

TITLE XV: LAND USAGE

Chapter

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CHAPTER 150 BUILDING REGULATIONS

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GENERAL PROVISIONS

§ 150.01 MINNESOTA STATE BUILDING CODE ADOPTED.

The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to M.S. §§ 16B.59 through 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this section. The Minnesota State Building Code is hereby incorporated in this section as if fully set out herein.

(Ord. 08-2003, passed 6-16-03)

§ 150.02 APPLICATION, ADMINISTRATION AND ENFORCEMENT.

(A) The application, administration and enforcement of the code shall be in accordance with the *Minnesota State Building Code*. The code shall be enforced within the incorporated limits of the city and within the extraterritorial limits permitted by M.S. § 16B.62, subd. 1, when so established by this section.

(B) The Code Enforcement Agency of this municipality is called the City of Dassel Building Department.

(C) The City Council, pursuant to M.S. § 16B.65, shall appoint a Building Official who shall attend to all aspects of building code administration. Additional members of the city's Building Department shall be authorized by the City Council as needed.
(Ord. 08-2003, passed 6-16-03)

§ 150.03 PERMITS AND FEES.

(A) The issuance of permits and the collection of fees shall be as authorized in M.S. § 16B.62, subd. 1.

(B) Permit fees shall be assessed for work governed by this code. The city shall adopt a fee schedule by resolution of the City Council. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with M.S. § 16B.70.
(Ord. 08-2003, passed 6-16-03)

§ 150.04 VIOLATION AND PENALTIES.

A violation of this code is a misdemeanor and, upon conviction hereof, shall be punished by a fine to be determined by § 10.99.
(Ord. 08-2003, passed 6-16-03)

§ 150.05 HAZARDOUS AND SUBSTANDARD BUILDING ACT INCORPORATED BY REFERENCE.

All provisions of M.S. Chapter 463, as it may be amended from time to time, are adopted as the Hazardous and Substandard Building Ordinance and are incorporated in and made a part of this chapter as completely as if set out in full.
(^74 Code, Chapter 14.02, § 1)

LAND FILLS

§ 150.35 DEFINITION.

The term *FILL* is defined as dirt, concrete, gravel or sand and shall not include any refuse, garbage, used building material, rubbish, hazardous material, trash, wood, trees, limbs, brush or leaves, tires or auto parts.

(Am. Ord. 6.04, passed 11-21-83)

§ 150.36 LAND FILL PERMIT.

No person shall dump or grade any material within the city except fill. If 30 cubic yards of fill is to be dumped or graded a land fill permit shall be required.

(Am. Ord. 6.04, passed 11-21-83)

§ 150.37 CONDITIONS FOR PERMIT.

A land fill permit shall be recommended by the Planning Commission to be issued by the Administrator-Clerk-Treasurer upon the following conditions:

(A) A plan of the fill site shall be filed by the applicant or owner with the Planning Commission and shall include the following:

(1) A time schedule or completion date stating when the property is to be filled;

(2) The plan shall show the area affected (including the adjacent property owners), the elevation, water drainage, fencing, trees, building or structures.

(B) Only fill shall be used. No other material except fill shall be used without the written approval of the Planning Commission;

(C) The area to be filled shall be fenced off;

(D) Signs prohibiting dumping without approval of the applicant or owner shall be posted conspicuously on the fill site;

(E) The fill site shall be cleaned and leveled every 30 days or whenever 250 cubic yards has accumulated or is dumped, whichever occurs first;

(F) The land fill permit shall be for six months and renewable every six months provided all the conditions have been complied with. A new land fill permit shall be applied for each six month renewal period;

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(G) The land fill permit can be revoked at any time if the terms and conditions are not complied with;

(H) The applicant shall submit with the application a filing fee and a cash bond as set forth in the fee schedule, § 36.01, to be used if the terms and conditions of the land fill permit are not complied with. The cash bond may be waived by Planning Commission in applying black dirt or gravel to a household yard.

(Am. Ord. 6.04, passed 11-21-83)

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CHAPTER 151: MANUFACTURED HOME PARKS

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§ 151.01 STATE LAWS ADOPTED BY REFERENCE.

The provisions of M.S. Chapter 327, M.S. § 327.14 to 327.28 and Minn. Rules Chapter 4630, as they may be amended from time to time, are adopted by reference and made a part thereof. The sections of this chapter which follow are supplementary to the state law, are not deemed in conflict with the state law or existing ordinances and provide additional requirements for the protection of the public health, safety and convenience.

(74 Code, Chapter 20.01, § 20.101)

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected

on site, is 320 or more square feet, 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 in it and which complies with the manufactured home building code as provided by M.S. §§ 327.31 to 327.36, as they may be amended from time to time, also commonly referred to as “mobile home.”

MANUFACTURED HOME LOT. A parcel of land within a manufactured home park for the placement of a single manufactured home and the exclusive use of its occupants.

MANUFACTURED HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of manufactured homes for nontransient use.

MANUFACTURED HOME STAND. That part of an individual lot which has been reserved for the placement of the manufactured home.

NON-COMPLIANT MANUFACTURED HOME. Any other transportable single-family dwelling unit suitable for year around occupancy and containing the same water supply, waste disposal and electric conveniences as a manufactured home, but which does not comply with the manufactured home building code.

TRAVEL TRAILER. A vehicular portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer’s permanent identification “Travel Trailer” thereon; and when factory equipped for the road, being of any length provided its gross weight does not 4,500 pounds or being of any weight provided its overall length does not exceed 28 feet.

(^74 Code, Chapter 20.01, § 20.102)

§ 151.03 LOCATION.

The manufactured home park shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. There shall be a green belt 25 feet in width of plantings around the periphery of the manufactured home park that adjoins any residential zones to effectively screen the interior of the manufactured home park. Where the manufactured home boundary is adjacent to a city, state or county road, setback of homes shall conform to that of residential houses.

(^74 Code, Chapter 20.01, § 20.103)

§ 151.04 ROADWAYS.

(A) All manufactured home parks shall have rights-of-way of not less than 44 feet in width. The right-of-way shall be hard surfaced for a width of at least 32 feet (there shall be no parking on the hard

surface), adequately drained and in good repair throughout. All roads and rights-of-way within a manufactured home park shall be privately owned, maintained, traffic and speed regulated, lighted, laid out and drained in accordance with safety and accepted engineering practices. Each unit shall abut on and have access to a street which shall be at least 32 feet wide between gutters. All streets shall have a concrete curb and gutter.

(B) All watermains, hydrants, sanitary sewers and storm sewers within a manufactured home park shall be privately owned and maintained as prescribed by the City Utility Department, unless such systems are necessary for service beyond his or her property line, then proper width easements would be retained by the city for service of systems.
(^74 Code, Chapter 20.01, § 20.104)

§ 151.05 LOTS.

(A) The minimum area of a manufactured home lot shall be 5,000 square feet. The parking of more than one manufactured home on any single manufactured home lot shall not be permitted. All manufactured home lots shall be a minimum of 50 feet in width and 100 feet in length. All manufactured home lots shall have at least 40 feet of frontage on a street. The maximum width manufactured home to be allowed on a 50 foot width lot shall be 18 feet; for manufactured homes in excess of 18 feet in width the minimum width of the lot shall be three times the width of the manufactured home. The City Council, in its discretion, may waive width, length and frontage requirements providing a satisfactory alternative is presented which meets the minimum area requirement of 5,000 square feet per lot.

(B) Each manufactured home lot shall have a manufactured home stand of at least four inches of four inches of compacted gravel or aggregate of adequate size on which the home shall be parked.

(C) Each lot shall have a concrete slab or bituminous surface off-street parking space for two automobiles. No off-street parking shall be closer than 15 feet to the nearest adjacent home. A compacted gravel surface may be used if a three-foot concrete apron is provided at the curb and gutter.

(D) Each lot shall have a concrete patio area adjacent to the main manufactured home door of not less than 150 square feet in area and shall have a minimum thickness of four inches.

(E) Each lot shall have a concrete sidewalk not less 24 inches in width and not less than three inches in thickness connecting street to patio.

(F) Each lot shall have at least one shade tree of maple, ash or birch with a minimum diameter of 1½ inches at time of planting.

(G) Each two lots shall be provided with a metal building for storage purposes, such building to contain no less than 40 square feet for each home.

(H) Each home shall be skirted with a uniform type of material approved by the City Council and such skirting shall be installed within ten days from date of installation of the home. No items shall be stored underneath a home.

(I) No more than two motor vehicles may be stored on a lot for a period of more than 48 hours. No vehicle without a current license shall be allowed within the park. No vehicle shall be dismantled, nor shall mechanical work except of a very minor repair nature be done on any vehicle on a manufactured home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored or kept on a manufactured home lot or in a manufactured home park, except a vehicle that became inoperable when it was in the manufactured home park, and then it shall not be parked in that condition for a period of more than seven days. No trucks over 10,000 pounds gross weight shall be parked on any manufactured home lot.

(^74 Code, Chapter 20.01, § 20.105)

§ 151.06 TRAVEL TRAILERS.

Travel trailers are not permitted within a manufactured home park.

(^74 Code, Chapter 20.01, § 20.106)

§ 151.07 SIZE OF PARK.

(A) All manufactured home parks shall have at least 10% of the total home lot area developed for recreational use to be developed and maintained at owner's expense.

(B) All manufactured home lots shall be sided with grass before the lot is occupied. Unoccupied areas of the manufactured home park shall be kept mowed.

(^74 Code, Chapter 20.01, § 20.107)

§ 151.08 UTILITIES.

All utilities, including water and sewer, gas, electricity, telephone and television cable shall be underground. There shall be no overhead wires or supporting poles except those for street or other lighting purposes.

(^74 Code, Chapter 20.01, § 20.108)

§ 151.09 WATER AND SEWER.

Each manufactured home park shall have an adequate supply of safe, sanitary quality water to serve the entire park. All sewage shall be discharged into a sewage disposal system. Installation of the water

and sewage systems shall meet approval of the Minnesota State Board of Health, the City Council and the Minnesota State Plumbing Code.
(^74 Code, Chapter 20.01, § 20.109)

§ 151.10 STORAGE.

No boats, boat trailers or other vehicles other than personal automobiles of the occupants shall be parked on manufactured home lots, and these shall be provided a separate area upon which these boats or other vehicles shall be stored. This area shall be located away from any public road and shall be densely screened by landscaping.
(^74 Code, Chapter 20.01, § 20.110)

§ 151.11 MAINTENANCE.

It shall be the responsibility of the manufactured home park owner to see that good housekeeping and living conditions are maintained in the manufactured home park at all times. No unused building materials, debris or rubbish shall be allowed to accumulate. No outside storage shall be permitted of oil drums or trailer equipment unless it be effectively screened or concealed.
(^74 Code, Chapter 20.01, § 20.111)

§ 151.12 PERMITS.

(A) No building permit for new or expansion of existing facilities shall be issued for a park until four copies of plans drawn to scale are submitted to the City Council and approved by the Council. The plans shall include the following:

- (1) Location and size showing boundaries of park and location of abutting streets and property;
- (2) Location and size of all home lots, recreation areas, storage space, roadways and all setbacks;
- (3) Road construction plans and specifications;
- (4) Sewage disposal, water supply, electrical service, gas service, TV, cable and telephone;
- (5) Storm water drainage plans;
- (6) Detailed landscaping plants and specifications;
- (7) Location and size of service buildings and all structures;

- (8) Method of disposing of garbage and refuse;
- (9) Plan of lighting service for the entire park; and
- (10) Name and address of developer.

(B) All requirements and procedures set forth in this chapter shall be fully completed and approved by the City Council and the Minnesota State Board of Health prior to the placement of any manufactured home in the park. The purpose and intent of this chapter is to help assure a high standard of development and quality to conserve the value of properties and to encourage the most appropriate use of land.

(^74 Code, Chapter 20.01, § 20.112)

§ 151.13 VARIANCES.

Where there are practical difficulties and unusual hardships in the way of carrying out the strict letter of the provisions of this chapter, the City Council shall by a four-fifths vote of the Council have the power to vary from such provision in harmony with the general purpose and intent thereof and may impose such additional conditions as it considers necessary to the public health, safety and general welfare may be secured and substantial justice done.

(^74 Code, Chapter 20.01, § 20.114)

§ 151.14 NON-COMPLIANT MANUFACTURED HOMES.

After the effective date of this city code, no non-compliant manufactured home shall be moved onto a lot in any manufactured home park. All non-conforming manufactured homes located in a manufactured home park as of the effective date of this code are non-conforming uses and may remain, and may be repaired and maintained, but if the occupancy is discontinued for a period of more than one year, or the structure is destroyed by fire or other peril to the extent of greater than 50% of its market value, the non-conforming manufactured home shall be removed from the park.

§ 151.98 VIOLATIONS.

(A) Any person, firm or corporation who shall violate any of the provisions hereof, who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof shall be guilty of a misdemeanor and, upon conviction hereof, shall be punished by a fine to be determined by § 10.99. Each day that a violation continues shall constitute a separate offense.

(B) In the event of a violation or threatened violation of this chapter, the City Council or any members thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

(^74 Code, Chapter 20.01, § 20.113)

Section

CHAPTER 152: SUBDIVISIONS

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GENERAL PROVISIONS**§ 152.01 SHORT TITLE.**

This chapter shall be known as the “Subdivision Ordinance of the City of Dassel,” and will be referred to herein as “this chapter.”

(Ord. 21, passed 8-6-74)

§ 152.02 PURPOSE.

In order to safeguard the best interests of the city and to assist the subdivider in harmonizing his or her interests with those of the city at large, the following chapter is adopted in order that adherence to same will bring results beneficial to both parties. Because each new subdivision becomes a permanent unit in the basic unit structure of the expanding community and for which the community will be forced to adhere and because piecemeal planning of subdivisions will bring an undesirable disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to a Comprehensive Plan of the city aiming at a unified scheme of community interests all subdivision of land hereafter submitted for approval to the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this chapter. It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the city pursuant to the authority contained in M.S. Chapters 471.26 through 471.33, as they may be amended from time to time, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

(Ord. 21, passed 8-6-74)

§ 152.03 JURISDICTION.

The regulations herein governing plats and subdivision of lands shall apply within the corporate limits of the city and the unincorporated area within two miles of its limits; provided that where a municipality lies less than four miles from the limits of Dassel, these regulations shall apply only to a

line equidistant from Dassel and said municipality; and provided further, that the governing body or bodies of unincorporated areas adjacent to the city have not adopted ordinances for the regulation of subdivisions of land or platting.

