

ORDINANCE NO. 2024 – 04
AMENDED AND RESTATED ZONING CODE
NOVEMBER 12, 2024
City of St. Augusta
Stearns County, Minnesota

The City Council of the City of St. Augusta does ordain: The St. Augusta Zoning Code adopted on June 21, 2005, subsequent amendments, and other updates is hereby amended by deleting all of the existing text of the entire ordinance and replacing it with the St. Augusta Zoning Code, dated November 12, 2024:

Amendments on file at city hall and incorporated into this document:

- March 2025: Replace section 15.04 related to Accessory Structures
- November 2025: Amend section 3.02, 3.08, 15.04, 22.05
- May 2026: Amend sections: 2.02, 3.02, 15.04, 15.14-16, 17, 19.03, 20.04-07, 20.10, 20.12, 22.01, 23.01, 23.04, 23.06, 24.02, 25.04, 29.07, 32.04, 44.04, and 63.04
- September 2026: Amend sections: 2.02, 12, 15.16, 20.07, 24.04

St. Augusta Zoning Codes



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Section 1 - Title And Application

Subdivision

- 1.01 Title
- 1.02 Intent and Purpose
- 1.03 Relation to Comprehensive Plan
- 1.04 Standard Requirements
- 1.05 Uses Not Provided for Within Zoning Districts
- 1.06 Monuments
- 1.07 Separability
- 1.08 Authority
- 1.09 Comprehensive Revision

1.01 TITLE

This Ordinance shall be known, cited, and referred to as the St. Augusta City Zoning Ordinance, except as referred to herein, where it shall be known as “this Ordinance.”

1.02 INTENT AND PURPOSE

This is an ordinance regulating the use of land in St. Augusta, including the regulation of the location, size, use, and height of buildings, the arrangement of buildings on lots, and the density of population for the purpose of:

- A. Protecting public health, safety, order, convenience, and general welfare.
- B. Promoting orderly development and redevelopment of residential, commercial, industrial, recreational, and public areas.
- C. Conserving the natural and scenic beauty and attractiveness of the community.
- D. Conserving, protecting, and developing natural resources.
- E. Providing for the compatibility of different land uses and the most appropriate land use throughout the community.
- F. Preserving agricultural areas.
- G. Promoting orderly development of the community to provide adequate levels of service in public safety, utilities, service, transportation, and administration in a financially responsible manner.

1.03 RELATION TO COMPREHENSIVE PLAN

It is the policy of St. Augusta that the enforcement, amendment, and administration of this Ordinance be accomplished with consideration of the recommendations contained in the City Comprehensive Plan as developed and amended from time to time by recommendation of the Planning Commission and approval by the City Council of the City. The City Council recognizes the City Comprehensive Plan as the policy to regulate land use and development in accordance with the policies and purpose herein set forth.

1.04 STANDARD REQUIREMENTS

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for promoting public health, safety, and welfare.

- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations that are more restrictive or impose higher standards or requirements shall prevail.
- C. Except as herein provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner that does not conform with this Ordinance.
- D. Except as herein provided, no building, structure, or premises shall hereafter be used or occupied, and no building permit shall be granted that does not conform to the requirements of this Ordinance.
- E. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- F. This Ordinance is not intended to abrogate any easement, restrictions, or covenants relating to the use of land or imposed on lands within the City by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

1.05 SEPARABILITY

Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

1.06 AUTHORITY

This Ordinance is enacted pursuant to the authority granted by Minnesota Statutes 462.351 to 462.363.

1.07 COMPREHENSIVE REVISION

The City Council intends this Ordinance to be a comprehensive revision to Ordinance No. 83-1 and all other ordinances inconsistent with this Ordinance, as amended. Any act done, offense committed, or rights accruing or accrued, or liability, penalty incurred, or imposed prior to the effective date of this Ordinance is not affected by its enactment.

Section 2 - Rules And Definitions

Subdivision

2.01 Rules

2.02 Definitions

2.01 RULES

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular.
- B. The present tense includes the past and future tenses, and the future is the present.
- C. The word “shall” is mandatory, and “may” is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition.
- F. All measured distances expressed in feet shall be to the nearest one-hundredth of a foot.
- G. Whenever a calculation is made based upon the provisions herein, if a fraction of a number results, the more restrictive rounding to a whole number shall apply.

2.02 DEFINITIONS

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

A.

Abutting: Making direct contact with or immediately bordering.

Accessory Structure: A subordinate building located on the same parcel as the principal building and which is reasonably necessary and incidental to the conduct of the primary use of such building.

