Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth. Partially completed buildings shall not be considered earth sheltered.
- Subd. 87** **Easement.** A grant by a property owner for the use of land for the purpose of constructing and maintaining public rights-of-way, roads and utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, gas lines, and cable television lines, fiber optic lines, and electronic communication facilities.
- Subd. 88** **Engineer.** A qualified professional engineer registered with the State of Minnesota.
- Subd. 89** **Environmental Assessment Worksheet or Environmental Impact Statement.** That document that may be required under Minnesota Statute Chapter 116C. and D. See Chapter One, Section 9.
- Subd. 90** **Equestrian Uses.** Those uses commonly associated with the raising, maintaining, and training of horses for riding, racing or breeding.
- Subd. 91** **Essential Services.** Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings. For the purpose of this Ordinance, commercial wireless telecommunication service facilities shall not be considered essential services and are defined separately.
- Subd. 92** **Essential Services - Governmental Uses, Buildings and Storage.** An area of land or structures used for public purposes, storage, or maintenance and which is owned or leased by a governmental unit.
- Subd. 93** **Essential Services - Utility Substation.** A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size, long distance transmission lines to small retail quantities in neighborhood distribution system. These uses include

electric substations, telephone switching, and relay facilities, water and sewage pumps and lift stations. Business offices associated with these uses are not included as part of this definition.

- Subd. 94** **Exterior Storage.** The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.
- Subd. 95** **FAA.** The Federal Aviation Administration.
- Subd. 96** **FCC.** The Federal Communications Commission.
- Subd. 97** **Family.** An individual or two or more persons related by blood or marriage or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit.
- Subd. 98** **Farm.** A tract of land which is principally used for commercial agriculture, all of which is owned and/or operated by a single family, farm corporation, individual or corporation.
- Subd. 99** **Feedlot.** A lot or building or combination of lots and buildings intended for the confined breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where concentration of animals is such that a vegetative cover cannot be maintained within the enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.
- Subd. 100** **Fence.** A partition, structure, wall, or gate erected as a dividing marker, visual or physical barrier, or enclosure.
- Subd. 101** **Fill.** Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed, or transported and shall include the conditions resulting there from.
- Subd. 102** **Fixed in Place.** A swimming pool structure is considered “fixed in place” if any of the following conditions exists:
- A. The pool itself, or support posts, beams, or other items supporting the pool basin are sunk into the ground;
  - B. Support posts, beams, or other items supporting the pool basin are attached to a building;
  - C. External, rigid plumbing is used to supply water to the pool and/or drain the pool basin;
  - D. A pool of any structural type is left standing on the property for one hundred and eighty (180) consecutive days.
- Subd. 103** **Flag Lot.** A lot with access provided to the bulk of the lot by means of a narrow corridor.
- Subd. 104** **Floodplain.** The beds proper and the areas adjoining a wetland, lake, or watercourse that has been or hereafter may be covered by a regional flood.
- Subd. 105** **Floor Area.** The gross area of the main floor of a residential building measured in square feet and not an attached garage, breezeway, or similar attachment.
- Subd. 106** **Floor Area, Gross.** The sum or the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included unless such area constitutes a story.

- Subd. 107 Floor Plan, General.** A graphic representation of the anticipated use of the floor area within a building or structure.
- Subd. 108 Foot-candle.** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- Subd. 109 Forestry.** The use and management including logging of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration, or maintenance of woodroads, skidroads, landings, and fences.
- Subd. 110 Frontage.** That boundary of a lot that abuts a public street or private road.
- Subd. 111 Funeral Home.** A building or part thereof used for funeral services. Such buildings may contain space and facilities for a) embalming and the performance of other services used in preparation of the dead for burial; b) the storage of caskets, urns, and other related funeral supplies; and c) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall NOT include facilities for cremation.
- Subd. 112 Garage, Private.** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families residing upon the premises, and in which no business service or industry is carried on; provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.
- Subd. 113 Ghost Plat.** An overlay conceptual sketch that describes in detail how a parcel could be redeveloped or further subdivided in the future at a greater density than is currently permitted.
- Subd. 114 Golf Course.** An area of land laid out for golf with a minimum series of 9 holes each including a tee, fairway, and putting green and often one or more natural or artificial hazards.
- Subd. 115 Governing Body.** The Taylors Falls City Council.
- Subd. 116 Grade, Percentage Of.** The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the centerline of the street.
- Subd. 117 Grazable Acres.** Open, non-wetland, non-treed acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at the density required in the Ordinance.
- Subd. 118 Hardship – Undue.** 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 his property not created by the landowner.
- Subd. 119 Hazardous Material.** Hazardous material means a chemical or substance, or a mixture of chemicals or substances, which:
- A. Is regulated by the federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or
  - B. Is either toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise,

according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

- Subd. 120 Health/Recreation Facility.** An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.
- Subd. 121 Height, Tower.** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- Subd. 122 High Power Transmission Line.** A 69 KV or greater electric transmission line with towers a minimum of 75 feet in height.
- Subd. 123 Home Occupation.** Any occupation or profession carried on by a member(s) of the family residing on the premises, provided that the use is clearly incidental and secondary to the main use of the premises for dwelling purposes and does not change the character thereof.
- Subd. 124 Homeowners Association.** A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.
- Subd. 125 Horse Training Facility, Commercial.** An accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show, and training.
- Subd. 126 Horse Training Facility, Private.** An accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.
- Subd. 127 Individual Sewage Disposal System.** A sewage treatment system, or part thereof, serving a dwelling or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal.
- Subd. 128 Industrial Use.** Any use of land or buildings where the manufacturing, commercial salvaging, commercial recycling, storage, or warehousing of goods, products, commodities, or materials occur.
- Subd. 129 Intensive Vegetative Clearing.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- Subd. 130 Inoperative.** Incapable of movement under its own power.
- Subd. 131 Land Alteration.** The reclaiming of land by depositing or moving material so as to alter the grade or topography.
- Subd. 132 Land Clearing.** The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period.
- Subd. 133 Landscaping.** Planting trees, shrubs, and turf covers such as grasses and shrubs.
- Subd. 134 Light Manufacturing.** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Such uses include, but are not

limited to, the following: lumber yard, machine shops, products assembly, sheet metal shops, plastics, electronics, motor vehicle repair, body work and painting, contractor shops and storage yards, food and nonalcoholic beverages, signs and displays, printing, clothing, textiles, and used auto parts.

- Subd. 135** **Light Source.** A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
- Subd. 136** **Lighting, Outdoor.** Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on free standing poles.
- Subd. 137** **Livestock Operations.** A lot or structure or combination of lots and structures intended for the breeding, raising, or holding of eleven (11) or more animal units.
- Subd. 138** **Loading Space.** A space, accessible from a street, alley or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.
- Subd. 139** **Lot.** A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof, and to be occupied by one (1) principal building or use and its accessory buildings, together with such open spaces as are required under the provisions of this Zoning Ordinance, having not less than the minimum area required by this Zoning Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street or a proposed street approved by the City, or having not less than a thirty-three (33) foot easement for the purpose of access to a street or proposed street approved by the City.
- Subd. 140** **Lot Area.** The area of a horizontal plane within the lot lines.
- Subd. 141** **Lot, Buildable.** A lot that meets or exceeds all requirements of the City of Taylors Falls Zoning Ordinance without the necessity of variances.
- Subd. 142** **Lot, Corner.** A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.
- Subd. 143** **Lot Coverage.** That portion of a lot containing an artificial or natural surface through which water, air or roots cannot penetrate. This definition includes, but is not limited to, driveways, structures, patios, and decks.
- Subd. 144** **Lot Depth.** The mean horizontal distance between the street right-of-way boundary line and the opposite rear line of the lot measured in the general direction of the side lot lines.
- Subd. 145** **Lot, Double Frontage.** A lot having frontage on two parallel or approximately parallel streets
- Subd. 146** **Lot, Frontage.** The front of a lot shall be the length of the lot line abutting a public right-of-way.
- Subd. 147** **Lot Line.** A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