(Ord. 21, passed 8-6-74)

§ 152.04 APPLICATION.

(A) Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this chapter shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other divisions of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots.

(B) Any subdivision of lots less than 55,000 square feet may be exempt from the provisions of this chapter as determined by the Planning Commission.

(Ord. 21, passed 8-6-74; Am. Ord. 21.01, passed 5-18-81)

§ 152.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

BLOCK. An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundary or boundaries of the subdivision or a combination of the above with a river or lake.

COMPREHENSIVE PLAN. The groups of maps, charts and texts that make up the comprehensive long-range plan of the city.

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.

EASEMENT. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

FINAL PLAT. A drawing or map of a subdivision meeting all of the requirements of the city and in such form as required by the county for purposes of recording.

LOT. A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

OWNER. A natural person, partnership, firm, association, public or quasi-public corporation, private corporation or a combination of any of them.

PARKS AND PLAYGROUNDS. Public lands and open spaces in the city dedicated or reserved for and usable for recreation purposes.

PEDESTRIAN WAY. A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and which may be used for the installation of utility lines.

PERCENTAGE OF GRADE. The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

PLANNING COMMISSION. The Planning Commission of the City of Dassel.

PRELIMINARY PLAT. A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.

PROTECTIVE COVENANTS. Contacts made between private parties as to the manner in which land may be used with the view to protecting and preserving the physical and economic integrity of any given area.

STREET. A right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

(1) **COLLECTOR STREETS.** Those that carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of residential neighborhoods.

(2) **CUL-DE-SAC.** A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than two and one half acres in area for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivision.

(3) **MARGINAL ACCESS STREETS.** Minor streets which are paralleled and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

(4) **MINOR STREETS.** Those which are used primarily for access to abutting properties.

(5) **THOROUGHFARES** or **ARTERIAL STREETS**. Those used primarily for heavy traffic and serving as an arterial trafficway between the various districts of the community as shown on the Comprehensive Plan.

TANGENT. A straight line projected from the ends of two curves, which is perpendicular to a line in each curve drawn from the radii point to the end of the curve.

VERTICAL CURVE. The surface curvature on a street center line located between lines of different percentage of grade.
(Ord. 21, passed 8-6-74)

§ 152.06 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS.

Before any final plat shall be recorded or be of any validity it shall have been reviewed by the City Planning Commission and approved by the City Council as having fulfilled the requirements of this chapter.
(Ord. 21, passed 8-6-74)

§ 152.07 VARIANCES AND EXCEPTIONS.

(A) Whenever it is found that the land included in a subdivision plat presented for approval is of such size or shape or is subject to or is affected by such topographical location or conditions or is to be devoted to such usage that full conformity to the provisions of this chapter is impossible or impractical, the City Planning Commission may recommend to the City Council by letter of transmittal that the Council authorize variations to conditional exceptions in the final plat so that substantial justice may be done and the public interest secured.

(B) In recommending such variations or conditional exceptions, the Commission shall find the following:

(1) That there are special circumstances or conditions affecting the property and where an unusual hardship on the land exists;

(2) That the variation or exception is necessary for reasonable and acceptable development of the property in question;

(3) That the granting of the variation or conditional exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which the particular property is situated;

(4) The variation or exception does not adversely affect the Comprehensive Plan, if any.
(Ord. 21, passed 8-6-74)

§ 152.08 REGISTERED LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS.

(A) *Registered land surveys.* It is the intention of this chapter that all registered land surveys in the city should be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this chapter for preliminary plats and that the Planning Commission shall first approve the arrangements, sizes and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless such Planning Commission approval and City Council approval in accordance with the standards set forth in this chapter have been obtained, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the city may refuse to take over tracts unless so approved.

(B) *Conveyance by metes and bounds.* No conveyance of two or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are less than two and one half acres in area and 150 feet in width unless such parcel was a separate parcel of record at the effective date of this chapter. Building permits will be withheld for buildings on tracts which have been subdivided and conveyed by this method and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

(Ord. 21, passed 8-6-74)

§ 152.09 COMPLIANCE.

(A) *Conditions for recording.* No plot of any subdivision shall be entitled to record in the County Register of Deeds Office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this chapter.

(B) *Building permits.* No building permits will be issued by the city for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as defined in § 152.05, until all requirements of this chapter have been fully complied with.

(Ord. 21, passed 8-6-74)

§ 152.10 VIOLATIONS.

(A) It shall be unlawful to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or portion of the city unless the plan, plat or replat shall have first been recorded in the office of the Register of Deeds of the county.

(B) It shall be unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto and

located within the jurisdiction of this chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Planning Commission and the City Council.
(Ord. 21, passed 8-6-74) Penalty, see § 10.99

PRELIMINARY PLAT

§ 152.20 PREPARED BY OWNER.

The owner or subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information.
(Ord. 21, passed 8-6-74)

§ 152.21 FILING.

(A) Six copies of a preliminary plat of any proposed subdivision shall be filed with the City Planning Commission at least 30 days prior to a meeting of the Commission at which consideration is requested.

(B) Unless specifically waived by the City Council, the plat shall be accompanied by a required fee as set forth in the fee schedule, § 36.01. The foregoing fees are to be used for the expense of the city in connection with the review, inspection, approval or disapproval of the plat which may thereafter be submitted.
(Ord. 21, passed 8-6-74)

§ 152.22 CONTENTS.

The preliminary plat shall contain the following information:

(A) Proposed name of subdivision. Name shall not duplicate or too closely resemble names of existing subdivisions;

(B) Location of boundary lines in relation to section, quarter section or quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property;

(C) Names and addresses of the developer and the designer making the plat;

(D) Scale of plat, not less than one inch to 100 feet;

(E) Date and north point;

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(1) Location, width and name of each existing or platted street or other public way, railroad, utility right-of-way, parks and other public open spaces and permanent buildings within and adjacent to the proposed subdivision;

(2) All existing sewers, water mains, gas mains, culverts or other underground installations within the proposed subdivision and immediately adjacent thereto with pipe size, grades and locations shown;

(3) Names of adjacent subdivisions and owners of adjacent parcels of unsubdivided land;

(4) Topography with contour intervals of not more than two feet related to U.S. G.S. datum; also the location of water courses, ravines, bridges, lakes, wooded areas, approximate acreage and other such features as may be pertinent to subdivision. Topography shall extend 200 feet beyond plat boundaries;

(G) Proposed development:

(1) The location and width of proposed streets, roadways, alleys, pedestrian ways and easements;

(2) The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas and power lines;

(3) Layout, numbers and approximate dimensions of lots and the number of each block;

(4) Location and size of proposed parks, playgrounds, churches or school sites or other special uses of land to be considered for dedication to public use;

(5) Building setback lines with dimensions;

(6) Indication of any lots on which use other than residential is proposed by the subdivider;

(7) The zoning districts, if any, on and adjacent to the tract;

(H) Supplementary requirements:

(1) Two copies of profiles shall be furnished for each proposed street, showing existing grades and proposed approximate grades and gradients on the center line of the street. The location of proposed culverts and bridges shall also be shown;

(2) The preliminary plat shall be submitted to the Planning Commission at least 30 days prior to a Commission meeting at which consideration is requested. The Planning Commission shall take action on the preliminary plat within 30 days of date of submission. Approval or disapproval of a preliminary plat will be conveyed to the subdivider in writing within 30 days after the meeting of the Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Commission. If the subdivider does not meet the requirements by the time of the next Planning Commission meeting, the Planning Commission shall submit its recommendation to deny the preliminary plat to the City Council;

(3) When the preliminary plat is filed with the Planning Commission for approval, a public notice shall be given of a public hearing to be held within 30 days thereafter in a newspaper published in the city or in the county. At such hearing all persons interested therein may be heard and the Planning Commission may thereafter approve or disapprove the plat. After approval of the preliminary plat by the Planning Commission, such preliminary plat, together with the recommendations of the Planning Commission, shall be submitted to the City Council for approval. Approval or disapproval of the preliminary plat shall be made by the Council within 120 days from the day the application for the preliminary plat was received by the city and be conveyed in the subdivider in writing within ten days after the meeting of the City Council at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Council. A motion to approve the preliminary plat which does not pass is not deemed a denial of the preliminary plat. A motion to deny the preliminary plat must be adopted. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. This approval of the preliminary plat shall be effective for a period of one year, unless an extension is granted by the City Council. If the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the Planning Commission and the City Council for approval.

(Ord. 21, passed 8-6-74)

FINAL PLAT

§ 152.35 FILING.

After approval of the preliminary plat, the subdivider shall prepare and submit to the Commission a final plat for recording purposes, together with other supplementary information and certificates. The final plat shall be submitted to the Planning Commission at least ten days prior to a regular meeting of the Commission. Six copies of the final plat shall be furnished.

(Ord. 21, passed 8-6-74)

§ 152.36 PREPARATION; FORM OF APPROVAL.

(A) The final plat prepared for recording purposes shall be prepared in accordance with provisions of state statutes and county regulations.

(B) Space for certificates of approval to be filled in by the signatures of the Chairperson of the City Planning Commission and the Mayor and City Council. The form of approval by the Planning Commission is as follows:

Approved by the Planning Commission of the City of Dassel this _____ day of _____, 20__ .

Signed: _____
Chairperson
Secretary

(C) The form of approval by the City Council is as follows:

Approved by the City of Dassel, Minnesota this _____ day of _____, 20____ .

Signed: _____ Mayor
Attest: _____ City Administrator-Clerk-Treasurer
(Ord. 21, passed 8-6-74)

§ 152.37 SUPPLEMENTARY DOCUMENTS AND INFORMATION.

(A) A complete set of street profiles showing grade lines as constructed.

(B) Copies of any protective covenants affecting the subdivision or any part thereof.
(Ord. 21, passed 8-6-74)

§ 152.38 APPROVAL OR DISAPPROVAL.

Approval or disapproval of the final plat shall be conveyed to the subdivider in writing within ten days after the meeting of the City Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Commission.

(Ord. 21, passed 8-6-74)

§ 152.39 SUBMISSION TO COUNCIL.

After review and approval of the final plat by the Planning Commission, such final plat, together with the recommendations of the Planning Commission, shall be submitted to the City Council for

approval. If accepted, the final plat shall within 60 days from the date the final plat was submitted be approved by resolution, which resolution shall provide for the acceptance of all streets, alleys, easements or other public ways and parks or other open spaces dedicated to public purposes. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for the approval within 60 days from the date the final plat was submitted.

(Ord. 21, passed 8-6-74)

MINIMUM DESIGN STANDARDS

§ 152.50 BLOCKS.

(A) *Block length.* In general, intersecting streets determining block lengths shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed 1,320 feet in length, except where topography or other conditions justify a departure from the maximum. In blocks longer than 660 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use should normally not exceed 600 feet in length.

(B) *Block width.* The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(Ord. 21, passed 8-6-74)

§ 152.51 STREETS AND ALLEYS.

(A) The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the Comprehensive Plan, if any, except for culs-de-sac, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions or provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.

(B) Minor streets should be so planned as to discourage their use by nonlocal traffic. Dead end streets are prohibited, but culs-de-sac will be permitted where topography or other conditions justify their use. Cul-de-sac shall normally not be longer than 500 feet, including a turnaround which shall be provided at the closed end with an outside curb radius of at least 50 feet and right-of-way radius of not less than 60 feet.

(C) Where the plat to be submitted included only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(D) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision.

(E) Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets shall be 80 degrees. Street intersection jogs with an off-set of less than 125 feet shall be avoided.

(F) Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or the right-of-way of a limited access highway or thoroughfare, provisions should be made for a marginal access street approximately parallel and adjacent to the boundary of such rights-of-way or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations or for lot depths.

(G) Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than 20 feet wide. Dead end alleys shall be avoided wherever possible, but if unavoidable, such dead end alleys may be approved if adequate turnaround facilities are provided at the closed end.

(H) Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided or where it becomes necessary to acquire the remaining half by condemnation so it may be improved in the public interest.

(I) (1) For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be as shown in the Comprehensive Plan, if any, for Dassel and where not shown therein, the minimum right-of-way width for streets, thoroughfares, alleys or pedestrian ways included in any subdivision shall not be less than minimum dimensions for each classification as follows.

Thoroughfare	80 feet
Collector street	70 feet
Minor street	60 feet
Marginal access street	50 feet

Alley	20 feet
Pedestrian way	10 feet

(2) Where existing or anticipated traffic on primary and secondary thoroughfares warrants greater widths of rights-of-way, these shall be required.

(J) Street grades, wherever feasible, shall not exceed 7% and in no case shall be less than 0.4%. Different connecting street gradients shall be connected with vertical curves.

(K) Where street center lines within a block have a deflection angle of more than ten degrees, there shall be a connecting curve with a radius adequate to insure a slight distance of not less than 400 feet for minor and collector streets and of such greater radii as the Planning Commission may determine for special cases. There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.

(L) Proposed streets shall be offered for dedication as public streets. Private streets shall only be allowed in a planned unit development (PUD).
(Ord. 21, passed 8-6-74; Am. Ord. 21.02, passed 9-16-02)

§ 152.52 LOTS.

(A) The minimum lot width depth and area shall conform to the requirements as set forth in the Zoning Code, if any.

(1) Width not less than 80 feet at the established building setback line of 25 feet.

(2) Width of not less than 80 feet at the right-of-way line of inside street curvatures.

(3) Width of not less than 60 feet at the right-of-way line of outside street curvatures.

(4) Width of not less than 60 feet at the right-of-way line of a 100 foot diameter cul-de-sac terminus.

(5) Depth of no less than 80 feet.

(6) Area of not less than 12,000 square feet, excluding road rights-of-way, according to the residential zone in which it is located.

(7) Setbacks shall be:

(a) Front 25 feet;

- (b) Rear 25 feet;
- (c) Side 15 feet.

(B) Corner lots for residential use shall have additional width to permit appropriate building setback from both streets.

(C) Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(D) Double frontage lots shall be avoided except where lots back on a thoroughfare or other arterial streets or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.

(E) Every lot must have at least the minimum required frontage on a public dedicated street other than an alley.

(F) On those lots which are intended for business use, the setback shall be at least that required by the Zoning Code, if any.