Accessory Use: A subordinate use located on the same lot as the principal building or use and which is reasonably necessary and incidental to the conduct of the principal use.

Accessory Dwelling Unit: A smaller, independent residential dwelling unit located on the same lot as a stand-alone dwelling unit, such as a single-family home, can also be part of the stand-alone building

Addition: A physical enlargement of an existing structure.

Adjacent: In close proximity to or neighboring, not necessarily abutting.

Administrative Permit: A permit issued by the Zoning Administrator in accordance with procedures specified in this Ordinance.

Agricultural Building: A structure on agricultural land designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. An agricultural building

shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

Agricultural Use: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following:

1. Field crops include but are not limited to barley, soybeans, nursery stock, garden crops, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
2. Livestock including but not limited to dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, rabbits, and mink.
3. Livestock products including but not limited to milk, butter, cheese, eggs, meat, fur, and honey.

Agrotourism: Any activity incidental to the operation of a farm that brings members of the public to the farm for educational, recreational, or retail purposes.

Animals:

1. Domestic Animals. House pets such as dogs, cats, and birds that are contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the City. Domestic animals shall include birds and rabbits normally sheltered outside the home.
2. Farm Animals. Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses, and other animals commonly accepted as farm animals in the State of Minnesota.
3. Wild Animals or Exotic Animals. Any mammal, amphibian, reptile, or bird that is of a species not usually domesticated and of a species which, due to size, wild nature, or other characteristics, is dangerous to humans. The term includes animals and birds, the keeping of which is licensed by the state or federal government, such as wolves and raptors. By way of example and not of limitation, the term includes snakes, eagles, ocelots, jaguars, cougars, weasels, ferrets, badgers, monkeys, chimpanzees, deer, and bison. The term also includes crossbreeds, such as the cross between dogs and coyotes and dogs and wolves.

Antenna, Personal Wireless Service: A device consisting of a metal, carbon fiber, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of radio waves in wireless communications including cellular, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services, and including the support structure thereof.

Antenna, Public Utility Microwave: A parabolic dish or cornucopia-shaped electromagnetically reflective or conductive element used to transmit and/or reception point-to-point UHF or VHF radio waves in wireless telephone communications, including its supporting structure.

Antenna,: Radio and Television, Broadcast Transmitting: A wire, set of wires, metal, or carbon fiber rod, or other electromagnetic element used to transmit public or commercial broadcast radio or television programming, including its support structure.

Antenna,: Radio, and Television Receiving: A wire, set of wires, metal, or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the supporting structure thereof.

Antenna,: Satellite Dish: A device incorporating a solid reflective surface, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses and including the support structure thereof. This definition shall include, but not be limited to, what is commonly referred to as satellite earth stations, TVROs (television receive only), and satellite microwave antennas.

Antenna,: Short-Wave Radio Transmitting and Receiving: A wire, set of wires, or a device consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, including the supporting structure thereof.

Antenna: Support Structure: Any pole, telescoping mast, tower, tripod, or other structure that supports a device used in transmitting or receiving radio frequency energy.

Applicant: The owner, their agent, or person having legal control, ownership, and/or interest in land for which the provisions of this Ordinance are being considered for or reviewed.

Automobile Accessory Store: A business wherein essential and unessential automobile components are sold to the general public.

Automobile: and Truck Repair, Major and Minor: General repair, rebuilding, or reconditioning engines, motor vehicles, or trailers; collision service, including body, frame, or fender straightening or repair; overall painting or paint job; vehicle steam cleaning. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts, and motor services to passenger automobiles and trucks.

Automobile: Wash (Car Wash): A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and which may employ some hand labor.

Awning: A temporary roof-like cover that projects from the wall of a building to shield a doorway or window from the elements.

B.

Bakery, Wholesale: An industrial-scale production facility for baked edible food products for sellers.

Banks, other financial institutions, including drive-up tellers: An establishment engaged in deposit banking, lending, credit, investment, fiduciary, or similar financial services, including services provided to occupants of motor vehicles through a drive-up window, automated teller, or similar facility.

Basement: A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Bay: Cantilevered area of a room.

Blasting: The practice or occupation of removing, by means of explosives, any mass, especially rocks, buildings, etc.

Block: Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, or unsubdivided acreage.

Bluff: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

1. Part or all of the feature is located in a shoreland area.
2. The slope rises at least twenty-five (25) feet above the waterbody's ordinary high-water level.
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 thirty (30) percent or greater.
4. The slope must drain toward the water body.