- Subd. 148 Lot Line, Rear.** That boundary of a lot that is opposite to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- Subd. 149 Lot Line, Side.** Any boundary of a lot that is not a front lot line or a rear lot line.
- Subd. 150 Lot of Record.** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Chisago County Recorder, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Chisago County Recorder at the time this Ordinance is adopted.
- Subd. 151 Lot, Through.** Any lot other than a corner lot that abuts more than 1 street. On a through lot, all property lines abutting the road right-of-way shall be considered the front lines.
- Subd. 152 Lot Width.** The mean horizontal distance between the side property lines of a lot.
- Subd. 153 Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- Subd. 154 Major Highway.** Those highways and/or roadways which are classified as Minor Arterials and County Collectors in the transportation element of the City of Taylors Falls Comprehensive Plan.
- Subd. 155 Manufacturing.** All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials.
- Subd. 156 Manufactured Home.** A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three-hundred-twenty (320) or more square feet, and which is built on a permanent 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 the Minnesota Statutes §327.31, Subd. 3. No manufactured dwelling shall be moved into the City that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes §327.31, Subd. 3.
- Subd. 157 Medical Uses.** Those uses concerned with the diagnosis, treatment and care of human beings. These include hospitals, dental services, medical services or clinics, nursing or convalescent home, orphan's home, rest home and sanitarium.
- Subd. 158 Metes and Bounds.** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot, or area by described lines or portions thereof.
- Subd. 159 Motor Vehicle Repair, Major.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting and upholstery; vehicle steam cleaning.
- Subd. 160 Motor Vehicle Repair, Minor.** Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under "Motor Vehicle Repair, Major".

- Subd. 161** **Motor Vehicle Service Station.** A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.
- Subd. 162** **Moving Permit.** A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.
- Subd. 163** **Natural Drainageway.** Depressions in the earth's surface, such as ravines, draws and hollows that have definable beds and banks capable or conducting surface water runoff from adjacent lands.
- Subd. 164** **Natural Resources.** The physical values of the land supplied by nature including, but not limited to, animal life, plant life, soil, rock, minerals, and water.
- Subd. 165** **Neighborhood.** An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference, where people live in close proximity to one another.
- Subd. 166** **Nominal Parcel.** A parcel not reduced by more than 10% of its lot area due to road right-of-way dedication.
- Subd. 167** **Nonresidential Subdivision.** A subdivision whose intended use is other than residential, such as commercial or industrial.
- Subd. 168** **Nonconforming Structure or Use.** Any legal use, structure or substandard 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.
- Subd. 169** **Noxious Matter.** Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical or mental health of human beings.
- Subd. 170** **Nursery, Day.** A use where care is provided for three (3) or more children under kindergarten age for periods of 4 hours or more per day for pay.
- Subd. 171** **Nursing Home.** A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder.
- Subd. 172** **Office Use.** Those commercial, government or service activities where goods are not produced sold or repaired. Such activities include, but are not limited to banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting, and similar uses.
- Subd. 173** **Office Structure.** A place for the conduct of commercial, service or government activities not involving the production, sales, or repair of goods.
- Subd. 174** **Official Control.** Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the City or County, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to

ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps and have been adopted by The City of Taylors Falls as the Zoning Ordinance.

- Subd. 175 Official Map.** A map adopted in accordance with the provisions of Minnesota State Statutes, §394.361.
- Subd. 176 Open Space.** Land for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes, preserving scenic views or other public benefit purposes.
- Subd. 177 Open Space Design Development.** A pattern of subdivision development that places residential dwelling units into compact groupings while providing a network of dedicated open space.
- Subd. 178 Ordinary high water level.** This term is defined by Minnesota Statute. §103G.005, Subd. 14.
- Subd. 179 Owner.** An individual, partnership, firm, association, syndicate, public or quasi-public corporation, private corporation, trust, other legal entity, or a combination of any of them having legal title to or having sufficient proprietary interest in the land sought to be subdivided to commence subdivision proceedings pursuant to these regulations. For purposes of public notice, definition will incorporate property owner of record.
- Subd. 180 Outlot.** A lot remnant or any parcel of land included in a plat that is not buildable at the time of platting, or is designated as an outlot on a plat in the City. Such outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and therefore not usable as a building site.
- Subd. 181 Overlay District.** A zoning district shown as an overlay on the zoning map.
- Subd. 182 Owner.** An individual, partnership, firm, association, syndicate, public or quasi-public corporation, private corporation, trust, or other legal entity, or a combination of any of them having legal title to or having sufficient proprietary interest in the land sought to be subdivided to commence subdivision proceedings pursuant to these regulations.
- Subd. 183 Parking Space.** An area of not less than nine (9) feet in width and eighteen (18) feet in length, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile which has adequate access to a public road and permitting satisfactory ingress and egress of an automobile.
- Subd. 184 Parks and Playgrounds.** Public land and open spaces in the City of Taylors Falls dedicated or reserved for recreation purposes.
- Subd. 185 Pedestrian Way.** A public right-of-way across or within a plat to be used by pedestrians or non-motorized vehicles.
- Subd. 186 Performance Standards.** The minimum development standards as adopted by the governing body and on file in the office of the Zoning Administrator.
- Subd. 187 Plant Community.** A grouping of plants with common environmental requirements living within the landscape, i.e., wetlands, grasslands, or boreal forests.

- Subd. 188 Plant Nursery.** A building or premises used primarily for the growing, wholesale and retail sales of trees, shrubs, flowers, other plants and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products that are used in the culture, display and decoration of lawns gardens and indoor plants.
- Subd. 189 Plant Nursery, Commercial.** A building or premises used primarily for the retail sale of trees, shrubs, flowers or other plants which may not have been grown or raised on the property.
- Subd. 190 Plat, Final.** A map or drawing indicating the subdivision or re-subdivision of land, intended in final form to be filed for record in the Chisago County Recorder's Office.
- Subd. 191 Plat, Preliminary.** Drawing or map of a proposed subdivision meeting the requirements of this Ordinance.
- Subd. 192 Principal Use.** The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.
- Subd. 193 Private Recreational Area.** A recreation use particularly oriented toward utilizing the outdoor character of an area including hiking and riding trails, interpretative areas and other passive forms of recreation and not open to the general public.
- Subd. 194 Private Street.** A street serving as vehicular access to more than two (2) parcels of land which is not dedicated to the public but is owned by one or more private parties.
- Subd. 195 Protective Covenant.** Contracts made between private parties concerning the manner in which land may be used, with the view to protecting and preserving the physical, social, and economic integrity of any given area.
- Subd. 196 Public Recreation Facility.** An outdoor recreation facility owned or operated by a non-profit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be a softball complex, soccer fields, etc.
- Subd. 197 Public Road.** For the purpose of this Ordinance, public roads shall include only those roads which are owned by the municipality, township, county, state, or federal government, and dedicated for public use.
- Subd. 198 Public Use.** Use of land for government, utility, public right-of-way or other purposes promoting the general health, safety and welfare of the public.
- Subd. 199 Public Utility.** Any person, firm, corporation, department or board fully authorized to furnish, and furnishing under political jurisdiction regulation to the public, electricity, gas, steam, communication services, telegraph services, transportation, or water.
- Subd. 200 Protected Waters.** Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes, Section 103G.201. 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 State of Minnesota shall be exempt from the provisions of these regulations.
- Subd. 201 Record Drawing.** A legible drawing certified to be true and accurate by a professional engineer registered in the State of Minnesota containing in place information including, but not limited to, size, location,

length, materials, depth, elevations, grade, thickness, structures, and beginning and termination points, pertaining to an improvement.