(G) In the case of curved streets, lot width measurements will be made at the setback line. (Ord. 21, passed 8-6-74)

§ 152.53 EASEMENTS.

(A) An easement for utilities, at least six feet wide, shall be provided along each side of a side line of lots and/or the rear line of lots where necessary to form a continuous right-of-way, at least 12 feet in width. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

(B) Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council, by ordinance, upon the recommendation of the Planning Commission.

(C) Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along the side lot lines.

(D) Where a subdivision is traversed by a water course, drainage way, channel or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water courses shall be provided,

together with such further width or instruction, or both, as will be adequate for the storm water drainage of the area. The size and location of such easements shall be recommended by the Planning Commission for action by the Council.
(Ord. 21, passed 8-6-74)

§ 152.54 PUBLIC SITES AND OPEN SPACES.

(A) As a condition precedent to approval of a plat of land to be developed for residential uses, the Council may require that a portion of such land of sufficient size and character to be set aside and dedicated to the public for public uses as parks and playgrounds. It shall be presumed a sufficient amount of land for parks and playgrounds for the residents and/or future residents of the subdivision of the subdivider dedicates at least 5% of the total area of subdivision. The Council, upon consideration of the particular type of development proposed in the subdivision, may require larger or lesser amounts of land to be dedicated if it determines that the residents and/or future residents in the area proposed to be platted would require greater or lesser amounts of land to be dedicated if it determines that the residents and/or future residents in the area proposed to be platted would require greater or lesser amounts of land for parks and playgrounds.

(B) In lieu of the dedication of said land, a subdivider with the consent of the Council may make a cash payment to the city in the amount of the purchased value of the land to be dedicated.
(Ord. 21, passed 8-6-74)

BASIC IMPROVEMENTS REQUIRED

§ 152.65 GENERAL.

(A) Except as provided elsewhere in this chapter, all improvements required shall be paid for by the developer or owner. In areas between the corporate limits of the city and parallel lines two miles therefrom, regulations imposed by the Meeker County Subdivision Ordinance shall be complied with.

(B) Before a final plat is approved by the Council and signed by the Mayor, the subdivider shall post a performance bond or cash escrow to assure that the subdivider will install the required improvements under the following terms and conditions:

- (1) The subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of costs of trunk facilities to be extended to the subdivision;
- (2) Guaranteed completion of the required improvements within a two year period;

(3) Payment by the subdivider to the city for preparation or review of plans and specifications and for inspection by the City Engineer;

(4) The performance bond or cash escrow agreement shall be equal to one and one-half times the City Engineer's estimated cost of the required improvement;

(5) If the required improvements are not completed within the two-year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the city and applied to the cost of required improvements. If the funds available are not sufficient to complete the required improvements, the necessary additional cost shall be assessed against the subdivision. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider.

(Ord. 21, passed 8-6-74)

§ 152.66 STREET IMPROVEMENTS.

(A) The following street improvements shall be made by the owner or subdivider in accordance with standards and specifications as approved by the City Council. The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved.

(B) All streets shall be of an overall width in accordance with those set forth in § 152.51.

(C) Curb and gutter will be required before streets will be paved.

(D) If approved by the City Council, the final street construction (curb and gutter, bituminous surfacing and gravel base) may be installed under contract by the city after petition for the same by owner. The cost shall be assessed against all lots in the subdivision over a period not to exceed the ten years. In all cases the rough grades and six inch gravel base shall be done by the developer.

(E) Storm sewers, culverts, storm water inlets and other drainage facilities will be required where, in the opinion of the City Planning Commission, they are necessary to insure adequate storm water drainage for the subdivision.

(Ord. 21, passed 8-6-74)

§ 152.67 STORM SEWERS.

(A) Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the city sewer system is available at or reasonably near the boundary of the subdivision.

(B) Storm sewers shall be constructed to serve all properties in the subdivision where a natural outlet is available or where a connection to the city storm sewer system is available at or near the boundary of the subdivision.

(C) If approved by the City Council, both storm and sanitary sewers may be installed under contract by the city after petition for the same by the owner. The cost shall be assessed against all lots in the subdivision over a period of not to exceed ten years.

(D) All sewer construction must conform to standards and specifications by the city for such work. (Ord. 21, passed 8-6-74)

§ 152.68 WATER SUPPLY IMPROVEMENTS.

(A) Water distribution mains, including fire hydrants, shall be installed to serve all properties in the subdivision where a connection is available at or reasonably near the boundary of the subdivision.

(B) If approved by the City Council, water mains may be installed under contract by the city after petition for the same by the owner. The cost shall be assessed against all lots in the subdivision over a period not to exceed ten years. (Ord. 21, passed 8-6-74)

§ 152.69 PUBLIC UTILITIES.

(A) All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.

(B) Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations which traverse privately owned property shall be protected by easements. (Ord. 21, passed 8-6-74)

Section

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GENERAL PROVISIONS

§ 153.001 SHORT TITLE.

This chapter shall be known as the “Dassel Zoning Ordinance,” may be cited as such and will be referred to herein as “this chapter.”

(Ord. 25, passed 12-3-74)

§ 153.002 PURPOSE.

The basic purpose of this chapter is to insure and to promote the public health, safety, comfort and general welfare of the city in accordance with the community’s adopted long range development goals, plans and policies. Toward this end, this chapter shall establish regulations pertaining to the location, erection, construction, reconstruction, alteration and use of structures and land within the city.

(Ord. 25, passed 12-3-74)

§ 153.003 LEGAL AUTHORITY.

This chapter is enacted in pursuance of the authority granted by M.S. §§ 462.351 through 462.364, as they may be amended from time to time, and the like.

(Ord. 25, passed 12-3-74)

§ 153.004 GEOGRAPHIC JURISDICTION.

The geographic jurisdiction of this chapter shall be the entire area within the corporate limits of the City of Dassel, Minnesota.

(Ord. 25, passed 12-3-74)

§ 153.005 INTERPRETATION.

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

(Ord. 25, passed 12-3-74)

§ 153.006 APPLICATION OF REGULATIONS.

Except as hereinafter provided:

Dassel - Land Usage

(A) No building or land in the city shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located;

(B) No building shall hereafter be erected or altered to exceed the height, to house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller front yards, side yards or rear yards than specified herein for the district in which such building is located;

(C) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

(Ord. 25, passed 12-3-74)

§ 153.007 RULES.

The language set forth in the text of this chapter shall be interpreted in accordance with the following rules and the definitions set forth in § 153.008, (except when the context clearly indicates otherwise).

(A) Words used in the present tense shall include the future.

(B) Words used in the singular shall include the plural and the plural the singular.

(C) The word “shall” is mandatory and not discretionary.

(D) The word “may” is permissive.

(E) The word “lot” shall include the words “plot” or “site.”

(F) The words “if pertinent” and “if deemed necessary” pertain to discretionary decisions of the Planning Commission or City Council.

(Ord. 25, passed 12-3-74)

§ 153.008 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. A subordinate building (or portion of the main building, includes

garage) which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

AGRICULTURE. The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals and fowl.

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

ALTERATION. Any change in size, shape, character or use of a building or structure.

APARTMENT. A dwelling unit within a multiple-family dwelling or within a nonresidential structure.

AUTOMOBILE REPAIR SHOP. A shop or place of business for repair and maintenance of automobiles, trucks and other automotive equipment. Salvage and junk shall not be kept, stored or worked on in an auto repair shop.

AUTOMOBILE SERVICE STATION. A building designed primarily for the supplying of motor fuel, oil lubrication and accessories to motor vehicles.

BASEMENT. A portion of a building partly underground, but having more than half its floor-to-ceiling height below the average grade of the adjoining ground.

BILLBOARD. A sign which has an area exceeding 150 square feet on which notices or advertisements are posted.

BOARDING HOUSE. Any dwelling other than a hotel where meals or lodging and meals for compensation are provided for five or more persons, pursuant to previous arrangement and not to any one who may apply.

BUFFER. The use of land, topography (difference in elevation), space, fences or landscape plantings to screen or partially screen a tract or property from another tract or property and thus reduce undesirable influences such as sight, noise, dust and other external effects, which a land use may have upon other adjacent or nearby land uses.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

BUILDING, NONCONFORMING. A building so constructed or so located on a lot that it does not comply with the building requirements or with the minimum lot requirements of the district within which it is located.

BUILDING HEIGHT. The vertical distance from the “grade” to the highest point on the roof surface.

BUILDING, PRINCIPAL. A nonaccessory building in which a primary use of the lot on which it is located is conducted.

BUILDING SITE. Any lot, field or tract of land under one ownership which is or is intended to be a location for the construction of a building.

CELLAR. That portion of a building having more than half of the clear floor to ceiling height below the average grade of the adjacent ground. A cellar shall not be included in arriving a total gross floor area.

CHURCH. A building, together with its accessory buildings and uses, for persons regularly assembled for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

COMMERCE. An enterprise that involves the offering of a product, service or entertainment for compensation.

CONGREGATE HOUSING. Senior citizen housing where at least one meal per day is prepared and served in a common dining facility on the premises and where a variety of common medical and social services may be provided over and above those typically provided in a senior citizen apartment building. Such common amenities and services may be provided in conjunction with convalescent and/or nursing home facilities on the same site.

DECK. Elevated platform extending from and becoming a part of a structure. It shall conform to the existing setback requirements of the zoning district.

DOG KENNEL. Any premises where more than two dogs over six months of age are kept.

DRIVE-IN ESTABLISHMENT. A business that customarily offers goods, services or entertainment for compensation to clientele within automobiles (for example, automobile service stations, drive-in restaurants and outdoor theaters, but not “drive-in” cleaners where the customer must leave his or her automobile to pick up or deliver goods).

DRIVEWAY. Private road leading from house to street.

DWELLING. A building, or portion thereof, designed or used predominantly for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings but not including hotels, motels, boarding and rooming houses or tourist homes.

DWELLING, ATTACHED. One which is joined to another dwelling or building at one or more sides by a party wall or walls.

DWELLING, DETACHED. One which is entirely surrounded by open space on the same lot.

DWELLING, MULTIPLE-FAMILY. A residential building or portion thereof containing three or more dwelling units.

DWELLING, ONE-FAMILY. A residential structure containing one dwelling unit only.

DWELLING, TWO-FAMILY. A residential structure containing two dwelling units only.

DWELLING UNIT. One or more rooms containing complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers or boarders.

EFFICIENCY UNIT. A dwelling unit with one primary room which serves as a living room, dining room and bedroom.

ESSENTIAL SERVICES. Underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith by public utilities, municipal or other governmental agencies.

ESTABLISHMENT, COMMERCIAL. A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

FAMILY. One or more persons related by blood, marriage or adoption or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.

FEED LOT. An enclosure for the feeding of poultry or livestock which is not normally used for pasture or crops and in which animal wastes may accumulate.

FENCE. A structure constructed of wood, metal, wire mesh, masonry or stone erected to provide enclosure but not protection from the elements (as distinguished from building).

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building or buildings—measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, **FLOOR AREA** shall include:

- (1) Basement space if at least one-half of the basement story is above established curb level or, where the curb level has not been established, above the average level of the finished grade;
- (2) Elevator shafts and stairwells at each floor;
- (3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet, except equipment, open or enclosed, located on the roof, including bulk needs, water

tanks and cooling towers;

- (4) That part of the attic floor space where the structural headroom exceeds seven and one-half feet;
- (5) Interior balconies and mezzanines;
- (6) Enclosed porches but not terraces and breezeways;
- (7) Accessory uses other than floor space devoted exclusively for accessory off-street parking or loading.

FRONTAGE. The width of a lot or building site measured on the line separating it from the public street or way. (For the purpose of this chapter, the front line of corner lots shall be considered to be the shortest street line).

HOME OCCUPATION. Any occupation or profession carried on within a dwelling unit by the occupant as a secondary use, including but not limited to such occupations as beauty parlor, dressmaking and alteration, preparation of foodstuffs and confectionery, handicraft, professional offices, artists studio and the renting of rooms for lodging or serving of meals for compensation.

HOTEL or MOTEL. Any building occupied as an abiding place for persons who are lodged with or without meals and in which no provision is made for cooking by such individuals.

INDUSTRY. An enterprise which involves the production, assembly, processing or storage of materials, goods or products.

JUNK YARD. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A **JUNK YARD** includes an automobile wrecking or dismantling yard but does not include uses established entirely within enclosed buildings.

LOADING SPACE. A space, accessible from a street, alley, railroad or way, in a building or on a lot, for the use of vehicles while unloading and loading merchandise or materials.

LOT. A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.

LOT AREA. The area of a horizontal plane bounded by the front, side and rear lot lines, measured within the lot boundaries.

LOT, CORNER. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

LOT DEPTH. The mean horizontal distance between the front lot and the rear lot lines, measured within the lot boundaries.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A property boundary line of any lot held in single or separate ownership, except that, where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

LOT WIDTH. The mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, 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 in it and which complies with the manufactured home building code as provided by M.S. §§ 327.31 to 327.36, as they may be amended from time to time.

NON-COMPLIANT MANUFACTURED HOME. Any other transportable single-family dwelling unit suitable for year around occupancy and containing the same water supply, waste disposal and electrical conveniences as a manufactured home, but which does not comply with the manufactured home building code.

OFFICE BUILDING. A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling purposes other than by a watchman or janitor.

OFFICE, PROFESSIONAL. A room or rooms used for the carrying on of a profession.

PARKING SPACE, AUTOMOBILE. A suitable surface and permanently maintained area off the public street right-of-way, either within or outside of a building, of sufficient size to store one standard automobile but in no event less than 180 square feet, exclusive of passageways, driveways or other means of circulation or access.

PATIO. A surfaced inner court or yard open to the sky used for outdoor living.

PLOT PLAN. A drawing or sketch depicting boundary lines, drainage, location of buildings, present and proposed, and any other data requested by the Planning Commission to determine the acceptability of the proposed structure or structures. A **PLOT PLAN** may be required to be certified by a registered engineer, surveyor or architect, pending the request of the governing body or the Planning Commission for exact information relative to the proposed structure.

PORCH. A covered entrance to a building.

PUD-R. Planned Unit Development, Residential, is a zoning district as defined in § 153.042.

REST HOME, NURSING HOME and BOARDING CARE HOME. A building used to provide care for the aged or infirm persons requiring or receiving personal care or custodial care in accordance with the regulations of the State Board of Health.