An area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff.

Bluff: Impact Zone: A bluff and land located twenty (20) feet from the top of a bluff.

Boarding House (Rooming or Lodging House): A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging are provided for three (3) or more persons, but not to exceed twenty (20) persons.

Boathouse: A structure designed and used solely for storing boats or boating equipment.

Buffer: The use of land, topography, the difference in elevation, space, fences, or landscape planting to screen or partially screen a use or property from the vision of another use or property and thus reduce undesirable influences such as sight, noise, dust, and other external effects.

Buildable Area: The space remaining on a lot after this Ordinance's minimum setback and open space requirements have been met.

Building: Any structure having a roof that may provide shelter or enclosure of persons, animals, chattels, or property of any kind, and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a the greater height of the building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any building segment.

Building-integrated: Solar Energy System. "Building-integrated Solar Energy System' shall mean a Solar Energy System that is an integral part of a principal or accessory building rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings.

Building-mounted,: Roof Mounted Solar Energy System. "Building-mounted Solar Energy System" shall mean a Solar Energy System affixed to a principal or accessory building “ Roof Mounted solar Energy Systems shall mean a Solar Energy System affixed to the roof of a principal or accessory building.

Building Line: A line parallel to the street right-of-way, street easements, or ordinary high water level at any story level of an existing building and representing the minimum distance at which all or any part of the existing building is set back from said right-of-way, easement, or ordinary high water level. In the case of street easements, the building line shall be the required front yard plus one-half (1/2) of the easement width measured from the centerline.

Building Setback: The minimum horizontal distance between the building and the lot line.

Building supply sales within the principal structure: An establishment primarily engaged in the retail or wholesale sale of lumber, hardware, fixtures, construction materials, tools, or related building supplies, where sales, display, and storage occur within the principal building.

Business: Any occupation, employment, or enterprise in which merchandise is exhibited or sold or where services are offered for compensation.

C.

Cabinet and carpentry shops: An establishment where wood products, cabinets, furniture, millwork, or similar items are fabricated, assembled, repaired, or finished, provided that such activities are conducted within an enclosed building.

Cannabis Business: Any of the cannabis businesses defined by Minnesota Statute 342.01, subd. 14, as may be amended.

Cannabis Cultivator: A cannabis business that conducts an operation pursuant to Minnesota Statutes Section 342.30, as may be amended.

Cannabis Delivery Service: A cannabis business that conducts an operation pursuant to Minnesota Statute Section 341.41 and 342.42, as may be amended.

Cannabis Event Organizer: A cannabis business that conducts an operation pursuant to Minnesota Statute Section 342.39 and 342.40, as may be amended.

Cannabis Event, Temporary: A special, temporary event, as permitted by Minnesota Statute 342.39 and 342.40 and as regulated herein.

Cannabis Manufacturer: A cannabis business that conducts an operation pursuant to Minnesota Statute Section 342.31, as may be amended.

Cannabis, Mezzobusiness: A cannabis business that conducts an operation pursuant to Minnesota Statute Section 342.29, as it may be amended.

Cannabis, Microbusiness: A cannabis business that conducts an operation pursuant to Minnesota Statute Section 342.28, as it may be amended.

Cannabis Sales, Retail: The sale of cannabis plants and seedlings, adult-use cannabis flower, and adult use cannabis products directly to consumers.

Cannabis Retailer: A cannabis business that conducts an operation pursuant to Minnesota Statutes Section 342.32, as may be amended.

Cannabis Sales, Wholesale: The sale of cannabis plants and seedlings, adult-use cannabis flower, and adult use cannabis products to another cannabis business.

Cannabis State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Cannabis Testing Facility: A cannabis business that conducts an operation pursuant to Minnesota Statute Section 342.37 and 342.38, as may be amended.

Cannabis Transporter: A cannabis business that conducts an operation pursuant to Minnesota Statute Section 342.35 and 342.36, as may be amended.

Cannabis Wholesaler: A cannabis business that conducts an operation pursuant to Minnesota Statutes Section 342.33 and 342.34, as may be amended.

Canopy: An accessory roof-like structure that is either attached to or detached from an allowable primary building, which is open on all sides except where attached, and which is located over and designed to provide cover for entrances, exits, walkways, and approved off-street vehicle service areas.

Cemetery: A parcel used or intended to be used for the burial of the dead, including columbarium, crematories, mausoleums, and mortuaries when operated within the boundaries of such cemetery.

Channel: A natural or artificial depression of perceptible extent, with definite bed and banks to continuously or periodically confine and conduct water.