- Subd. 202 Recreation Use, Active.** A recreational outdoor use including structures conducive to the outdoor use, such uses include but are not limited to ball or play fields, tennis courts, golf courses and golf course driving ranges.
- Subd. 203 Recreation Use, Passive.** A recreation use particularly oriented to utilizing the outdoor character of an area for passive forms of recreation such as employee recreation areas, nature centers, conservancy, and interpretive centers.
- Subd. 204 Refuse.** Putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.
- Subd. 205 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 the average frequency in the magnitude of one-hundred (100) year recurrence interval. Regional flood is synonymous with the term “Base Flood” used in the Flood Insurance Study.
- Subd. 206 Registered Land Survey.** A drawing showing the legal description of a parcel of unplatted land, and the outside measurements of the parcel of land and of all tracts delineated therein, the direction of all lines of the tracts shown by angles or bearings or other relationships to the outside lines of the parcel, the location of monuments placed in the ground at appropriate corners, tracts lettered consecutively beginning with the letter "A", and of a scale not smaller than one inch equals two-hundred (200) feet. The drawing shall bear the certification of a land surveyor registered in the State of Minnesota.
- Subd. 207 Resource Inventory.** A survey of the land’s features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.
- Subd. 208 Restaurant.** A business establishment whose principal business is the preparing and selling of unpackaged food to the customer in a ready-to-consume state.
- Subd. 209 Retail Business.** Stores and shops selling personal services or goods over a counter.
- Subd. 210 Right-of-Way.** Land dedicated and publicly owned for use as a street, alley, or crosswalk.
- Subd. 211 Road, Approved Private.** A private road that has been approved by resolution of the City Council. Such resolution must specify the road, indicate the road is capable of supporting emergency vehicles and specify that provisions exist for the ongoing maintenance of the road.
- Subd. 212 Road, Public.** A road owned and maintained by a government jurisdiction.
- Subd. 213 Roadside Sales Stand.** A structure used only for the display and sale of products with no space for customers within the structure, on a seasonal basis.
- Subd. 214 Scenic Resources.** That part of the landscape that provides a picturesque view and may contain outstanding recreational, natural, historic, scientific, and manmade values.

- Subd. 215 Scenic Easement.** An interest in land, less than the fee title, which limits the use of the land for the purpose of protecting the scenic, recreational, or natural characteristics of wild, scenic, or recreational river areas.
- Subd. 216 Scenic River Land Use District.** Those lands designated by the Commissioner as the protected land corridor along those rivers or river segments which the Commissioner has designated as components of the Minnesota wild and scenic rivers system.
- Subd. 217 School.** A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary and other instruction including, but not limited to, child day care centers, kindergartens, elementary, junior high, high schools, and technical or college instruction. This definition includes public and private schools.
- Subd. 218 Screening.** Screening includes earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singularly, so as to block direct visual access to an object throughout the year.
- Subd. 219 Selective cutting.** The removal of single, scattered trees.
- Subd. 220 Self-Service Storage.** A structure or structures containing separate storage spaces of varying sizes that is leased or rented individually.
- Subd. 221 Septic Permit.** A permit required for the installation of any new or replacement on-site sewage disposal system.
- Subd. 222 Setback.** The minimum horizontal distance between a structure or sanitary facility and a road or highway right-of-way or property lot line, or between a structure or sanitary facility and the ordinary high water mark or bluffline.
- Subd. 223 Sewage treatment system.** Any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems, and drain fields.
- Subd. 224 Shopping Center.** Any grouping of two (2) or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.
- Subd. 225 Sign.** Any letters, words, symbols, poster, picture, device reading matter, or representation in the nature of a message, announcement, visual communication, or advertisement whether printed, painted, posted, affixed, constructed, or displayed for the purpose of information or communication. This definition includes sign structural supports, uprights, bracing and framework. The term sign shall specifically include architectural or graphic features, which are associated with a particular product, good, service, business, firm, corporation, or profession. Does not include state, municipal, national or religious flags, emblems or insignia displayed for official purposes.
- Subd. 226 Sign, Banner.** A temporary sign constructed of lightweight fabric or plastic (with or without a frame or backing) that is mounted to a pole or architectural support at one or more edges to advertise a product, business or service.
- Subd. 227 Sign, Flashing Lights.** Illuminated sign upon which artificial light is not kept constant in terms of intensity, placement, or color at all times.
- Subd. 228 Sign, Free Standing.** A stationary, self-supporting sign, which is not affixed to any building.

- Subd. 229 Sign, Illuminated.** Signs which are lighted by an artificial light source either directed upon it or directly attached to it.
- Subd. 230 Sign, Off Premise.** A sign which directs attention to the names of buildings, building management firms, businesses or products not conducted, sold or offered upon the property upon which the sign is located.
- Subd. 231 Sign, On Premise.** A sign which directs attention to the names of buildings, building management firms, businesses or products conducted, sold or offered upon the property upon which the sign is located.
- Subd. 232 Sign, Pennant.** A temporary sign constructed of lightweight fabric or plastic, which may or may not contain a printed message, and is designed to move in the wind to advertise a product, business or service.
- Subd. 233 Sign, Portable, Mobile.** A sign so designed as to be movable from one location to another and not permanently attached to the ground or to any immobile structure, not including signs attached or painted on vehicles used in the normal operations of the business.
- Subd. 234 Sign, Projecting.** Any sign affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at the angle to which it is mounted.
- Subd. 235 Sign, Roof Line.** Eave or parapet line of the street front facade.
- Subd. 236 Sign, Sidewalk, Sandwich Board, A-Boards, Menu.** A portable, generally two-sided, self-supporting sign commonly placed on the sidewalk during business hours.
- Subd. 237 Sign, Permanent.** A sign constructed of wood, metal, glass, rigid plastic or a fabric awning, which are affixed to an architectural or framework support, and designed for long term advertising display.
- Subd. 238 Sign, Temporary.** A sign that is erected or displayed for a limited period of time and not permanently mounted. Temporary signs include, but are not limited to banners, pennants, posters, and portable signs.
- Subd. 239 Sign, Window.** Any sign designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.
- Subd. 240 Sketch Plan.** A drawing preceding the preliminary plat which shows the proposed subdivision of property. The purpose of the plan is to assist the subdivider by reaching general agreement with the City concerning the form of the plat and objectives of this Ordinance.
- Subd. 241 Slope.** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- Subd. 242 Steep Slope.** A Slope of greater than twenty-four (24%) percent as measured over a distance of one-hundred (100) feet measured horizontally.
- Subd. 243 Street.** A public right-of-way that affords a primary means of access to abutting property.

- Subd. 244 Street, Collector.** A feeder street which provides connection primarily between arterial streets or arterial streets and minor streets. Collector streets include the principal access streets to a residential development, including, to a lesser degree, direct land access. A street which provides for the distribution of trips between arterials or between arterials and local streets, and for the collection of traffic from local streets and channeling it onto the arterial system.
- Subd. 245 Street, Cul-de-Sac.** A comparatively short minor street having one end open to traffic and the other end permanently terminated by a vehicular turn-around, for the safe and convenient reversal of traffic movement.
- Subd. 246 Street, Intermediate or Minor Arterial.** A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- Subd. 247 Street, Major, Arterial.** A street of considerable continuity, which is used primarily for larger volumes of through traffic between major traffic generation areas, is intended to provide for collection and distribution of traffic between highways, collector streets, and the rural arterial system, and hence regulation of direct access to property is critical.
- Subd. 248 Street, Marginal Access.** A minor street which is parallel and adjacent to a highway or an arterial street; and which provides access to abutting properties and protection from through traffic.
- Subd. 249 Street, Minor or Local.** A street which serves primarily as direct access to abutting properties, and is not intended to carry through traffic
- Subd. 250 Street Pavement.** The wearing or exposed surface of the roadway used by vehicular traffic.
- Subd. 251 Street, Rural Design.** A street without curb and gutter having either paved or gravel shoulders.
- Subd. 252 Street, Urban Design.** A street that incorporates either concrete or bituminous curb and gutter.
- Subd. 253 Street Width.** The shortest distance between lines of lots delineating the street right-of-way.
- Subd. 254 Structural Alteration.** Any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.
- Subd. 255 Structure.** Anything which is built, constructed or erected on the ground or attached to the ground; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including decks and signs.
- Subd. 256 Subdivider.** Any person, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to initiate and maintain proceedings pursuant to this Ordinance to effect a subdivision of land.
- Subd. 257 Subdivision.** The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof except those separations:

- A. Where all the resulting parcels, tracts, lots or interests will be ten (10) acres or larger in size and not less than 500 feet in width for residential uses and five (5) acres or larger in size and not less than 300 feet in width for commercial and industrial uses;
- B. Creating cemetery lots;
- C. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

**Subd. 258 Subdivision, Major.** All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of 4 or more lots, or any size subdivision requiring any new street or extension of an existing street.