RETAINING WALL. A structure constructed of wood, metal, wire mesh, masonry or stone erected to provide protection from soil erosion, crumbling or dangerous hazards.

ROOMING HOUSE. A building designed for or used as a single-family or two-family dwelling, all or a portion of which contains rooming units which accommodate three or more persons who are not members of the keeper's family. Rooms or meals, or both, are provided for compensation on a weekly or monthly basis.

SENIOR CITIZEN HOUSING. Multiple dwellings which are designed, built and operated for exclusive occupancy by persons who are at least 60 years old. **SENIOR CITIZEN HOUSING** shall include certain ancillary facilities and special features associated with living needs for the comfort, health, safety and welfare of elderly persons and which are not typically found in the construction of multiple-family dwellings.

SETBACK. The minimum horizontal distance between a building and the street or lot line, disregarding steps and overhangs.

SIGN. A name, identification, description, display, illustration or device which is fixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN, FLASHING. Any illuminated sign on which such illumination is not kept stationery or constant intensity or in color at all times when such sign is in use.

SIGN, ILLUMINATED. Any sign which has characters, letters, figures, risings or outlines illuminated by electric lights or luminous tubes as a part of the sign.

SIGN, SURFACE AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display.

STAND, ROADSIDE. A structure used only for the display and sale of products with no space for customers within the structure.

STORY. That part of a building between the surfaces of a floor and the ceiling immediately above; however, a basement is not considered to be a story.

STREET, ARTERIAL. Provides for through traffic movement between major highways and collector streets and for those major movements within or through an urban area not served by major

highways. To accomplish this it should not force traffic through the areas it serves on an area-wide basis. For instance, an arterial should circulate traffic around rather than through an internal area such as a residential, commercial or industrial district. Access points should be well controlled and limited to cases of definite need.

STREET LINE. The dividing line between the lot and the street.

STREETS, COLLECTOR. Distributes and collects the traffic within an internal district between the major arterials and local streets. Continuity should be de-emphasized so that through traffic is discouraged.

STRUCTURAL ALTERATION. Any change in a building or structure affecting its supporting members such as bearing walls or partitions, beams, girders and the like. Roofs or exterior walls are included. Incidental repairs shall not be considered as alterations.

STRUCTURE. Anything erected, the use of which usually requires permanent location on the ground or attached to something having permanent location on the ground.

USE. The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained.

USE, INCOMPATIBLE. A use which is incapable of direct association with certain other uses because it is contradictory, incongruent or discordant.

USE, NONCONFORMING. Any lawfully established use or a building or premises which on the effective date of this chapter does not comply with the use regulations of the zoning district in which such building or premises shall be located.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards if any, of such district.

USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use.

USE, SPECIAL. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such ***SPECIAL USE*** may or may not be granted.

VARIANCE. A modification of the literal provisions of this chapter granted when strict

enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

YARD. An open space on a lot which is unobstructed from its lowest level to the sky, except as hereinafter permitted. A **YARD** extends along a lot line and at right angles to such lot line to a depth or width specified in the yard requirements for the district in which such lot is located.

YARD, FRONT. A yard extending along the full width of the front lot between side lot lines.

YARD, REAR. The portion of the yard on the same lot with the building between the rear line of the building and the rear line of the lot for the full width of the lot. In those locations where an alley is platted in the rear of the lots, one half of the width of the platted alley may be included in the rear yard requirements. On corner lots the Planning Commission shall determine which yards are to be side and rear yards for the purpose of this chapter.

YARD, SIDE. A yard extending along a side lot line between the front and rear yards.

ZONING DISTRICT. An area or areas within the limits of the city for which the regulations and requirements governing use, lot and building are uniform.

ZONING MAP. The map setting forth the boundaries of the Zoning Districts of the city. (Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.07, passed 5-5-86)

ZONING DISTRICTS AND MAP

§ 153.020 DISTRICTS.

In order to carry out the purpose of this chapter, the City of Dassel is divided into the following use districts:

(A) Agriculture District: Agriculture-Estate Residence;

(B) Residence Districts:

(1) R1 - One-Family Residence;

(2) R2 - One- and Two-Family Residence;

(C) Commerce Districts:

(1) C1 - Central Commerce;

(2) C2 - Fringe and Highway Commerce;

(D) Industry Districts:

(1) I1 - Limited Industry;

(2) I2 - General Industry;

(E) Planned Unit Development R: PUD-R Residential.
(Ord. 25, passed 12-3-74; Am. Ord. 25.07, passed 5-5-86)

§ 153.021 DESCRIPTION OF DISTRICTS.

A brief general description of the zoning use districts is as follows.

(A) *Agriculture-Estate Residence*. All farming operations together with non-farm “estate” dwellings. The municipal airport and cemeteries are also permitted uses.

(B) *R1 - One-family Residence*. One-family dwellings together with certain public or semipublic uses that serve the residents of Dassel and customary home occupations. Special provisions are made for manufactured home courts.

(C) *R2 - One- and Two-Family Residence*. One-family dwellings and two-family dwellings together with medical and related facilities in addition to the other uses permitted in the R1 District. Special provisions are made for multiple-family dwellings (apartment buildings).

(D) *C1 - Central Commerce*. Commercial establishments of a retail, service, office or entertainment nature at a relatively high density of development (little or no yard space), together with other related uses that are typically found in a downtown area.

(E) *C2 - Highway Commerce*. Commercial establishments of a retail, wholesale and service nature at a relatively low density of development which are oriented to the motorist as opposed to the pedestrian. Special provision is made for uses which require outdoor display of merchandise. Emphasis is placed on planned sites with off-street parking, loading and circulation facilities.

(F) *I1 - Limited Industry*. Relatively clean and quiet industrial uses at a low density of development together with most wholesaling uses.

(G) *I2 - General Industry*. All industrial uses which are not unduly obnoxious to human senses or which do not pose an unreasonable safety threat.

(H) *PUD-R, Residential*. As defined in § 153.042 and approved by the Planning Commission.

(Ord. 25, passed 12-3-74; Am. Ord. 25.07, passed 5-5-86)

§ 153.022 MAP.

The location and the boundaries of the zoning districts established by this chapter are set forth on the Zoning Use Districts Map, which map is on file and on record in the office of the City Administrator-Clerk-Treasurer, City of Dassel entitled "Proposed Zoning Use Districts 1974," as amended, is incorporated into and made a part of this chapter by reference.
(Ord. 25, passed 12-3-74)

§ 153.023 BOUNDARIES.

District boundary lines as indicated on the Zoning Use Districts Map follow lot lines, right-of-way lines of streets and alleys projected, railroad right-of-way lines and the corporate limit lines, all as they exist upon the effective date of this chapter. If the boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the Zoning Use Districts Map.
(Ord. 25, passed 12-3-74)

§ 153.024 ANNEXED TERRITORY.

Any land which may be annexed to the city in the future shall be placed in the R1 - One-family Residence District until special resolution of the City Council shall definitely assign such land to another district.
(Ord. 25, passed 12-3-74)

DISTRICT REGULATIONS**§ 153.035 A - AGRICULTURE-ESTATE RESIDENCE.**

(A) *Permitted uses.*

- (1) Farmsteads and all farming operations.
- (2) One-family non-farm "estate" dwellings, including manufactured homes with a minimum width of 24 feet.
- (3) Airports, including attendant's dwelling.

(4) Cemeteries.

(5) Golf courses, except miniature courses or practice driving tees operated for commercial purposes.

(B) *Building requirements.*

- (1) Minimum floor area: Residential - 900 square feet.
- (2) Height limit: Two and a half stories but less than 35 feet.
- (3) Manufactured homes must:
 - (a) Have a permanent foundation constructed according to the Uniform Building Code;
 - (b) Be at least 22 feet at its narrowest point;
 - (c) Have a pitched roof with shingles or tile and eaves of not less than 12 inches.

(C) *Minimum lot requirements, residential.*

- (1) Area: one acre;
 - (2) Width: 100 feet;
 - (3) Depth: 150 feet;
 - (4) Front yard: 30 feet;
 - (5) Rear yard: 35 feet;
 - (6) Side yard: 15 feet each side.
- (Ord. 25, passed 12-3-74)

§ 153.036 R1 - ONE-FAMILY RESIDENCE.

(A) *Permitted uses.*

- (1) One-family detached dwellings, including manufactured homes with a minimum width of 24 feet.

(2) Public parks, playgrounds and recreational uses of a non-commercial nature.

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(3) The renting of rooms by a resident family for lodging purposes only and for not more than two roomers in a one-family dwelling.

(4) Customary home occupations provided that:

(a) Such occupation is carried on in the principal building;

(b) Not more than 25% of the gross floor area of the residence is used for this purpose;

(c) Only articles made or originating on the premises shall be sold on the premises unless such articles are incidental to a permitted commercial service;

(d) No articles for sale shall be displayed so as to be visible from any street;

(e) No person is employed other than a member of the household residing on the premises;

(f) No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood.

(5) Customary accessory uses incidental to the foregoing principal uses when located on the same lot with the building to which it is accessory but not including any business or industrial use.

(6) A state licensed group home or foster home serving six or fewer mentally retarded or physically handicapped persons.

(7) Cemetery expansion.

(B) *Building requirements.*

(1) Minimum floor area: Residential - 1,000 square feet;

(2) Height limits: Residential - 2½ stories but less than 35 feet.

(3) Manufactured homes must:

(a) Have a permanent foundation constructed according to the Uniform Building Code;

(b) Be at least 22 feet at its narrowest point;

(c) Have a pitched roof with shingles or tile and eaves of not less than 12 inches.

(C) *Minimum lot requirements.*

(1) Area: 12,000 square feet;

- (2) Width: 80 feet measured at front setback line;
- (3) Depth: 80 feet;
- (4) Front yard: 25 feet or average depth of front yard;
- (5) Rear yard: 25 feet;
- (6) Side yard: Residential - ten feet each side, except that corner side yards shall be 20 feet adjacent to street. Public and semi-public buildings: 25 feet.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

§ 153.037 R2 - ONE- AND TWO-FAMILY RESIDENCE.

(A) Permitted uses.

- (1) One- and two-family detached dwellings, including manufactured homes with a minimum width of 24 feet.
- (2) Municipal buildings, public parks, playgrounds and recreational uses of a noncommercial nature.
- (3) Churches and public and parochial schools.
- (4) Hospitals, clinics, mortuaries, sanitariums, nursing homes, rest homes, old-age homes and rooming and boarding houses.
- (5) The renting of rooms by a resident family for lodging purposes only and for no more than two roomers in a one-family dwelling.
- (6) Customary home occupations provided that:
 - (a) Such occupation is carried on in the principal building;
 - (b) Not more than 25% of the gross floor area of the residence is used for this purpose;
 - (c) Only articles made or originating on the premises shall be sold on the premises unless such articles are incidental to a permitted commercial service;

(d) No articles for sale shall be displayed so as to be visible from any street;

(e) No person is employed other than a member of the household residing on the premises;

4. 3 bedroom: 900 square feet per dwelling unit

(2) Height limit: Residential - 2½ stories but less than 35 feet.

(3) Manufactured homes must:

(a) Have a permanent foundation constructed according to the Uniform Building Code;

(b) Be at least 22 feet at its narrowest point;

(c) Have a pitched roof with shingles or tile and eaves of not less than 12 inches.

(D) *Minimum lot requirements.*

(1) Area:

(a) One-family dwelling 8,000 square feet

(b) Two-family dwelling 12,500 square feet

(c) Multiple-family dwelling units:

1. 1 bedroom 3,700 square feet per dwelling unit

2. 2, 3 and 4 bedroom 4,200 square feet per dwelling unit

(2) Width:

(a) One and two-family dwelling 80 feet

(b) Three and four family dwelling 120 feet

(c) Five to eight family dwelling 160 feet

(3) Depth: 100 feet

(4) Front yard: 25 feet or average depth of front yard

(5) Rear yard: 25 feet

(6) Side yard:

(a) One and two-family dwelling 10 feet each side, except that corner side yards

shall be 20 feet adjacent to street.

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(b) Multiple-family dwellings 15 feet each side, plus 5 feet for each additional story over ground floor level. Corner side yards shall be 25 feet adjacent to streets.

(c) Public and semi-public buildings 25 feet.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.088, passed 5-18-92)

§ 153.038 C1 - CENTRAL COMMERCE.*(A) Permitted uses.*

(1) Retail stores which usually do not require on-site vehicular pick-up, including but not limited to such uses as food, meat, drugs, clothing, art, jewelry, dry good and notions, home supplies and paint and wallpaper stores and shops.

(2) Professional and business offices and office buildings, offices for personal services.

(3) Restaurants, lunch counters, taverns and cafes.

(4) Hotels, apartment-hotels and apartments, provided such apartments are located above the first full story.

(5) Newspaper and job printing establishments.

(6) Public buildings.

(7) Private clubs.

(8) Theaters, assembly halls and commercial recreation establishments.

(9) Public and private parking lots.

(10) Telephone exchange and public utility structures.

(11) Wholesale business and storage incident to a permitted use.

(12) Service establishments, such as barber and beauty shops, laundry, dry-cleaning or dyeing, tailoring, dressmaking, shoe making and repair shops when these shops are primarily service or services and sales shops and not manufacturing plants.

(13) Banks, financial and lending institutions.

(B) *Uses by conditional permit.*

(1) Automobile service stations.

(2) Those other uses which in the opinion of the Planning Commission are of the same general character as those described above and which will not be detrimental to the C1 District.

(3) Multiple-family dwelling.

(4) Manufactured home parks which are licensed by the State Board of Health and meet the requirements of Chapter 151 of this Code.

(5) One and two family dwellings constructed on site prior to December 31, 1973, with the exception of such dwellings with direct frontage on a state highway. Such uses shall maintain as a primary condition that they will not be expanded nor be changed in architecture for any reason, nor shall they be subject to exterior alteration except for maintenance and safety reasons. Any interior alteration shall be consistent with the main residential use.

(C) *Building requirements.*

(1) Minimum floor area: none, other than multiple-family dwellings as follows:

- (a) 1 bedroom unit 600 square feet per dwelling unit
- (b) 2 bedroom unit 700 square feet per dwelling unit
- (c) 3 bedroom unit 900 square feet per dwelling unit

(2) Building height limit: All uses, three stories but less than 35 feet.

(D) *Minimum lot requirements.*

(1) *Area.*

(a) Multiple-family dwellings:

- 1. Each efficiency unit 1,200 square feet
- 2. Each 1 bedroom unit 1,800 square feet
- 3. Each 2, 3 and 4 bedroom unit 2,500 square feet

4. Other uses

1,500 square feet

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Dassel - Land Usage(2) *Width.*

- | | |
|-------------------------------|---------|
| (a) Multiple-family dwellings | 50 feet |
| (b) Other uses | 15 feet |

(3) *Depth.*

- | | |
|-------------------------------|----------|
| (a) Multiple-family dwellings | 100 feet |
| (b) Other uses | 50 feet |

(4) *Rear yard.*

- | | |
|-------------------------------|---|
| (a) Multiple-family dwellings | 25 feet |
| (b) Other uses | 15 feet in compliance with §§ 153.055 <i>et</i> |

seq.

(Ord. 25, passed 12-3-74; Am. Ord. 01-2005, passed 6-20-05)

§ 153.039 C2 - HIGHWAY COMMERCE.(A) *Permitted uses.*

(1) Commercial establishments of a drive-in nature, including but not limited to automobile service stations, garages for storage and repair of motor vehicles, motels and restaurants.

(2) Accessory buildings.

(3) Accessory uses incidental to the foregoing principal uses.

(4) Farm implement sales and shops.

(B) *Uses by conditional permit.*

(1) Commercial uses which require outdoor display of goods, materials or merchandise such as building materials, automobile and truck sales and manufactured home sales, provided that such uses are incidental to a principal building, and provided further that the visual appearance and activity of such outdoor display areas as seen from the streets and highways does not detract from the pleasant residential character of Dassel.

(2) Manufactured home parks which are licensed by the State Board of Health and meet the requirements of Chapter 151 of this Code.

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(3) Those other uses which in the opinion of the Planning Commission are of the same general character as those described above and which will not be detrimental to the district.

(4) One and two family dwellings constructed on site prior to December 31, 1973, with the exception of such dwellings with direct frontage on a state highway. Such uses shall maintain as a primary condition that they will not be expanded nor be changed in architecture for any reason, nor shall they be subject to exterior alteration except for maintenance and safety reasons. Any interior alteration shall be consistent with the main residential use.

(C) *Building requirements.*

- (1) Minimum floor area: None
- (2) Height limit: 2 stories but less than 30 feet

(D) *Minimum lot requirements.*

- (1) Area: No requirement
- (2) Width: No requirement
- (3) Depth: No requirement
- (4) Front yard: 25 feet
- (5) Rear yard: 15 feet
- (6) Side yard: 10 feet, except that corner side yards shall be 15 feet adjacent to street.

(Ord. 25, passed 12-3-74; Am. Ord. 01-2005, passed 6-20-05)

§ 153.040 I1 - LIMITED INDUSTRY.

(A) *Permitted uses.*

(1) Industrial fabricating, processing or storage to be undertaken within completely enclosed buildings and which complies with the provisions of §§ 153.055 *et seq.*

(2) Wholesaling, all commodities except live animals.

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Dassel - Land Usage

- (3) Accessory uses incidental to and on the same zoning lot as the principal use.
- (4) Farm implement sales and storage yards, auto sales and manufactured home sales.

(B) Uses by conditional permit.

(1) Those uses which in the opinion of the Planning Commission are of the same general character as those described above and which will not be detrimental to the II District.

(2) One and two-family dwellings constructed on site prior to December 31, 1973, with the exception of such dwellings with direct frontage on a state highway. Such uses shall maintain as a primary condition that they will not be expanded nor be changed in architecture for any reason, nor shall they be subject to exterior alteration except for maintenance and safety reasons. Any interior alteration shall be consistent with the main residential use.

(C) Building requirements.

- (1) Minimum floor area: None
- (2) Height limit: 35 feet

(D) Minimum lot requirements.

- (1) Area: No requirement
 - (2) Width: No requirement
 - (3) Depth: No requirement
 - (4) Front yard: 25 feet
 - (5) Rear yard: 25 feet, except adjacent to RR property, no requirements
 - (6) Side yard: 15 feet each side, 25 feet where adjacent to side street
- (Ord. 25, passed 12-3-74; Am. Ord. 01-2005, passed 6-20-05)

§ 153.041 I2 - GENERAL INDUSTRY.**(A) Permitted uses.**

Zoning Regulations

(1) All industrial fabricating, processing or storage of materials, goods or products, provided such activity or operation complies with the provisions of §§ 153.055 *et seq.*

(2) Wholesaling.

(3) Accessory uses incidental to and on the same zoning lot as the principal use.

(B) *Uses by conditional permit.* Junk yards.

(C) *Building requirements.*

(1) Minimum floor area: None

(2) Height limit: 35 feet

(D) *Minimum requirements.*

(1) Area: No requirement

(2) Width: No requirement

(3) Depth: No requirement

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- (4) Front yard: 25 feet
- (5) Rear yard: 25 feet
- (6) Side yard: 15 feet each side, 25 feet where adjacent to side street
(Ord. 25, passed 12-3-74)

§ 153.042 PUD - PLANNED UNIT DEVELOPMENT.

(A) *Purpose.* It is the purpose of this district to encourage and permit creative design and sound planning, possible mixing of compatible uses, to accommodate unique, functioning and land conserving development and to prevent deleterious effect on surroundings.

(B) *Location and districts.* The owner of a tract of land of one acre or more may submit to the Council for forwarding to the Planning Commission a plan for use and development of all of such tract and/or for alterations of existing developments with a request for rezoning if required to the following district: PUD-R (Residential).

(C) *Commission findings.* It shall be the duty of the Planning Commission, Council and appropriate governmental units to investigate and ascertain the proposed planned development complies with the following conditions.

- (1) *General intent.* That development is consistent with intent and purpose of this chapter.
- (2) *Effect.* That surroundings are not adversely affected by the development or indirectly by traffic, noise, pollution and the like caused by the development.
- (3) *Off-street parking and loading.* Adequacy for use in accord with this chapter, adapted in consideration of staggered usage and aggregate number of stalls.
- (4) *Recreation.* That indoor and outdoor recreation areas and facilities are provided and are commensurate with the needs generated by the project.
- (5) *Coverage and plantings.* That portion of land occupied by structures is compatible with use and adjacent land use and that landscaping, screening and yards are adequate, planned and will be included in the development.
- (6) *Feasibility.* The PUD is well located for adequate but not excessive in size, not in conflict with other development, existing or planned.

(7) *Traffic circulation.* That PUD is located for adequate traffic capacity to and from the site for ease of maintenance, fire and police protection and for proper on-site traffic and parking.

(8) *Site data.* To be presented in a preliminary form for initial review and then in final development plan upon which final recommendation will be issued and rezoning process begun.

(D) *Plats.* Any planned unit development of one acre or more shall be platted or replatted.

(E) *Signs.* Signs are subject to the appropriate district regulations as defined in the sign regulations of this chapter.

(F) *Provisions.* Any planned unit development shall comply with all of the provisions of this chapter and the subdivision regulations set forth in Chapter 152, as amended from time to time, except as specifically modified, altered or deviated in writing from the ordinance.

(Am. Ord. 25.200, passed 4-21-86)

SPECIAL REGULATIONS

§ 153.055 OFF-STREET PARKING REQUIREMENTS.

(A) *Minimum number of parking spaces required.*

(1) None required in C1 except as in subsection (2) below;

(2) One-, two- and multiple-family dwellings: one per dwelling unit;

(3) Churches, auditoriums, mortuaries and other similar places of assembly: one per every four seats;

(4) Schools, elementary and junior high: one per classroom, plus one additional for every 50 students or fraction thereof;

(5) Schools, senior high: one per classroom plus one additional for every ten students;

(6) Hospitals: one per every three beds;

(7) Sanitariums, convalescent homes, rest homes, nursing homes: one per every six beds;

(8) Retail commerce, other than C1:

(a) Restaurants: one per every three seats;

(b) Other retail: one per every 100 square feet of retail floor space;

(9) Service commerce, other than C1:

- (a) Motels: 1 per unit
- (b) Bowling alley: 5 per lane;
- (c) Theaters and other place of entertainment: one per every six seats;
- (d) Personal and professional offices: one per every 150 square feet of gross floor area;
- (e) Other service business: one per every 150 square feet of gross floor area;

(f) Industrial, including wholesale: one per every two persons of maximum employment during any work period;

(10) Congregate and senior citizen housing. Where senior citizen or congregate housing is proposed, with reduced parking facilities, as provided by this chapter, the owner shall submit a detailed parking plan which demonstrates that the full complement of parking that would otherwise be required on the site cannot be provided within ordinance design standards and a document providing that the owner covenants on behalf of himself or herself, his or her heirs, executors and assigns, not to use the property for any other use unless such other use complies with the off-street parking requirements as specified by this section.

(B) *Minimum size of parking spaces.* 400 square feet of standing and maneuvering space. Fractional spaces over one half count as one space.

(C) *Location of parking spaces.*

(1) Spaces for one- and two-family dwellings: on the same lot as the dwelling served.

(2) Spaces for multiple-family dwellings: on the same lot as the dwelling served or within 200 feet of the main entrance to such dwelling.

(3) Spaces for commercial uses not in the C1 Districts or for public and semi-public uses: within 300 feet of the main entrance of the building served.

(4) Spaces for industrial uses: within 400 feet of the main entrance of the building served.

(5) No off-street parking space to be located within ten feet of any street right-of-way.

(D) *Surfacing and drainage.* Off-street parking areas and accessways shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.

(E) *Screening.* All open off-street parking areas having more than six parking spaces shall be effectively screened as approved by the Planning Commission.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.085, passed 5-7-90)

§ 153.056 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

(A) *Minimum number of off-street loading spaces required.* An adequate number of off-street loading spaces shall be provided for all structures which require the receipt or distribution of materials or merchandise by trucks or similar vehicles so as to assure unrestricted movement of pedestrians and motor vehicles throughout the active areas of Dassel.

(B) *Minimum size of off-street loading berths.*

(1) Width: 10 feet

(2) Length: 50 feet

(3) Vertical clearance: 14 feet

(C) *Location of off-street loading berths.* No closer than 40 feet from the intersection of two street rights-of-way.

(D) *Access to off-street berths.* Each berth shall be designed with appropriate means of access to a street or alley in a manner which will least interfere with traffic movement.

(E) *Surfacing and drainage.* All loading berths and accessways shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.

(Ord. 25, passed 12-3-74)

§ 153.057 COMMERCIAL AND INDUSTRIAL SCREENING.

Where any commercial or industrial use is adjacent to property zoned for residential use, that commerce or industry shall provide screening, suitable as determined by the Planning Commission, along the boundary of the residential property where outdoor storage or off-street parking or loading areas are located across the street from such residential property.

(Ord. 25, passed 12-3-74; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.085, passed 5-7-90)

§ 153.058 SIGNS.

(A) A proposed sign which has a gross surface area of more than 15 square feet or which exceeds a height of 12 feet above ground level shall be erected until such a sign has been recommended by the Planning Commission that the City Administrator-Clerk-Treasurer issue a permit.

(B) Signs in residential districts shall be regulated as follows. Permitted signs:

(1) One identification sign for each one or two-family dwelling, provided such a sign does not exceed two square feet in area.

(2) One identification sign for each multiple-family dwelling, provided such a sign does not exceed 40 square feet in area.

(3) One home occupation sign for each dwelling, provided such a sign does not exceed an area of ten square feet.

(4) Informational signs for each church, school and other public facility that such signs do not exceed an area of 20 square feet.

(C) Signs in all nonresidential zoning districts shall be permitted subject to review of the Planning Commission.

(D) The following signs shall be prohibited:

(1) Signs that by reason of position, shape or color would interfere with the proper functioning of a traffic sign or signal;

(2) Signs that resemble any official marker erected by a governmental agency or that display the words "Stop" or "Danger;"

(3) Flashing signs;

(4) Banners and stringers that hang above roads, except for temporary use not to exceed six weeks at "grand openings, holidays and similar occasions." Grand openings shall include an initial promotion following a change in management;

(5) Signs or posters of a miscellaneous character that are tacked or posted on trees, fences, poles or other structures not considered to be bona fide sign structures;

(6) Signs painted on the walls of buildings or other structures considered to be bona fide sign

structures. Signs painted on windows or doors excepted;

(7) Signs placed upon the roofs of buildings unless in opinion of Planning Commission they would be suitable;

(8) Billboards.

(E) All non-commercial signs of any size may be posted from August 1 in a state general election year until ten days following the state general election.

(Ord. 25, passed 12-3-74; Am. Ord. 25.085, passed 5-7-90)

§ 153.059 LANDSCAPING.

In all zoning use districts except the C1 and I2 Districts (except as required in special provisions for specific uses), all developed uses shall provide a landscaped yard along all streets. The yard shall be kept clear of all structures, storage and off-street parking within one year of the effective date of this chapter. The yard shall be at least ten feet in depth along all streets, measured from the street right-of-way; except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

(Ord. 25, passed 12-3-74)

§ 153.060 RESIDENTIAL YARD STORAGE.

In all residence districts, all materials and equipment shall be stored within a building or fully screened (so as not to be visible) from adjoining properties, except for the following: laundry drying and recreational equipment, equipment temporarily being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises and off-street parking of passenger automobiles and pick-up trucks.

(Ord. 25, passed 12-3-74)

§ 153.061 REFUSE.

In all zoning use districts, all waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land of refuse.

(Ord. 25, passed 12-3-74)

§ 153.062 TRAFFIC VISIBILITY.

No obstruction exceeding 30 inches in height above the center line grade of the street shall be permitted within any setback area so as to allow for visibility at a street intersection.
(Ord. 25, passed 12-3-74)

§ 153.063 FARM OPERATIONS.

Farm operation in existence at the time of passage of this chapter shall be permitted to continue, but no new buildings in which farm animals are kept shall be permitted within 300 feet of a non-farm dwelling, except in the Agricultural Zoning District.

(Ord. 25, passed 12-3-74)

§ 153.064 BUILDING DESIGN.

A public occupancy building shall be designed by a registered architect as provided by state law.

(Ord. 25, passed 12-3-74)

§ 153.065 GLARE.

In all districts, any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential district or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property.

(Ord. 25, passed 12-3-74)

§ 153.066 RESIDUAL FEATURES.