**Subd. 259 Subdivision, Minor.** Any subdivision containing three (3) or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Zoning Ordinance, or other applicable regulations.

**Subd. 260 Support Structure.** A structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting tower, guy-wire support tower and other similar structures. Any attachment device which is used to attach a WCF to an existing building or attachment structure shall be excluded from the definition of and regulations applicable to support structure.

**Subd. 261 Swimming Pool.** Any structure intended for swimming or recreational bathing that is fixed-in-place and contains twenty-four (24) inches of water. This includes in-ground, aboveground and on-ground swimming pools, hot tubs, and spas.

**Subd. 262 Tangent.** A straight line which is perpendicular to the radius of a curve where a tangent meets a curve.

**Subd. 263 Tavern or Bar.** A building with facilities for the serving of beer, liquor, wine, set-ups, and short order foods.

**Subd. 264 Temporary Dwelling, During Construction.** A mobile home that temporarily serves as a residence for the present or potential occupant of the primary single-family residence being constructed, reconstructed or altered.

**Subd. 265 Tower.** Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna. Any structure that is designed and constructed primarily for the purpose of supporting one or more WCFs for telephone, radio and similar communication purposes, including self-supporting towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**Subd. 266 Tower Accessory Structure.** A structure located at the base of the tower housing base receiving/transmitting equipment.

**Subd. 267 Travel Trailer/RV Campground.** An area or premises operated as commercial enterprise on a seasonal basis and generally providing space for seasonal accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers, and tents.

- Subd. 268 Truck Stop.** A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities.
- Subd. 269 Use.** The function for which property can be used. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.
- Subd. 270 Use, Open Space.** The use of land without a structure or including a structure incidental to the open space use.
- Subd. 271 Use, Primary.** That use which is the normal use for property within a district. Primary uses do not require a certificate of compliance or a conditional use permit.
- Subd. 272 U.S.G.S Datum.** The United States Geodetic Survey Datum.
- Subd. 273 Vertical Curve.** The surface curvature on a street centerline located between lines of different percentage of grade.
- Subd. 274 Vegetation, Natural.** Plant life which is native to the location and which would normally grow if the ground were left undisturbed.
- Subd. 275 Vicinity Map.** A map drawn to comparatively small scale that shows the area proposed to be platted in relation to the City of Taylors Falls.
- Subd. 276 Warehousing.** The storage, packing and crating of materials or equipment within an enclosed building or structure.
- Subd. 277 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.
- Subd. 278 Wetland.** This term is defined by Minnesota Statute §103G.005
- Subd. 279 Wholesaling.** The selling of goods, equipment and materials by bulk to another person who in turn sells the same to customers.
- Subd. 280 Wireless Communications.** Wireless communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.
- Subd. 281 Wireless Communication Facility (WCF).** A WCF is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, accessory utility building or structure, and a support structure to achieve the necessary elevation.
- Subd. 282 Yard.** The open space on an occupied lot that is not covered by any structure.

- Subd. 283 Yard, Front.** A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.
- Subd. 284 Yard, Rear.** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
- Subd. 285 Yard, Side.** A yard between the side line of the lot and the nearest line of the building and extending from the front yard of the lot to the rear yard.
- Subd. 286 Yard Waste Facility.** Any site used for the composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste and pruning generated off site. Yard wastes generated on site and used on the same site are not included in this definition.
- Subd. 287 Yield Plan.** A subdivision plan drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with the City of Taylors Falls Zoning Ordinance.
- Subd. 288 Zoning Administrator.** A person appointed by the City Council to enforce the Zoning Ordinance.
- Subd. 289 Zoning Map.** The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning districts.
- Subd. 290 Zoning Ordinance.** The official controls adopted by The City of Taylors Falls regulating the physical development of land.

#### **SECTION 1000.003 RULES OF INTERPRETATION**

- Subd. 1** In the event of conflicting provisions within the Chapters of the City of Taylors Falls Zoning Ordinance, statute, resolution or regulation of any kind, the more restrictive provision shall apply.
- Subd. 2** The regulations herein governing zoning shall apply to all areas within the corporate limits of the City of Taylors Falls.
- Subd. 3** In the application of this Zoning Ordinance, the provisions shall be interpreted to be the minimum requirements necessary to accomplish the general and specific purposes of the Zoning Ordinance and Comprehensive Plan.
- Subd. 4** Properties that lie in an overlay district are subject to regulations for that overlay district as well as the regulations in the other Chapters of this Zoning Ordinance.
- Subd. 5** The words and phrases used in this Zoning Ordinance shall be construed as defined herein. If a word or phrase is not defined, it shall be given its plain, ordinary and usual meaning except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical definition.
- Subd. 6** Unless the context clearly requires otherwise, the use of past, present or future tense shall include the other tenses.

- Subd. 7** Whenever this Zoning Ordinance requires an act to be done and when such act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.
- Subd. 8** The rules of statutory construction established for the State of Minnesota by statute or case law shall apply in the construction of this Zoning Ordinance.
- Subd. 9** Nothing contained in this Zoning Ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure, or to carry on any trade, industry, occupation or activity.
- Subd. 10** Except as provided herein, the provisions of this Zoning Ordinance are cumulative and in addition to the provisions of other laws and ordinances, heretofore passed or which may be passed hereafter, governing the same subject matter as this Zoning Ordinance.
- Subd. 11** Nothing within this Ordinance shall be construed to deny any property owner the right to apply for a conditional use permit, variance, or amendment to this Ordinance.
- Subd. 12** Whenever in any zoning district a use is not specifically permitted, the use shall be considered prohibited. If a use prohibited in a district is desired, an interested party may propose an amendment of the Zoning Ordinance, or the City Council or Planning Commission may propose an amendment on its own initiative.

#### **SECTION 1000.004 COMPLIANCE**

- Subd. 1** Except as this chapter specifically provides:
- A. No structure shall be erected, moved, or altered unless in conformity with the regulations specified in this Zoning Ordinance.
  - B. No structure or land shall be used or occupied for any purpose or in any manner that is not in conformity with all the regulations contained in this Zoning Ordinance.

#### **SECTION 1000.005 ADMINISTRATOR**

- Subd. 1** The City Council shall appoint a Zoning Administrator, and may appoint other staff or consultants as appropriate to enforce this Zoning Ordinance and be responsible to:
- A. Issue permits required by this Zoning Ordinance.
  - B. Review all matters pertaining to applications and enforcement of this Zoning Ordinance.
  - C. Review all building permits issued for structures in the City to ensure compliance with the regulations contained in this Zoning Ordinance.
  - D. Conduct inspections of structures and use of land to determine compliance with the terms of this Zoning Ordinance.
  - E. Review all subdivisions created in the City.

- F. Maintain permanent and current records as required by this chapter, including but not limited to all maps, amendments, and conditional uses, variances, appeals, and applications therefore.
- G. Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- H. Notify in writing persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
- I. Institute, with the advice and consent of the City Attorney, in the name of the City, any appropriate legal actions or proceedings against a violator as provided for in this Zoning Ordinance.
- J. Recommend appropriate fees for applications, permits or other matters processed under this Zoning Ordinance.
- K. To collect fees, as set by resolution of the City Council, for all applications, permits or other matters covered under the provisions of this Zoning Ordinance.
- L. Issue stop work orders for violations of this Zoning Ordinance.

**Subd. 2 Zoning Permit Required.**

- A. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, placement, alteration, repair, enlargement, demolition, or removal of any building or structure with a fixed ground location, or part thereof, without first obtaining a zoning permit.
- B. Requests for a zoning permit shall be filed with the Zoning Administrator on an official application form. Each application for a permit shall be accompanied by a site plan drawn to scale showing the dimensions of the lot, size and location of all principal and accessory buildings and parking areas, and such additional information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable Zoning Ordinances.
- C. The Zoning Administrator may require a survey as part of the application when the property is undeveloped or when the location of property lines are in question.
- D. The Zoning Administrator shall approve the issuance of the zoning permit for conformance with zoning requirements only when the plans comply with this Ordinance and other applicable City Ordinances. If all requirements are met, the zoning permit will be issued by the Zoning Administrator.
- E. In certain cases the application may be referred to the Planning Commission, in accordance with the operating policies of the City.