No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter and vibration in such concentration as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.

(Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.067 DRAINAGE.

No land shall be developed and no use shall be permitted that results in water run-off, flooding or erosion on adjacent properties. The run-off shall be properly channeled into a storm drain, water course, ponding area or other public facility. All new development shall include provision for storm sewers, curbs and gutters along public streets.

(Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.068 BUILDING RELOCATION.

No building shall be moved from one location to another without a building permit from such relocation so as to comply with all of the provisions of this chapter as to construction.
(Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.069 DWELLING BELOW GROUND LEVEL.

No interior space below ground level shall be occupied for dwelling purposes unless the completed building was designed to be partially or wholly underground. A completed structure which was not intended to serve as a substructure or foundation for a building.
(Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.070 COMPLETION OF DWELLINGS AND ACCESSORY BUILDINGS.

All exterior and landscaping of residential dwellings and accessory buildings shall be completed 18 months from the date of permit approval. If the dwelling or accessory building is not completed, application must be resubmitted with regular fees for extension.
(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

§ 153.071 ACCESSORY BUILDINGS.

(A) In case an accessory building is attached to the main building it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building.

(B) A detached accessory building shall not be located in any required front or side yard.

(C) A detached accessory building in a residential zone shall not be over one story and not to exceed nine feet side walls in height and shall not exceed 1,000 square feet and shall not occupy more than 30% of the area of any rear yard, providing further that no detached accessory building shall be located within six feet of any rear lot line, except where rear lot line abuts a street, an additional ten feet setback from the street shall be required.
(Ord. 25, passed 12-3-74; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.085, passed 5-7-90; Am. Ord. 25.091, passed 12-5-94)

§ 153.072 FENCES AND RETAINING WALLS.

(A) *Permit required.* No person or corporation except on a farm and related to farming shall hereafter construct or cause to be constructed or erected within the city any fence or retaining wall exceeding 3½ feet in height without making an application for and securing a building permit.

(B) *Locations.* All boundary line fences and retaining walls shall be located entirely upon the private property of the persons, firm or corporation constructing or causing the construction of such fence or retaining wall, unless the owner of the property adjoining agrees, in writing, that such fence or retaining wall may be erected on the division line of the respective properties.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

§ 153.073 TELECOMMUNICATION TOWERS.

(A) *Purpose.* The purpose of this section shall be to establish predictable and balanced regulations that protect the public peace, health, safety and general welfare of the City of Dassel (“city”). These regulations are intended to:

- (1) Facilitate the provision of telecommunications services and facilities, including commercial wireless telecommunication services, in the city;
- (2) Minimize adverse visual effects of towers through careful design and siting standards;
- (3) Avoid potential damage to adjacent properties from tower or antenna failure and weather-related occurrence through structural standards, careful siting and setback requirements;
- (4) Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the city.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTENNA. Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas such as panels, microwave dishes, satellite dishes and omni directional antennas such as whip antennas.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES. All commercial wireless telecommunications services, including cellular, personal communications services, specialized

mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

PUBLIC UTILITY. Persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone services to the general public. For the purpose of this section, commercial wireless telecommunications services shall not be considered a public utility use and are defined separately.

TOWER. A structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.

(a) **COMMUNICATION TOWER, FREESTANDING, SELF-SUPPORTING.** A ground mounted tower consisting of a pole, spire, structure or combination thereof constructed without guy wires and anchors.

(b) **COMMUNICATION TOWER, GUYED.** A tower that is supported in whole or part by wires and ground anchors.

(c) **COMMUNICATION TOWER, MONOPOLE.** A ground mounted tower consisting of a single pole constructed without guy wires and anchors.

TOWER HEIGHT. Determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower, including all antennae or other attachments.

(C) *Permits required.* It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect any tower unless it shall replace a like tower without first making application to the city and securing a conditional use permit. A change in construction, dimension, lighting design or design type shall also require a conditional use permit. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit. The placement of antennae on previously approved towers may be administratively approved by the city.

(D) *Tower and antenna design requirements.* Proposed or modified towers and antennas shall meet the following design requirements:

(1) Towers and antennas shall blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities;

(2) No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest or like structure, except during periods of construction or repair;

(3) Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards;

(4) Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code;

(5) Metal towers shall be constructed of, or treated with, corrosive resistant materials.

(E) *Tower setbacks.* Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:

(1) Towers shall be setback from all property lines and existing structures an amount equal to the height of the structure;

(2) Guy wires for towers shall be located no closer than 25 feet to any property line and shall meet the setback of the underlying land use district with respect to the public road right-of-way;

(3) Suitable protective anti-climbing fencing, with a minimum height of six feet, shall be provided around any tower and guy wires.

(F) *Tower location.*

(1) Towers are allowed on property zoned for commercial, industrial and agricultural use.

(2) Towers less than 200 feet in height shall be located a minimum of one half mile from the end of an airport clear zone as measured from the center point of the base of a freestanding tower. Towers that are 200 feet or more in height shall be located a distance of at least three miles from any public or private airport.

(G) *Co-location requirement.* All commercial wireless telecommunication towers erected, constructed or located within the city shall comply with the following requirements:

(1) Documentation of the area to be served, including maps demonstrating the size of communications cells and a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.

(2) Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:

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

(b) The planned equipment would cause interference materially impacting the usability

of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;

(c) Existing or approved towers and buildings within the search radius that are 60 feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;

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

(3) Any proposed tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 99 feet in height or for at least one additional riser if the tower is between 35 and 99 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept mounting at varied heights.

(4) An agreement shall be written stating that the site will be designed for not less than three users with applicant and property owner commitment to co-location and that any prohibition of additional users on a tower will be considered a violation of the permit and city policy. The agreement shall also include a statement that any unused or abandoned tower shall be removed by the property owner and/or applicant. The agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

(H) *Antennas mounted (in existing buildings or towers).*

(1) The placement of telecommunication antennas, including wireless telecommunication antennas on existing buildings, towers or structures shall meet the requirements of the underlying land use district and this section. A site plan and building plan must be submitted to the city as part of the land use permitting process.

(2) Where a tower is nonconforming due to the requirements of this section, additional telecommunication antennas may be permitted to be placed on the tower after being reviewed by the Zoning Administrator.

(I) *Accessory utility buildings.* All buildings and structures accessory to a tower shall conform as follows:

(1) Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for each land use district;

(2) Have ground mounted equipment screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and compliments the architectural character of the surrounding neighborhood.

(J) *Tower lighting.* Towers shall not be illuminated by artificial means and shall not have affixed or attached to it in any way except during time of repair or installation any lights, reflectors, flashers or

other illuminating devices, except as required by the Federal Aviation Administration or the Federal Communications Commission or state agency. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

(K) *Abandoned or unused towers.* Abandoned or used towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.

(L) *Public safety telecommunications interference.* Commercial wireless telecommunications services shall not interfere with public safety telecommunications. All applications shall include adequate information that will be reviewed by the City Planning Commission before a permit may be issued. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the city at least ten calendar days in advance of any changes and allow the city to monitor interference levels during the testing process.

(M) *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(N) *Nonconforming towers.* In order to avoid requiring new towers and to minimize the number of towers needed to serve the city, the following provisions shall apply to nonconforming towers. Telecommunication towers in existence at the time of this amendment may be permitted to increase tower height after being issued a conditional use permit. The City Planning Commission shall consider the following criteria as part of the conditional use permit process:

- (1) Tower safety concerns, including tower collapse, falling ice and airplane traffic;
- (2) Land use character and history of tower(s);
- (3) Comparative visual impact to the surrounding lands of the proposed tower height increase;
- (4) Disturbance or conflict with agricultural uses on the property;
- (5) Other factors which tend to reduce conflicts or are incompatible with the character and need of the area.

(O) *Screening and landscaping requirements.* A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures and security fencing shall be

submitted. The plan shall show the location, size, quantity and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

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(P) *Additional submittal requirements.* In addition to the information required elsewhere, applications shall include the following information:

(1) A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate;

(2) A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use;

(3) The location of all public and private airports within a three mile radius of the tower site;

(4) Permittee must obtain FAA approval and/or provide documentation that FAA approval is not needed;

(5) Permittee must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed;

(6) An intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems only if that is the basis for not co-locating;

(7) The applicant must submit proof of liability and worker's compensation; and

(8) The owner of the tower shall provide the city with an acceptable financial guarantee in an amount equal to one and one-half times the cost to remove the tower and related infrastructure, including footings and other underground improvements to a depth of 36 inches below existing grade and to restore the site. Failure to remove the structure shall be cause for the city to remove the tower and associated equipment at the expense of the property owners.

(Am. Ord. 25.110, passed 5-1-00)

§ 153.074 SEXUALLY-ORIENTED BUSINESSES.

(A) *Purpose.* The purpose of this section is to control, through zoning regulations, certain land uses that have a direct and detrimental effect on the character of the city's residential and commercial neighborhoods.

(B) *Findings of the City Council.* The City Council makes the following findings regarding the effect sexually-oriented businesses have on the character of the city. The findings are based on the City

Council's study of experiences of other urban areas in the nation where sexually-oriented businesses were located.

(1) Sexually-oriented business can exert a dehumanizing influence on persons attending places of worship; children attending state-licensed family day care homes, state-licensed group family day care homes, and state-licensed child care centers; and people using parks.

(2) Sexually-oriented business can contribute to an increase in criminal activity in the area in which such businesses are located, taxing local law-enforcement services.

(3) Sexually-oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the value of the residential housing in the area in which such businesses are located.

(4) The concentration of sexually-oriented businesses in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of urban life. A cycle of decay can result from the influx and concentration of sexually-oriented businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating and the result can be devastating as other businesses and residents move out of the vicinity. Declining real estate values, which can result from the concentration of such businesses, erode the city's tax base.

(C) *Conclusions of the City Council.* In order to minimize the detrimental effect sexually-oriented businesses have on adjacent land uses, the City Council adopts the following land-use regulations, recognizing that it has a great interest in the present and future character of the city's residential and commercial neighborhoods.

(D) *Zoning regulations.*

(1) Sexually-oriented businesses shall be prohibited in all of the city's use districts, except Commercial Districts where such businesses shall be a permitted use subject to the conditions in subsection (2) below and the requirements of this chapter.

(2) A sexually-oriented business shall be a permitted use in a Commercial District subject to the following conditions:

(a) No sexually-oriented business shall be located closer than 750 feet from any other sexually oriented business or liquor-serving establishments. Only one sexually-oriented business shall be permitted per building or structure. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the actual business premises of any other sexually-oriented business.

(b) No sexually-oriented business shall be located closer than 750 feet from any single-

family or multi-family dwelling, place of worship, school, public park, state-licensed family day care home, state-licensed group family day care home, or state-licensed child care center. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of

the actual business premises of the sexually-oriented business to the nearest point of the actual premises used as a single-family dwelling, place of worship, school or park, state-licensed family day care home, or state-licensed child care center. In the case of a single-family or multi-family dwelling located in an area used for agricultural purposes, the premises of the residence thereon shall be defined as the minimum lot size required by this chapter.

(c) No sexually-oriented business shall locate in any place which is also used to dispense or consume alcohol.

(d) No sexually-oriented business shall be located in the same building or upon the same property as another such use.

(e) Notwithstanding any other provision of this chapter, a sexually-oriented business shall not be permitted more than one on-premise sign advertising its business. Such on-premise sign shall comply with the applicable requirements of this chapter. Further, no sign shall contain any flashing lights, moving elements, or mechanically changing messages.

(E) *Nonconforming sexually-oriented business.* Sexually-oriented businesses which are classified as legal nonconforming uses may continue in accordance with the provision of this section, except that any such nonconforming use shall be terminated and become illegal on and after January 31, 2004. To the extent possible, the city shall attempt to identify all such uses which become classified as nonconforming under the provision so this section and shall notify the property owners and operators of such uses in writing of the change in status and the terms and conditions which apply. The owner of any property on which an adult use is located may apply to the Council for an extension of the termination date. Any such application shall be in writing and be received by the city no later than January 1, 2003. Failure to submit a timely extension application shall constitute a waiver of the right to request an exception. The applicant shall have the burden of proof to demonstrate the amortization period is an unreasonable burden upon the business and does not allow adequate time to recover a reasonable return upon the business investment and also the time required for an extension. In making its decision, the Council may consider any factor relevant to the issue, including but not limited to:

(1) The degree or magnitude of threat to the public health, safety and general welfare posed by the secondary impacts of the operation.

(2) The length of time that the adult use has been operating.

(3) The ease by which the property could be converted to a conforming use.

(4) The nature and character of the surrounding neighborhood.

(5) The value and condition of the improvements on the property.

(6) The amount of the applicant's investment in the business.

(7) The amount of investment already realized.

(F) *Penalty.* A violation of this section shall be a misdemeanor under Minnesota law, punishable by fine of up to \$1,000 or imprisonment of up to 90 days or both.
(Ord. 25.099, passed 6-3-02)

NONCONFORMING USES AND STRUCTURES

§ 153.085 NONCONFORMING BUILDINGS.

Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this code, may be continued, including through repair or maintenance, but if the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

§ 153.086 NONCONFORMING USE OF BUILDINGS OR LAND.

(A) *Extension.*

(1) A nonconforming use of a building may be extended throughout the building, provided no structural alterations are made therein, except as required by other city codes or ordinances.

(2) A nonconforming use of land shall not be extended or enlarged.

(B) *Relocation.* A nonconforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this chapter.

(C) *Abandonment.* A nonconforming use of a building or land which has been discontinued for a period of more than one year shall not be re-established, and any future use shall be in conformity with the regulations of this chapter.

(Ord. 25, passed 12-3-74)

§ 153.087 NONCONFORMING LOTS.

A nonconforming lot or existing parcel of record as of the effective date of this chapter shall be in

conformance with the ordinance pertaining to lot size; subject, however, to all other provisions of this chapter.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

ADMINISTRATION AND ENFORCEMENT**§ 153.100 ZONING ADMINISTRATOR.**

It shall be the duty of the City Administrator-Clerk-Treasurer to administer the provisions of this chapter.

(Ord. 25, passed 12-3-74)

§ 153.101 PLANNING COMMISSION DUTIES.