**Subd. 3 Fees.**

- A. To defray administrative costs of processing of requests for conditional uses, interim uses, amendments, variances and appeals, a base fee per application shall be paid by all applicants, in accordance with the fee schedule attached to this Ordinance as Appendix A. Said application fees shall be non-refundable.
- B. A Cash Escrow Deposit. A Cash Escrow Deposit shall be made to the City at the time the application is filed in order to defray City expenses in connection with approval or disapproval of

said application. Applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's project.

1. "Materials" shall include, but not be limited to, maps, graphs, charts, drawings, etc., and all printing or reproduction of same.
2. "Staff and/or Consulting Time" shall include any time spent in either researching for, presenting information, or actual production of materials.
3. The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the Zoning Administrator prior to production of any materials and the applicant shall be given a reasonable estimate of project time and/or materials costs.

## **SECTION 1000.006 BOARD OF ADJUSTMENTS AND APPEALS**

**Subd. 1** **Creation and Membership.** A Board of Adjustments and Appeals is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes. The Board shall consist of all members of the City Council. The Zoning Administrator may act as Secretary of the Board. The Board of Adjustments and Appeals shall be chaired by the elected Mayor and in his absence elected Vice Mayor. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

The meetings of the Board of Adjustments and Appeals shall be held at the call of the Chair and at such other times as the Board in its rules of procedure may specify.

**Subd. 2** **Powers.** The Board of Adjustments and Appeals shall have power to grant a variance adjustment to any of the provisions of this Ordinance to the extent of the following and no further:

- A. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration; no variance or modification of the uses provided for within a district shall be allowed, except as otherwise provided in this Ordinance.
- B. To interpret zoning district boundaries on official zoning maps.
- C. To permit the extension of a zoning district where the boundary line thereof divides a lot in one (1) ownership at the time of the passage of this Chapter, but such extension of any district shall not exceed one hundred (100) feet.

The Board of Adjustment shall act upon all questions as they may arise in the administration of any Ordinance of official control, and it shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official charged with enforcing any provisions contained herein.

**Subd. 3** **Appeals.** Any aggrieved person, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance shall have the right to appeal to the Board of Adjustment.

**SECTION 1000.007 VARIANCES**

A variance is the modification or variation of the Zoning Regulations where it is determined that, by reason of exceptional circumstances, the strict enforcement of the Zoning Regulations would cause unnecessary hardship.

**Subd. 1** **Application for Variance.** Whenever this Zoning Ordinance requires a variance, an application on a form furnished by the City, shall be filed with the Zoning Administrator.

**Subd. 2** **Notice and Hearing Procedure.**

A. Requests for variances, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by the application fee as established in the fee schedule attached to this Ordinance as Appendix A. Said application fees shall be non-refundable.

B. The application shall be accompanied by a site plan of the proposed variance showing such information as may be necessary or desirable, including, but not limited to the following:

The names and addresses of the petitioner or petitioners, and their signatures to the petition.

1. A specific description of the area for which the variance is requested and addresses of all owners of property lying within 350' of such area, and a description of the property owned by each.

2. Proposed use of land for which variance is requested.

3. A statement of the compatibility of the proposed variance with the City Comprehensive Plan.

4. A legal description of the property for which the variance is requested.

5. A detailed map of the property showing the location of proposed buildings, and dimensional variances requested, and existing land uses and buildings of adjacent properties.

C. The Zoning Administrator shall determine if the application has been properly filed and is complete. If the application is incomplete, the Zoning Administrator shall send the applicant a letter within fifteen (15) business days of receiving the application stating what items are missing. Upon receiving a complete application, a Public Hearing before the Planning Commission shall then be scheduled to consider said application. Notice of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Written notice shall also be sent to all property owners of record within 350' of the affected property in incorporated areas and unincorporated areas. A copy of the notice and a list of the property owners and addresses and local governments to which the notices were sent shall be attested to by the Zoning Administrator and made part of official record. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this subdivision has been made.

D. The Planning Commission shall consider the request at the public hearing. The applicant or a representative thereof, shall appear before the Board of Adjustments and Appeals in order to answer questions concerning the requested variance.

- E. The Planning Commission and staff shall have the authority to request additional information from the applicant or to retain expert testimony, at the expense of the applicant, when said information is declared necessary.
- F. The Planning Commission shall make a finding of fact. Such findings shall be entered in and made a part of the written record of the Planning Commission meeting.
  - 1. Variances - In considering requests for variances, the Planning Commission shall make a finding of fact as to whether the request meets all of the following cases.
    - a. The proposed action will be in keeping with the spirit and intent of the Comprehensive Plan and Ordinance.
    - b. The property in question cannot be put to a reasonable use if used under conditions allowed by this Ordinance.
    - c. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
    - d. The variance, if granted, will not alter the essential character of the locality or adversely impact the environment.
    - e. The variance requested is the minimum variance which would alleviate the hardship.  
If the variance request meets all of the conditions of items (a) through (e) above, the variance may be granted. Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of the Ordinance. Access to direct sunlight in cases of solar energy systems shall constitute grounds for granting a variance. The Planning Commission may not permit as a variance any use which is not permitted within the zone where the property is located.
- G. "Hardship" as used in connection with the granting of a variance means:
  - a. The literal interpretation of the provisions of this Ordinance would cause undue hardship, deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance and leave the applicant with no reasonable use of his land. The hardship shall not have been created by the applicant.
  - b. The conditions causing the hardship are unique and are not shared by neighboring property in the same zone. Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the same zone and result from lot size or shape, topography, or other circumstances over which the owners of the property since enactment of this Ordinance had no control.
  - c. Economic conditions shall not constitute a hardship if a reasonable use for the property exists under the terms of the Zoning Ordinance.
- H. The Planning Commission shall make a finding of fact and recommend actions or conditions relating to the request to the City Council

Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:

1. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance.
2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records, or
3. Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.

Approval of a request shall require passage by a majority vote of the full City Council. The Zoning Administrator shall notify the applicant of the Council's action.

- H. The appeal shall be heard by the Board of Adjustment and Appeals no later than sixty (60) days after the date the appeal is filed. The Zoning Administrator shall notify the applicant of the action. The decisions of the Board of Adjustment and Appeals shall be final, subject to judicial review.
- I. A certified copy of every variance shall be filed with the County Recorder.
- J. No application for the same variance as ruled upon by the Board of Adjustment and Appeal shall be resubmitted for a period of twelve (12) months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request.
- K. Variances shall be granted for earth sheltered construction as defined in Minnesota Statute §216C.06, Subd. 2 when in harmony with the Official Controls.
- L. Where, in the opinion of the Planning Commission, a variance may result in a material adverse effect on the environment, the applicant may be requested to demonstrate the nature and extent of that effect.
- M. The Planning Commission may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest.
- N. The Board of Adjustments and Appeals may revoke a variance if any of the conditions established as part of granting the variance are violated.

**Subd. 3** Whenever within one (1) year after granting a variance the work as permitted by the variance has not been completed, then such variance shall expire unless a request for extension of time in which to complete the work has been granted by the Planning Commission. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance. There shall be no charge for the filing of such request. The written request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance. The extension may be granted for up to one (1) year. Such request shall be presented to the Planning Commission for a decision, and shall be requested only one time on a singular action.

**Subd. 4** The Board of Adjustments and Appeals shall have the authority to require a performance bond or other securities when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a variance the Board may require a surety bond, cash escrow certificate of deposit, securities or cash deposit prior to the issuing of land use permits or initiation of work on the proposed improvements or

development. Said security shall guarantee conformance and compliance with the conditions of the variance and the Ordinances of the City.

- B. The security may be in the amount of the Board’s estimated cost of labor and materials for the proposed improvements or development.
- C. The Board may hold the security until completion of the proposed improvements or development and a certificate indicating compliance with the variance and Ordinances of the Board has been issued by the Zoning Administrator.
- D. Failure to comply with the conditions of the variance and/or Ordinances of the Board may result in forfeiture of the security.

## **SECTION 1000.008 CONDITIONAL USES**

### **Subd. 1 Procedure.**

- A. Requests for conditional use permits, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by the application fee in accordance with the fee schedule attached to this Ordinance as Appendix A. Said application fees shall be non-refundable
- B. The application shall be accompanied by a site plan of the proposed use showing such information as may be necessary or desirable, including, but not limited to, the following:
  - 1. Site plan drawn to scale showing parcel and building dimensions.
  - 2. Location of all buildings and their square footage’s.
  - 3. Streets, curb cuts, driveways, access roads, parking spaces and off-street loading areas, and estimated traffic generation.
  - 4. Existing topography.
  - 5. Finished grading and drainage plan.
  - 6. Type of business or activity and proposed number of employees.
  - 7. Proposed floor plan of any building and use indicated.
  - 8. Sanitary sewer and water plan with estimated use per day and stormwater management plan.
  - 9. Proposed sidewalks and landscaping and lighting plans.
  - 10. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices and/or engineering to be used to overcome said limitation shall be made part of the permit application.
  - 11. A location map showing the general location of the proposed conditional use within the City.

12. A map showing all principal land use within 350 feet of the parcel for which application is being made.
  13. Any other information deemed necessary by the Zoning Administrator or Planning Commission.
- C. The Zoning Administrator shall determine if the application has been properly filed and is complete. If the application is incomplete, the Zoning Administrator shall send the applicant a letter within fifteen (15) business days of receiving the application stating what items are missing. Upon receiving a complete application, a Public Hearing before the Planning Commission shall then be scheduled to consider said application. Notice of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Written notice shall also be sent to all property. An individual notice shall be sent to all property owners of record within 350 feet of the affected property. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of official record. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this subdivision has been made.
  - D. The Planning Commission shall consider the request at the public hearing at which the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
  - E. The Planning Commission and City staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant if determined to be necessary in reviewing the request.
  - F. The Planning Commission shall consider possible effects of the proposed conditional use. Its judgment shall be based upon (but not limited to) the following general requirements and applicable specific requirements set forth as follows:
    1. General Requirements.
      - a. The Comprehensive Plan and development policies of the City.
      - b. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
      - c. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will not be deterrence to development of vacant land.
      - d. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
      - e. The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.
      - f. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
      - g. The use will not cause traffic hazard or congestion.

2. Specific Requirements. The conditional use application shall further comply with the minimum specific requirements “a” through “m” in which pertains to each designated conditional use as indicated below.

<u>CONDITIONAL USE</u>	<u>SPECIFIC REQUIREMENTS</u>
Commercial uses - retail, wholesale, service, light manufacturing, business	a,b,c,d,e,f,g,h,i,k,l
Light industrial uses	a,b,c,d,e,f,g,h,i,j,k,l
Recreational parks, campgrounds, facilities, kennels	a,b,c,d,e,f,g,h,i,j,k,l j
Churches, government buildings, licensed day-care, nursing homes, clinics, hospitals, bed & breakfast inns, boarding or lodging houses	a,b,c,d,e,f,g,i,j,k
Organized group camps, private club buildings	a,b,c,d,e,f,g,i,j,l
Residences, Apartments within commercial buildings	c,e,k,l,m
Cemeteries, parking lots,	a,b,c,d,g,i,j
Home occupations	a,b,c,d,f,g,h,i,j,k

**Specific Requirements:**

- a. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district.
- b. When abutting a residential use in a district permitting residences, the property shall be appropriately screened and landscaped.
- c. Where applicable, all City, County, State and Federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
- d. Signs shall not adversely impact adjacent or surrounding conforming uses.
- e. Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.
- f. The road serving the use or activity is of sufficient design to accommodate the proposed use or activity; and such use or activity shall not generate such traffic to create a nuisance

- or hazard to existing traffic or to surrounding land uses, or result in the need for excessive road improvements or maintenance.
- g. All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced to control dust.
  - h. All open and outdoor storage, sales and service areas shall be screened from view from abutting residential uses or districts.
  - i. All lighting shall be designed with shrouds or lenses to direct or diffuse light as to not have a glaring, direct source of light visible from adjacent residential areas or from the public streets.
  - j. The site shall be properly drained to control surface water runoff and prevent erosion.
  - k. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
  - l. Where structures combine residential and nonresidential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.
  - m. Apartments located in commercial buildings in the CD District shall not be constructed or altered so as to result in a change of the exterior dimensions or character of the building.
- G. The Planning Commission may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth in this section may include, but are not limited to the following:
- 1. Matters relating to the architecture or appearance.
  - 2. Establishing hours of operation.
  - 3. Increasing the required lot size or yard dimension.
  - 4. Limiting the height, size or location of buildings.
  - 5. Controlling the location and number of vehicle access points.
  - 6. Increasing the street width.
  - 7. Increasing the number of required off-street parking spaces.
  - 8. Limiting the number, size, location or lighting of signs.
  - 9. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - 10. Designating sites for open spaces.

- H. The Planning Commission shall make a finding of fact and recommend actions or conditions relating to the request to the City Council.

Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:

1. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance.
2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records, or
3. Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.

Approval of a request shall require passage by a majority vote of the full City Council. The Zoning Administrator shall notify the applicant of the Council's action.

- I. A certified copy of every Conditional Use Permit shall be filed by the Zoning Administrator with the County Recorder.
- J. The decision of the City Council shall be final, subject to judicial review.
- K. In the case of denial of the application, the applicant cannot reapply for the same project within six (6) months of the Council action.

**Subd. 2** **Expiration Of Conditional Use Permit By Non-Use.** Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit shall not have been completed, such permit shall expire unless an extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such a petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. The extension may be granted for up to one (1) year. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision and shall be requested only one time on a singular action. Upon expiration of a conditional use permit, the County Recorder shall be notified of the termination of the permit.

**Subd. 3** **Amended Conditional Use Permit.** Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

**Subd. 4** **Performance Bond.** The City Council shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a conditional use permit the Council may require a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the Ordinances of the City.

- B. The security may be in the amount of the City Council’s estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the Council.
- C. The Council may hold the security until completion of the proposed improvements or development and a certificate indicating compliance with the conditions and Ordinances of the City has been issued by the Zoning Administrator.
- D. Failure to comply with the conditions of the conditional use permit and/or Ordinances of the Council may result in forfeiture of the security.

**SECTION 1000.009 INTERIM USES**

**Subd. 1** An “interim use” is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permits it.

**Subd. 2** An interim use permit may be granted if the following conditions are met:

- 1. The use conforms to the zoning regulations.
- 2. The date or event that will terminate the use can be identified with certainty.
- 3. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- 4. The user agrees to any conditions that the governing body deems appropriate for permission of the use.
- 5. Any interim use may be terminated by a change in zoning regulations

**Subd. 3** **Procedure.** The procedure for considering an interim use permit application is the same procedure as for a Conditional Use Permit as set forth in Section 1000.008. of this Ordinance.

**SECTION 1000.010 APPEALS**

**Subd. 1** **Procedures.**

A. An appeal, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by the application fee in accordance with the fee schedule attached to this Ordinance as Appendix A. Said application fees shall be non-refundable

An appeal stays all proceedings in furtherance of the action appealed unless the Board of Adjustments and Appeals, to whom the appeal is taken, determines that by reason of the facts stated in the application, a stay would cause imminent peril to life or property.

B. The appeal shall be accompanied by information which may be necessary or desirable, including, but not limited to the following:

1. The particular order, requirement, decision or determination from which the appeal is taken.
  2. The name and address of the appellant.
  3. The grounds for the appeal.
  4. The relief requested by the appellant.
- C. The Zoning Administrator shall refer said appeal, along with all related information, to the Board of Adjustments and Appeals for consideration at its next meeting. The appellant and officer from whom the appeal is taken shall appear before the Board of Adjustments and Appeals in order to answer questions concerning the appeal.
- D. The Board of Adjustments and Appeals may reverse or affirm, wholly or partly; or may modify the order, requirement; decision or determination appealed and shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit or allow for an action. The reasons for the Board's decisions shall be stated in writing.
- E. All decisions by the Board of Adjustments and Appeals in hearing appeals from any administrative order, requirement, decision, or determination shall be final, subject to judicial review.