(A) The Planning Commission, acting as the Board of Adjustments and Appeals, is authorized to hear requests for variances from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in M.S. § 216C.06, subd. 2, when in harmony with the ordinance. The Planning Commission may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The Planning Commission may permit as a variance the temporary use of a one-family dwelling as a two-family dwelling. The Planning Commission may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

(B) The Planning Commission shall hear and review all applications for variances from and special use permits provided for within this chapter. The decision of the Planning Commission shall not be final, and any person having an interest affected by such ordinance shall have the right to appeal to the Court.

(C) The Planning Commission shall hear and review all applications for amendments to this chapter and shall transmit its recommendations to the City Council for final actions within 60 days of receiving the application.

(Ord. 25, passed 12-3-74)

§ 153.102 CONDITIONAL USE PERMITS.

(A) Before a building or premises is devoted to any use classified as a “Use by Conditional Permit” in this chapter, a conditional use permit must be granted by the Planning Commission.

(B) Required exhibits:

(1) Abstractor's certificate, unless varied by Zoning Administrator, showing property owners' names and addresses within 350 feet of the outer boundaries of the property in question;

(2) Any of the following exhibits if required by the Planning Commission: a boundary survey, or if pertinent, a certified survey by a registered land surveyor of any area, including the property in question and 100 feet beyond showing existing utilities, lot and topography and waterways, if pertinent. Soil test to be included, if pertinent, unless waived by the Planning Commission;

(3) Preliminary building and site plans: complete preliminary drawings, if pertinent, site development plan showing building(s) location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs and other site improvements. Building floor plan(s) of all floors. Elevations of all sides of building(s). Sections, details and outline materials specifications as appropriate.

(C) The procedure for obtaining a conditional use permit is as follows:

(1) The property owner or his or her agent shall meet with the Planning Commission to explain his or her situation and obtain an application form;

(2) The applicant shall file the completed application form together with the required exhibits with the City Administrator-Clerk-Treasurer and shall pay a filing fee as set forth in the fee schedule, § 36.01;

(3) The City Administrator-Clerk-Treasurer shall transmit the application to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question of the date and time of the hearing; however, failure of any property owner to receive such notification shall not invalidate the proceedings;

(4) The Planning Commission shall study the application at its next regular meeting to determine possible adverse affects of the proposed conditional use and to determine what additional requirements may be necessary to reduce such adverse effects;

(5) The Planning Commission shall approve, deny or conditionally approve within 60 days after the City Administrator-Clerk-Treasurer receives a complete application for a conditional use permit unless the Planning Commission determines within that 60-day period that an additional 60 days is necessary and informs the applicant in writing within the first 60-day period of its decision to and the reasons for extending the first 60-day period by an additional 60 days. The failure of a vote to approve an application shall not be deemed to be a denial of the application: A motion to deny the application

must be adopted.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.085, passed 5-7-90)

§ 153.103 VARIANCES.

(A) Where there are practical difficulties or unusual hardships in the way of carrying out the strict letters of the provisions of this chapter, the Planning Commission shall have the power to vary from such provisions in harmony with the general purpose and intent thereof and may impose such additional conditions as it considers necessary so that the public health, safety and general welfare may be secured and substantial justice done.

(B) Required exhibits:

(1) Abstractor's certificate, unless varied by Zoning Administrator, showing property owner's names and addresses within 350 feet of the outer boundaries of the property in question;

(2) Any of the following exhibits if required by the Planning Commission: boundary survey, or if pertinent, a certified survey by a registered land surveyor of an area, including the property in question and 100 feet beyond showing existing utilities, lot boundaries and dimensions, buildings, easements, foliage and topography and waterways, if pertinent. Soil test to be included, if pertinent, unless varied by the Planning Commission;

(3) For one and two-family residential structures and accessory buildings: site plan to scale of area, including property in question and 100 feet beyond showing present and proposed uses, relation to buildings on property and/or adjoining property, dimensional property lines and labeled streets;

(4) For all multi-family residential (over two dwelling units), commercial, industrial and public and semi-public structures: preliminary building and site plans, complete preliminary drawings, if pertinent, site development plan showing building/s location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs and other site improvements. Building floor plan/s of all floors.
Elevations of all sides of building/s. Sections, details and outline material specifications as appropriate.

(C) The procedure for obtaining a variance from the regulations of this chapter are as follows:

(1) The property owner or his or her agent shall meet with the Planning Commission or City Administrator-Clerk-Treasurer to explain his or her situation and obtain an application form;

(2) The applicant shall file the completed application form, together with the required exhibits with the City Administrator-Clerk-Treasurer and shall pay a filing fee as set forth in the fee schedule, § 36.01;

(3) The City Administrator-Clerk-Treasurer shall transmit the application to the Planning

Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question of the date and time of the hearing; however, failure of any property owner to receive such notification shall not invalidate the proceedings;

(4) The Planning Commission shall study the application at its next regular meeting to determine possible effects of the proposed variance and determine what additional requirements may be necessary to reduce such adverse effects;

(5) The Planning Commission shall approve, deny or conditionally approve within 60 days after the City Clerk-Treasurer receives a complete application for a variance unless the Planning Commission determines within that 60-day period that an additional 60 days is necessary and informs the applicant in writing within the first 60-day period of its decision to and the reasons for extending the first 60-day period by an additional 60 days. The failure of a vote to approve an application shall not be deemed to be a denial of the application. A motion to deny the application must be adopted. (Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.085, passed 5-7-90)

§ 153.104 AMENDMENTS.

(A) *Adoption.* Amendments to this chapter may be adopted by an affirmative vote of the majority of all the members of the City Council. The adoption or amendment of any portion of this chapter which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all of the members of the City Council.

(B) *Kinds of amendments and required public hearings.*

(1) An amendment to this chapter may be one of the following:

- (a) A change in a district's boundary (rezoning);
- (b) A change in a district's regulations;
- (c) A change in any other provision of this chapter;

(2) A public hearing shall be held by the Planning Commission for amendments of this chapter. Notice of such hearing shall be published at least once not less than ten days and not more than 30 days prior to the hearing.

(C) *Initiation of proceedings.* Proceedings for amending this chapter shall be initiated by at least one of the following three methods:

- (1) By petition of the owner or owners of the property which is proposed to be re-zoned;
- (2) By recommendation of the Planning Commission;

(3) By action of the City Council.

(D) *Required exhibits for re-zoning initiated by property owner.*

(1) Abstractor's certificate, unless varied by Zoning Administrator, showing property owners' names and addresses within 350 feet of the outer boundaries of the property in question.

(2) Any of the following exhibits if required by the Planning Commission: boundary survey, or if pertinent, a certified survey by a registered land surveyor of an area, including the property in question and 100 feet beyond showing existing utilities, lot boundaries and dimensions, building, easements, foliage and topography and waterways, if pertinent. Soil test to be included if pertinent.

(3) Petition of property owners within 350 feet of the property in question showing 50% of the owners favoring the re-zoning unless varied by the Planning Commission.

(E) *Procedure for rezoning.* The procedure for a property owner to initiating a rezoning of his or her property is as follows:

(1) The property owner or his or her agent shall meet with the Planning Commission to explain his or her situation and obtain an application form;

(2) The applicant shall file the completed application form together with the required exhibit with the City Administrator-Clerk-Treasurer and shall pay a filing fee as set forth in the fee schedule, § 36.01;

(3) The City Administrator-Clerk-Treasurer shall transmit the application and required exhibits to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings;

(4) The City Administrator-Clerk-Treasurer shall set the date of a public hearing and shall have notice of such hearing published at least once not less than ten days and not more than 30 days prior to the hearing;

(5) The Planning Commission shall hold a public hearing using the services of a planning consultant, if desired, and then shall recommend one of three actions: approval, denial or conditional approval;

(6) The Planning Commission shall transmit its recommendation to the City Council for its official action;

(7) The City Council shall act upon the application within 60 days after receiving the recommendation of the Planning Commission; except that in the case of a petition by the owner or

owners of the property which is proposed to be re-zoned, the City Council shall either approve or disapprove the petition within 60 days after the City Clerk-Treasurer received the petition and the

required exhibits unless the City Council determines within that 60-day period that an additional 60 days is necessary and informs the petitioner in writing within the first 60-day period of its decision to and the reasons for extending the first 60-day period by an additional 60 days. The failure of a vote to approve a petition shall not be deemed to be a denial of the petition. A motion to deny the application must be adopted.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.091, passed 12-5-94)

§ 153.105 ENFORCING OFFICER.

The City Administrator-Clerk-Treasurer is authorized to cause the provisions of this chapter to be properly enforced.

(Ord. 25, passed 12-3-74)

§ 153.998 VIOLATIONS.

Any person, firm, corporation or voluntary association which violates or refuses to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine as determined by § 10.99. Each week a violation is permitted to exist shall constitute a separate offense.

(Ord. 25, passed 12-3-74)

Section

- 154.01 Statutory authority
- 154.02 Policy
- 154.03 Jurisdiction
- 154.04 Compliance
- 154.05 Enforcement
- 154.06 Interpretation
- 154.07 Abrogation and greater restrictions
- 154.08 Definitions
- 154.09 Administration
- 154.10 Shoreland classification system and land use districts
- 154.11 Zoning and water supply/sanitary provisions
- 154.12 Nonconformities
- 154.13 Subdivision/platting provisions
- 154.14 Planned unit developments (PUD's)

CHAPTER 154: SHORELAND REGULATIONS

§ 154.01 STATUTORY AUTHORIZATION.

This shoreland ordinance is adopted pursuant to the authorization and policies contained in M.S. Chapter 103F.201 *et seq.*, Minn. Rules, parts 6120.2500 to 6120.3900, and the planning and zoning enabling legislation in M.S. Chapter 462, as they may be amended from time to time.
(Ord. passed 4-17-00)

§ 154.02 POLICY.

The uncontrolled use of shorelands of the City of Dassel, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized and assumed by the City of Dassel.
(Ord. passed 4-17-00)

§ 154.03 JURISDICTION.

The provisions of this chapter shall apply to the shorelands of the public water bodies as classified in § 154.10. Pursuant to Minn. Rules, parts 6120.2500 to 6120.3900, as they may be amended from time to time, no lake, pond, or flowage less than ten acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this chapter.

(Ord. passed 4-17-00)

§ 154.04 COMPLIANCE.

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

(Ord. passed 4-17-00)

§ 154.05 ENFORCEMENT.

The City of Dassel is responsible for the administration and enforcement of this chapter. Any violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this chapter can occur regardless of whether or not a permit is required for a regulated activity pursuant to § 154.09(A).

(Ord. passed 4-17-00)

§ 154.06 INTERPRETATION.

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

(Ord. passed 4-17-00)

§ 154.07 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this

chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(Ord. passed 4-17-00)

§ 154.08 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application. For the purpose of this chapter, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

ACCESSORY STRUCTURE or **FACILITY**. Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

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

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

BLUFF IMPACT ZONE. A bluff and land located within 20 feet from the top of a bluff.

BOATHOUSE. A structure designed and used solely for the storage of boats or boating equipment.

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

COMMERCIAL PLANNED UNIT DEVELOPMENTS. Typically, uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For

example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are ***COMMERCIAL PLANNED UNIT DEVELOPMENTS***.

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

COMMISSIONER. The commissioner of the Department of Natural Resources.

CONDITIONAL USE. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in Chapter 153 exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

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 extending more than three feet above ground.

DUPLEX, TRIPLEX, and QUAD. A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

DWELLING SITE. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

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

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time.

FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

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

HEIGHT OF BUILDING OR STRUCTURE. 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.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing,

storage, or transfer of goods, products, commodities, or other wholesale items.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

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.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

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

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

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

PUBLIC WATERS. Any waters as defined in M.S. § 103G.005, subds. 15 and 15a, as they may be amended from time to time.

RESIDENTIAL PLANNED UNIT DEVELOPMENT. A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as ***RESIDENTIAL PLANNED UNIT DEVELOPMENTS***. To qualify as a ***RESIDENTIAL PLANNED UNIT DEVELOPMENT***, a development must contain at least five dwelling units or sites.

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

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

SEWAGE TREATMENT SYSTEM. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in § 154.11(H).

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

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

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

SHORELINE BUFFER ZONE. The shoreline area that extends from 10 to 100 or more feet from the water's edge on to the land and 25 to 50 feet in the lake. The zone shall include at least 50% of the shoreline frontage.

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08, as it may be amended from time to time. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

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

STRUCTURE. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting

facilities.

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

TOE OF THE BLUFF. The lower point of a 50-foot segment with an average slope exceeding 18%.

TOP OF THE BLUFF. The higher point of a 50-foot segment with an average slope exceeding 18%.

VARIANCE. The same as that term is defined or described in M.S. Chapter 394 (for counties) or Chapter 462 (for municipalities), as they may be amended from time to time.

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

WETLAND. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).
(Ord. passed 4-17-00)

§ 154.09 ADMINISTRATION.

(A) *Permits required.*

(1) A permit is required for the construction of structures or structure additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by § 154.11(C). Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

(2) A permit authorizing an addition to an existing structure shall stipulate that the on-site sewage treatment system must be inspected and an identified nonconforming sewage treatment system, as defined by § 154.11(H), shall be reconstructed or replaced in accordance with the provisions of this chapter.

(B) *Certificate of zoning compliance.* The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in division (A) above. This certificate will

specify that the use of land conforms to the requirements of this chapter. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this chapter and shall be punishable as provided in § 154.05.

(C) *Variances.*

(1) Variances may only be granted in accordance with M.S. Chapter 462, as it may be amended from time to time. A variance may not circumvent the general purposes and intent of this chapter. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

(2) The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in division (D) below shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

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

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

(1) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

(2) A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten days of final action.

(Ord. passed 4-17-00)

§ 154.10 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS.

(A) *Shoreland Classification System.* The public waters of the City of Dassel have been classified below consistent with the criteria found in Minn. Rules, part 6120.3300, as it may be amended from

time to time, and the Protected Waters Inventory Map for Meeker County, Minnesota. The shoreland area for the waterbodies listed shall be as defined in § 154.08 and as shown on the Official Zoning Map.