**Subd. 2** **Expiration Of Appeal By Non-Use.** Whenever within one (1) year after granting an appeal the work as permitted by the appeal shall not have been completed, then such appeal shall expire unless a petition for extension of time in which to complete the work has been granted by the Board of Adjustments and Appeals. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original appeal. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the appeal. Such petition shall be presented to the Board of Adjustments and Appeals for a decision, and shall be requested only one (1) time on a singular action.

## **SECTION 1000.011 OTHER PERMITS**

### **Subd. 1** **Building Permits.**

- A. No structure shall be erected, moved in or structurally altered until a zoning and or building permit has been issued by the Zoning Administrator, indicating that the existing or proposed structure and the use of the land comply with this Zoning Ordinance.
- B. No site preparation work, including rough grading, driveway construction, footing excavation, tree removal or other physical changes to the site shall occur prior to the issuance of a building and zoning permit.

### **Subd. 2** **Demolition Permits.**

- A. No dwelling unit may be demolished until the Zoning Administrator has issued a zoning permit.
- B. The City Public Works Department will review the application to ensure all utilities are properly disconnected.

C. The following standards shall apply when a dwelling unit is demolished:

1. All materials shall be removed from the site and not buried at the site. Materials shall be removed from the site within 30 days of demolition of a building.
2. If asbestos is present, state approved methods for removal shall be followed.
3. After the building is demolished, the site shall be returned to its original state.

**Subd. 3 Driveway Access Permits.**

A. Access drives onto City roads shall be reviewed and approved by the Zoning Administrator to ensure all setbacks are met and there is adequate sight distance.

**SECTION 1000.012 SITE PLAN REVIEW**

**Subd. 1** A site plan review is required for all commercial, industrial, multiple-family housing with three (3) or more dwelling units, or institutional development applications which shall be reviewed under the site plan approval process as set forth in this subsection. Site plan review will be coordinated with the review of applications for preliminary plats, rezoning, conditional use permits, and variances.

**Subd. 2** It shall be unlawful to do any of the following without first obtaining site plan approval:

- A. Construct a building;
- B. Move a building to any lot within the City;
- C. Expand or change the use of a building or lot or modify a building, accessory structure, or site or land feature in any manner which results in an increasing intensity of use, including the requirement for additional parking; and
- D. Take actions to prepare a lot for development, including grading, or removing or adding soils to a site.

**Subd. 3** Notwithstanding the above, site plan approval shall not be required for enlargement of a building by twenty-five percent (25%) or less of its gross floor area or changes in the leasable space of a multi-tenant building, provided no variances are required and the modifications do not significantly intensify use of the site. In these instances an administrative site plan review shall be performed and suitable documentation of such be placed in the property files maintained by the Zoning Administrator. The City may require nonconforming site improvements to be brought into conformance with this Ordinance.

**Subd. 4** Application for a site plan review shall be made to the Zoning Administrator on forms provided by the City and accompanied by the following:

- A. Evidence of ownership or an interest in the property;
- B. Evidence that there are no delinquent property taxes, special assessments, penalties, interest, and/or municipal utility fees due on the property;
- C. Accurate and current certificate of survey;

- D. Accurate legal description;
- E. Three full-size legible plans and reproducible print regarding the following aspects of the project (all submitted plans shall be signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional):
  - 1. Site plan with existing conditions;
  - 2. Site plan with proposed improvements;
  - 3. Site plan with proposed parking and parking lot improvements,
  - 4. Building elevations;
  - 5. Landscape plan;
  - 6. Tree protection plan;
  - 7. Grading plan;
  - 8. Drainage plan;
  - 9. Storm water management plan;
  - 10. Utility plan;
  - 11. Sediment and erosion control plan;
  - 12. Lighting plan;
  - 13. Screening plans for mechanical equipment and dumpsters;
  - 14. Signage plan; and
  - 15. The fee specified in the City Code;
- F. All plans must meet the following requirements:
  - 1. A title block stating the name, address, telephone number, and e-mail address of the applicant;
  - 2. A north arrow and graphic scale;
  - 3. Plans for preliminary review can be 11" x 17" and to scale; and fifteen sets of 8-1/2" x 11" legible reductions are required for City Council and Planning Commission packets.
- G. All plans must contain the following information:
  - 1. Property lines, setbacks, and lot dimensions;
  - 2. Building dimensions, height;

3. Building coverage;
4. Impervious surface coverage (buildings + hard surface / lot size);
5. Access to parcel, location of medians;
6. Street locations, right-of-way, driveway, and drive aisle widths;
7. Existing & proposed topography with spot grades & slopes in excess of 3:1;
8. Parking lot layout including location of curbing and striping;
9. Location of fire lanes & related signage;
10. Location of hydrants;
11. Location of underground storage tanks and major utilities;
12. Sidewalk/trail alignment plan;
13. Easement documents; and
14. Significant trees lost and preserved.

H. The type of plans and number of copies required may be adjusted by Staff based on the particular project. The City reserves the right to request additional plans or information as necessary.

**Subd. 5** **Public Hearing and Planning Commission review.** After receipt of a completed application, the Zoning Administrator shall set the date for a public hearing. Not less than ten (10) days prior to the public hearing, notice shall be published once in the official newspaper and sent by mail to all the owners of properties located wholly or partially within three hundred and fifty (350) feet. The Planning Commission shall make a recommendation to the City Council regarding the application.

**Subd. 6** **City Council Review.** After receipt of the recommendation of the Planning Commission, the Council shall make the final determination on the application, and in doing so shall make findings regarding its review. The Council may impose conditions and require guarantees on the granting of the permit in order to insure compliance with the conditions designated in connection therewith. The Council shall make a decision within the time period required by State law. If the Council fails to make a timely decision, the application shall be deemed to have been approved.

**Subd. 7** In evaluating a site plan, the Planning Commission and Council shall consider its compliance with the following:

- A. Consistency with the various elements and objectives of the City’s long range plans, including, but not limited to, the Comprehensive Plan and the Parks and Trails Master Plan;
- B. Consistency with the purposes of this Zoning Ordinance;
- C. Preservation of the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas;

- D. Creation of a harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development;
- E. Creation of a functional and harmonious design for structures and site features including:
  - 1. Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors, and the general community;
  - 2. Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development;
  - 3. Appropriateness of the materials, textures, colors and details of construction as an expression the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and functions; and
  - 4. Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic, and arrangement and amount of parking so as to be safe, convenient and, insofar as practicable, compatible with the design of proposed buildings, structures, and neighboring properties.
  - 5. Creation of an energy-conserving design through design, location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials and site grading; and
  - 6. Protection of adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.

**Subd. 8** **Financial guarantee.** Finance guarantee for processing of a site plan is specified in Section 3000.015.

**Subd. 9** **Terms of approval.**

- A. A building permit shall be obtained and construction of the project shall begin no later than one year following the date on which site plan approval is granted, unless a different time period is approved by the Council in granting site plan approval or in a developer's agreement with the City. After the expiration of such period, site plan approval shall lapse unless the Council grants an extension of time or a building permit has been issued and substantial work performed on the project. Upon request by the applicant, the Council may grant an extension of time for commencement of a project having site plan approval.
- B. The Council may impose conditions in granting approval to site plans to promote the intent of this section or to protect adjacent properties.
- C. Site plans shall be valid only for the project for which approval is granted.
- D. If the project is not in compliance with the approved plans, the project shall be subject to review as specified in Section 1000.007 Variances.

**Subd. 10** Amendments to an approved site plan shall be administered as follows.

A. Minor Amendments. Minor amendments to a site plan are:

1. Increased signage. (Changes that do not result in an increase in signage do not require an amendment. All changes to signage require a sign permit.)
2. Landscape changes.
3. Parking lot configuration changes (not change in number of spaces).
4. Less than twenty-five percent (25%) change in floor area in any one structure.
5. Less than twenty-five percent (25%) change in the approved separation of buildings.
6. Less than twenty percent (20%) change in the ground area covered by the project.
7. Less than twenty percent (20%) change change in the number of residential units.
8. Less than twenty percent (20%) change change in the number of parking spaces.