<i>Lakes</i>	
<i>General Development Lakes</i>	<i>Protected Waters Inventory I.D.#</i>
Spring	32

(B) *Land Use District descriptions; criteria for designation.* The land use districts in division (C) below, and the delineation of a land use district’s boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the Comprehensive Land Use Plan (when available) and the following criteria, considerations, and objectives:

- (1) General considerations and criteria for all land uses:
 - (a) Preservation of natural areas.
 - (b) Present ownership and development of shoreland areas.
 - (c) Shoreland soil types and their engineering capabilities.
 - (d) Topographic characteristics.
 - (e) Vegetative cover.
 - (f) In-water physical characteristics, values, and constraints.
 - (g) Recreational use of the surface water.
 - (h) Road and service center accessibility.
 - (i) Socioeconomic development needs and plans as they involve water and related land resources.
 - (j) The land requirements of industry which, by its nature, requires location in shoreland areas.

(k) The necessity to preserve and restore certain areas having significant historical or ecological value.

(2) Factors and criteria for planned unit developments:

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

(b) Physical and aesthetic impacts of increased density.

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- (c) Suitability of lands for the planned unit development approach.
- (d) Level of current development in the area.
- (e) Amounts and types of ownership of undeveloped lands.

(C) *Land Use District descriptions.* The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minn. Rules, part 6120.3200, subp. 3, as it may be amended from time to time: P - Permitted Uses; C - Conditional Uses; N - Prohibited Uses.

<i>Land use districts for Spring Lake</i>	
<i>Districts</i>	<i>Spring Lake</i>
Special Protection District—uses:	
Forest management	P
Sensitive resource mgt	P
Ag: cropland and pasture	P
Agricultural feedlots	N
Parks and historic sites	C
Extractive use	C
Single residential	C
Residential District—uses:	
Single residential	P
Semipublic	C
Parks and historic sites	C
Extractive use	C
Duplex, triplex, quad residential	C
Forest management	P

<i>Land use districts for Spring Lake</i>	
<i>Districts</i>	<i>Spring Lake</i>
High Density Residential District—uses:	
Residential PUD	C
Single residential	P
Surface water oriented commercial*	C
Semipublic	C
Parks and historical sites	C
Duplex, triplex, quad residential	C
Forest management	P
General Use District—uses:	
Commercial	P
Commercial planned unit development*	C
Industrial	C
Public, semipublic	P
Extractive use	C
Parks and historical sites	C
Forest management	P
*As accessory to a residential planned unit development	

(D) *Use and upgrading of inconsistent land use districts.*

(1) The land use districts adopted in this chapter, as they apply to shoreland areas, and their delineated boundaries on the Official Zoning Map, are not consistent with the land use district designation criteria specified in division (C) above. These inconsistent land use district designations may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the Official Zoning Map.

(2) When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply: When a revision to a land use district designation on a lake

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is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this chapter on said lake must be revised to make them substantially compatible with the framework in divisions (B) and (C) above.

(3) When an interpretation question arises about whether a specific land use fits within a given “use” category, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district’s boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the City of Dassel.

(4) When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question, The city will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy subsections (1) and (2) above.

(5) The City of Dassel must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of division (B) above. (Ord. passed 4-17-00)

§ 154.11 ZONING AND WATER SUPPLY/SANITARY PROVISIONS.

(A) *Lot area and width standards.* The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this chapter for Spring Lake are the following:

(1) *General development.*

	<i>Riparian Lots</i>		<i>Non-riparian Lots</i>	
	Area	Width	Area	Width
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

(2) *Additional special provisions.*

(a) Residential subdivisions with dwelling unit densities exceeding those in the tables in subsection (1) above can only be allowed if designed and approved as residential planned unit

developments under § 154.14. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in subsection (1) above can only be used if publicly owned sewer system service is available to the property.

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

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

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

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

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

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

minimize topographic and vegetation

alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography, as much as practical, from, view from the public water, assuming summer, leaf-on conditions.

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

(1) *Placement of structures on lots.* When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Proposed structures shall be drawn on the site plan, along with structures on adjoining lots. Structures shall be located as follows:

(a) *Structure and on-site sewage system setbacks (in feet) from ordinary high water level.*

	<i>Setbacks</i>	
<i>Classes of Public Waters</i>	<i>Structures</i>	
	<i>Unsewered</i>	<i>Sewered</i>
Lakes:		
General Development (Spring Lake)	75	75

(b) *Additional structure setbacks.* The following additional structure setbacks apply, regardless of the classification of the waterbody:

<i>Setback from:</i>	<i>Setback in ft.</i>
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal or state highway	50
Right-of-way line of town road, public street or other roads or streets not classified and additional setback requirements of this chapter	20

(c) *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(d) *Storage of recreational camping vehicles and watercraft.* No more than one recreational camping vehicle and one watercraft may be stored outside for another person on each lot.

An unoccupied recreational camping vehicle and watercraft stored outside may remain no longer than 30 days on a lot unless owned by the lot owner. A recreational camping vehicle shall not be considered an accessory structure or facility.

1. Recreational camping vehicles shall not be closer to the ordinary highwater mark than the structure setback.

(2) *Design criteria for structures.*

(a) High water elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows: For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.

(b) Water-oriented accessory structures, boat houses, guest houses, and similar structures will not be allowed in order to preserve the water quality and aesthetic integrity of the City of Dassel.

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

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

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

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

4. Stairways, lifts, and landings shall be constructed above the ground on posts or pilings and built in a manner that ensures control of soil erosion.

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

6. Residential lots shall have no more than one lift and one stairway.

7. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (1) to (5) above are compiled with in addition to the requirements of Minn. Rules, Chapter 1340, as it may be amended from time to time.

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

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

(3) *Height of structures.* All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

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

(1) *Vegetation alterations.*

(a) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by division (D) below are exempt from the vegetation alteration standards that follow.

(b) Removal or alteration of vegetation is allowed subject to the following standards:

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

2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, and other permitted uses, provided that:

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

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

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

d. Open burning of trees, branches and other vegetation does not occur within 200 feet of the shoreline.

(2) *Topographic alterations/grading and filling.*

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

(b) Public roads and parking areas are regulated by division (D) below.

(c) Notwithstanding subsections (a) and (b) above, a grading and filling permit will be required for:

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

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

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

1. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland (This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.):

- a. Sediment and pollutant trapping and retention.
- b. Storage of surface runoff to prevent or reduce flood damage.
- c. Fish and wildlife habitat.
- d. Recreational use.

e. Shoreline or bank stabilization.

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

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

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

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

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

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

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

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

9. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner of the Minnesota DNR under M.S. § 103G.245, as it may be amended from time to time.

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

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

12. All shoreline must be preserved in its natural state, by either maintaining or creating a Shoreline Buffer Zone. The buffer zone shall contain any one or combination of native trees, shrubs, wildflowers, grasses, sedges, and emergent and submergent aquatic plants.

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

(D) *Placement and design of roads, driveways and parking areas.*

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

(2) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

(3) Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of division (C)(2) above must be met.

(E) *Stormwater management.* The following general and specific standards shall apply:

(1) *General standards.*

(a) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

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

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

(2) *Specific standards.*

(a) Impervious surface coverage of lots must not exceed 25% of the lot area.

(b) When constructed facilities are used for stormwater management, documentation must be provided by an engineer, soil and water conservation district specialist or hydrologist that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

(c) New constructed stormwater outfalls and the with a diameter of 15 inches or larger draining into public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(F) *Special provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses.*

(1) No commercial, industrial, public/semi-public, agricultural, forestry, or extractive uses will be permitted to be located on parcels or lots with frontage on Spring Lake. These developments may only be located within the districts permitted in § 154.10(C) as identified on the Shoreland District Zoning Map.

(2) Agriculture use standards. Animal feedlots are not permitted to be located on parcels or lots with frontage on Spring Lake to preserve the water quality and residential nature of the lake.

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

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

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

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

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

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

(2) *Conditions attached to conditional use permits.* The City of Dassel Planning Commission, upon consideration of the criteria listed above and the purposes of this chapter, shall attach such

conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:

(a) Increased setbacks from the ordinary high water level.

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

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

(H) *Water supply and sewage treatment.*

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

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

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

(b) All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", and all future amendments, along with other related State Agency Rules referenced in Minn. Rules Chapter 7080, as it may be amended from time to time, a copy of which is hereby adopted by reference and declared to be a part of this chapter.

(c) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in division (B) above.

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

(e) Evaluation criteria:

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

2. Soil conditions, properties, and permeability;
3. Slope;

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

(3) *Regulation and upgrade.* Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with § 154.12.
(Ord. passed 4-17-00)

§ 154.12 NONCONFORMITIES.

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

(A) *Construction on nonconforming lots of record.*

(1) Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of § 154.11(A) may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this chapter are met.

(2) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

(3) If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of § 154.11(A) the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of § 154.11(A) as much as possible.

(B) *Additions/expansions to nonconforming structures.*

(1) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of § 154.11. Any deviation from these requirements must be authorized by a variance pursuant to § 154.09(C).

(2) Deck additions may be allowed without a variance to a structure not meeting the required

setback from the ordinary high water level if all of the following criteria and standards are met:

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

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

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

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

(C) Nonconforming sewage treatment systems.

(1) A sewage treatment system not meeting the requirements of Section § 154.11(H) must be upgraded, at a minimum, at any time a land transfer occurs or when a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level. For the purpose of this section, a land transfer occurs when a Certificate of Real Estate Value is required to be filed or when a transfer of ownership interest in a corporation, partnership, cooperative or other entity results in a change in possessory or use rights to a parcel of property or structure located thereon.

(2) The City of Dassel will require upgrading or replacement of any nonconforming system identified through a program of education, inspection or examination of records within a reasonable period of time which will not exceed one year from proper notification. Sewage systems installed according to all applicable local shoreland management standards adopted under M.S. § 103F.201, as it may be amended from time to time, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

(Ord. passed 4-17-00)

§ 154.13 SUBDIVISION/PLATTING PROVISIONS.

(A) *Land suitability.* Each lot created through subdivision, including planned unit developments authorized under § 154.14, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City of Dassel Zoning Administrator shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the

health, safety, or welfare of future residents of the proposed subdivision or of the community.

(B) *Consistency with other controls.* Subdivisions must conform to all official controls of the City of Dassel. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with §§ 154.11(B) and (H) can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of § 154.11(A), including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

(C) *Information requirements.* Sufficient information must be submitted by the applicant for the City of Dassel Zoning Administrator to make a determination of land suitability. The information shall include at least the following:

- (1) Topographic contours at two-foot intervals from United States Geological Survey maps or more accurate sources, showing limiting site characteristics.
- (2) The surface water features required in M.S. § 505.02, subd. 1, as it may be amended from time to time, to be shown on plats.
- (3) Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.
- (4) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
- (5) Location of 100-year flood plain areas and floodway districts from existing adopted maps or data.
- (6) A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

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

(E) *Platting.* All subdivisions that create two or more lots or parcels that are 2½ acres or less in size shall be processed as a plat in accordance with M.S. Chapter 505, as it may be amended from time

to time. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

(F) *Controlled access or recreational lots.* Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in § 154.11(A).

(Ord. passed 4-17-00)

§ 154.14 PLANNED UNIT DEVELOPMENTS (PUD's).

(A) *Types of PUD's permissible.* Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in § 154.10(B) and the Official Zoning Map.

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

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

(1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two-foot intervals. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

(2) A property owners association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of division (F) below.

(3) Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in division (F) below.

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

(5) Those additional documents as requested by the city that are necessary to explain how the PUD will be designed and will function.

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(D) *Site “Suitable Area” evaluation.* Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in division (E) below.

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

<i>Shoreland Tier Dimensions</i>	
<i>Sewered (feet)</i>	
General development lakes first tier	200
General development lakes second and additional tiers	200

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

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

(1) *Residential PUD “Base” density evaluation.* The suitable area within each tier is divided by the single residential lot size standard for lakes. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in division (F) below.

(2) *Commercial PUD “Base” density evaluation.*

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

(b) Select the appropriate floor area ratio from the following table:

<i>Commercial Planned Unit Development Floor Area Ratios*</i>	
<i>*Average unit floor area (sq. ft.)</i>	<i>Spring Lake (General Development Lake)</i>
200	.040
300	.048
400	.056
500	.065
600	.072
700	.082
800	.091
900	.099
1,000	.108
1,100	.116
1,200	.125
1,300	.133
1,400	.142
1,500	.150
*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet.	

(c) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

(d) Divide the total floor area by tier computed in subsection (c) above by the average inside living area size determined in subsection (a) above. This yields a base number of dwelling units and sites for each tier.

(e) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria of this chapter.

(3) *Density increase multipliers.*

(a) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in § 154.11 are met or exceeded and the design criteria in division (F) below are satisfied. The allowable density increases in subsection (b) below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25% greater than the minimum setback.

(b) Allowable dwelling unit or dwelling site density increases for residential planned unit developments.

<i>Density evaluation tiers</i>	<i>Maximum density increase within each tier (percent)</i>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

(F) *Maintenance and design criteria.*

(1) *Maintenance and administration requirements.*

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

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

1. Commercial uses prohibited (for residential PUD's).
2. Vegetation and topographic alterations other than routine maintenance prohibited.

prohibited.

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

4. Uncontrolled beaching of watercraft prohibited.

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

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

(2) *Open space requirements.* Planned unit developments must contain open space meeting all of the following criteria:

- (a) At least 50% of the total project area must be preserved as open space.
- (b) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking area's, or structures are developed areas and shall not be included in the computation of minimum open space.
- (c) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
- (d) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public.
- (e) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- (f) Open space must not include commercial facilities or uses but may contain accessory structures if permitted.
- (g) The appearance of open space areas, including topography; vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication

and acceptance, or other equally effective and permanent means.

(h) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50% of the shore impact zone must be preserved in its natural state.

(3) *Erosion control and stormwater management.* Erosion control and stormwater management plans must be developed and the PUD must:

(a) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

(b) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25% of the tier area, except that for commercial PUD's 35% impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with § 154.11(C).

(4) *Centralization and design of facilities.* Centralization and design of facilities and structures must be done according to the following standards:

(a) Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and § 154.11(B) and (H). On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.

(b) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with § 154.14(E)(3) for developments with density increases.

(c) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for

them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous

beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

(d) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the city, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

(e) Accessory structures and facilities must meet the required principal structure setback and must be centralized.

(f) Water-oriented accessory structures and facilities will not be allowed to maintain the aesthetics and residential character of the lake.

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

(1) Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

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

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

(a) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.

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

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

(4) Existing dwelling unit or dwelling site densities that exceed standards in division (E) above may be allowed to continue but must not be allowed to be increased, either at the time of conversion or

in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

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