B. Major Amendments. Major amendments to a site plan are:

1. More than twenty-five percent (25%) change in floor area in any one structure.
2. More than twenty-five percent (25%) change in the approved separation of buildings.
3. Any change in the original approved setbacks from property lines.
4. More than twenty percent (20%) change in the ground area covered by the project.
5. More than twenty percent (20%) change in the number of residential units.
6. More than twenty percent (20%) change in the number of parking spaces.

C. Review of minor amendments. Proposed minor amendments (as specified in “A” above) to a site plan shall be reviewed and decided by the Zoning Administrator. Decisions of the Zoning Administrator may be appealed to the City Council. The Zoning Administrator may determine that a proposed minor amendment is in fact a major amendment and may refer such proposed amendments to the Planning Commission and Council according to the procedure established in “clause D”, below.

D. Review of major amendments. Any major amendment to a site plan shall be considered by the Planning Commission at a public hearing. The recommendation of the Planning Commission shall be considered by the City Council. Any major amendment shall require a majority vote of the Council. The Council may hold such hearings on a proposal to amend a site plan as it may consider necessary, but at least one public hearing shall be held.

**SECTION 1000.013 NONCONFORMING BUILDINGS, STRUCTURES AND USES.**

- Subd. 1** **Purpose.** It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Section that all nonconforming uses shall be eventually brought into conformity.
- Subd. 2** Any structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or, subsequently amended.
- Subd. 3** No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel or lot upon which the same was constructed or was conducted at the time of this Ordinance adoption, unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance.
- Subd. 4** When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- Subd. 5** A lawful nonconforming use of a structure or use of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or use of land has been changed, it shall not thereafter be changed to increase the nonconformity.
- Subd. 6** If at any time a nonconforming building, structure or use shall be damaged to the extent of fifty percent (50%) or more of its market value, or if damaged to a lesser extent but no building permit has been applied for within one hundred and eighty (180) days from the date the property is damaged, then without further action by the Council, the building and land upon which such building, structure or use was located or maintained shall, from and after the date of said damage, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Estimate of the extent of damage shall be determined by the Zoning Administrator.
- Subd. 7** Whenever a lawful nonconforming use of a structure or land is discontinued for a period of twelve (12) months, any future use of said structure or land shall be made to conform to the provisions of this Ordinance.
- Subd. 8** Normal maintenance of a building or other lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use.
- Subd. 9** Alterations may be made to a building or other lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building.
- Subd. 10** Any proposed structure which will, under this Ordinance, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of this Ordinance. Such structure and use shall thereafter be a legally nonconforming structure and use.

**Subd. 11** Existing residences in the DC district as of the effective date of this Ordinance are considered permitted uses and are exempt from the requirements of this Section.

**SECTION 1000.014 AMENDMENTS**

**Subd. 1** **Initiation Of Amendments.** The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate.

**Subd. 2** **Procedure.**

- A. Requests for amendments as provided within this Ordinance shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by the application fee in accordance with the fee schedule attached to this Ordinance as Appendix A. Said application fees shall be non-refundable.
- B. The application shall be accompanied by written and graphic materials including, but not limited to the following information:
  - 1. A description of all land area affected by the application.
  - 2. Stated reason for requested change.
  - 3. Statement demonstrating compatibility with the City Comprehensive Plan and other City controls and policies.
  - 4. Text of portion of the existing Ordinance to be amended.
  - 5. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
  - 6. Information on any specific project related to the amendment request including, but not limited to the following:
    - a. Site plan drawn to scale showing the parcel and existing and proposed buildings and structures and their dimensions and locations.
    - b. Curb cuts, driveways, access roads, parking and loading areas, and sidewalks.
    - c. Surface water drainage plans sufficient to drain and dispose of surface water.
    - d. Existing and proposed utilities including storm sewers, sanitary sewers, and water supply.
    - e. Soil type and soil limitations for the intended use.
  - 7. Additional information which may be requested by the Planning Commission.
- C. The Zoning Administrator shall determine if the application has been properly filed and is complete, A Public Hearing before the Planning Commission shall then be scheduled to consider

said application. Notice of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Written notice shall also be sent to all property. When the application of the amendment involves changes in district boundaries affecting an area of five (5) acres or less, written notice shall also be sent to all property owners of record within three hundred and fifty (350) feet of the affected property. A copy of the notice and a list of the property owners and addresses and local governments to which the notices were sent shall be attested to by the Zoning Administrator and made part of official record. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this subdivision has been made.

- D. The Planning Commission shall consider the request at the public hearing at which the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment.
- E. The Planning Commission and City Staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the City in reviewing the request.
- F. The Planning Commission shall consider possible affects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following guidelines:
  - 1. The City may adopt amendments to the Zoning Ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the City. The following factors shall be considered:
    - a. Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
    - b. Whether the amendment is sufficiently compatible so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
    - c. The amendment in the opinion of the City is reasonably related to the overall needs of the City.
    - d. The amendment is consistent with the intent and purposes of the zoning Ordinance.
    - e. The amendment will not cause traffic hazard or congestion.
    - f. The change would be consistent with the goals and objectives or other elements of the Taylors Falls Comprehensive Plan.
    - g. The change would not have a significant adverse impact on the natural environment including trees, slopes and groundwater, or the impact could be mitigated by improvements on the site or in the same vicinity.
- G. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the City Council.
- H. Upon receiving the report and recommendation of the Planning Commission, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and

recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

- I. Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:
  - 1. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance.
  - 2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records, or
  - 3. Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action.
- J. Approval of a request shall require passage by a majority vote of the full City Council. The Zoning Administrator shall notify the applicant of the City Council's action.
- K. The decision of the City Council shall be final, subject to judicial review.
- L. In the case of denial of the application, the applicant cannot reapply for the same amendment and project within six (6) months of the Council's action.

#### **SECTION 1000.015 ENFORCEMENT**

- Subd. 1** **Violations.** The violation of any provision of this Zoning Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Zoning Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine, imprisonment, or both; plus in either case, the cost of prosecution.
- Subd. 2** **Penalties.** Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.
- Subd. 3** **Application to City Personnel.** The failures of any officer or employee of the City to perform any official duty imposed by this Zoning Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
- Subd. 4** **Equitable Relief.** In the event of a violation or the threatened violation of any provision of this Zoning Ordinance or any provision or condition of a permit issued pursuant to this Zoning Ordinance, the City, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation, and to impose a lien upon the affected property for the cost thereof to be collected as a special assessment.

Originally Approved by Council on 01-28-2008  
Amended 08-08-11  
Amended 04-14-14

**APPENDIX A – ZONING FEE SCHEDULE**

ZONING RELATED FEES

Appeal	\$125.00
Amendment	\$125.00
Conditional Use	\$125.00
Fence Permit	\$25.00
Interim Use Permit	\$125.00
Publication	\$150.00
Recording Fees	\$46.00
Sign Permit	\$25.00
Site Plan Review	\$125.00
Subdivision/Planned Unit Development	\$125.00 + \$50.00 per lot
Variance	\$125.00
Street or Alley Vacation	\$125.00
Zoning Map	\$1.00
Zoning Permit	\$25.00

TRUNK AREA FEES

Trunk Sanitary Sewer Improvement	\$517.00 per acre <u>OR</u> \$207.00 per REU <i>whichever is less</i>
Trunk Sanitary Sewer Improvement	\$1,863.00 per acre <u>OR</u> \$745.00 per REU <i>whichever is less</i>
Trunk Water Improvement	\$1,375.00 per acre <u>OR</u> \$207.00 per REU <i>whichever is less</i>

LAND DEDICATION FEES

Parkland Fees or Land Dedication: \$1,450.00 per dwelling unit for a newly created lot OR

<u>Dwelling unit density</u>	<u>Land to be dedicated</u>
0 – 1.9 units per acre	9%
2.0 – 3.5 units per acre	10%
3.6 – 5.9 units per acre	11%
6 – 10 units per acre	12%
10 + units per acre	additional .5 % for each unit over 10

Trail Fees: \$350.00 per dwelling unit for a newly created lot