Church: A building and uses where persons regularly assemble for religious worship and which building and uses are maintained and controlled by a religious body organized to sustain public worship.

City Attorney: The person designated by the City Council to be the City Attorney for St. Augusta.

City Building Official: The person designated by the City Council to be the City Building Official for St. Augusta.

City Council: The City Council of St. Augusta.

City Engineer: The person designated by the City Council to be the City Engineer for St. Augusta.

City Planner: The person designated by the City Council to be the City Planner for St. Augusta.

Clear Cutting: The removal of an entire stand of trees and woodland.

Club or Lodge: A non-profit association of bona fide members paying annual dues, with the premises restricted to members and their guests.

Cluster Development: A development pattern and technique in which structures are arranged in closely related groups to make the most efficient use of the land's natural amenities, as accomplished through planned unit development.

Common Open Space: Any open space, including parks, nature areas, playgrounds, trails, and recreational buildings and structures, that is an integral part of a development and is not owned individually by each dwelling unit owner.

Community Center: A building, room, or group of rooms within a building designed specifically as a gathering place for the general public or for a specific segment of the general public and operated on a non-profit basis.

Community: Solar Energy System (also called a "Solar Garden"). "Community Solar Energy System" shall mean a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the solar energy system's location under the provisions of Minn. Statutes 216B.1641 or a successor statute.

Community Water and Sewer System: Utility systems serve a group of buildings, lots, or any community area. The community and the State of Minnesota approve the design and construction of such utility systems.

Comprehensive Plan: A comprehensive plan prepared by the City, including a compilation of policy statement goals, standards, and maps indicating the general locations recommended for the various functional classes of land use, places, and structures and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Conditional Use: Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning district, which for the respective conduct or performance in such designated districts may require reasonable but special, unusual, or extraordinary limitations peculiar to the use for the protection, promotion, and preservation of the general public welfare, health and safety, and the integrity of the City Comprehensive Plan and for which a conditional use permit is required.

Conditional Use Permit: A permit issued by the City Council in accordance with procedures specified in this Ordinance as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

Contractor: General contractors and builders engaged in the construction of buildings, either residences or commercial structures, and heavy construction contractors engaged in activities such as paving, highway, and utility construction.

Contractor's Storage Yard: That part of a lot or parcel upon which a construction contractor maintains its business office and an area enclosed by fence and/or screening that is used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

Construction Waste: Building materials and other wastes associated with construction projects, including, but not limited to, wood, concrete, drywall, masonry, roofing, siding, structural metal,

wire, insulation, plastics, Styrofoam, twine, baling and strapping materials, cans, buckets, packaging materials, and containers.

Convenience Food Establishment: An establishment that serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

Curb Level: The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.

D.

Day Care Facility, State Licensed: Any facility licensed by the State Department of Human Services or Department of Health, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance regularly, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Daycare facilities include but are not limited to family day care homes, group family day care homes, daycare centers, day nurseries, daytime activity centers, day treatment programs, and day services, as defined by Minnesota State Statutes, Section 245.782.5, as may be amended.

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 (3) feet above ground.

Density, Residential: A number expressing the relationship of the number of dwellings to an acre of land as established in the Comprehensive Plan.

Deposition: Any rock, soil, gravel, sand, or other material deposited naturally or by man into a waterbody, watercourse, floodplains, or wetlands.

Display, Outside: A class of storage outside the principal building where merchandise is visible and may involve active sales as well as passive sales (where items can be taken inside for actual purchase). The outside display of merchandise may be temporary or permanent, depending upon the conditions of the permit issued pursuant to this Ordinance.

Distribution Center: An area greater than fifty thousand (50,000) square feet in which typically large volumes of commodities are received and organized for transport prior to final dispersal to the consumer.

Diversion: A channel that intercepts surface water runoff and changes the accustomed course of all or part of a stream.

Draining: The removal of surface water or groundwater from land.

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

Drive Through Business: A business that, by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles, excluding gasoline service stations as defined in this subdivision.

Dwelling: A building or portion thereof, designated exclusively for residential occupancy, but not including one-family, two-family, and multiple-family dwellings, not including hotels, motels, boarding houses, or manufactured housing.

Dwelling, Single Family: A dwelling unit designed exclusively for one (1) family occupancy.

1. Attached. A dwelling that is joined to another at one or more sides by a party wall.
2. Detached. A dwelling unit is not attached to another dwelling or structure or is entirely surrounded by open space.

Dwelling Unit: A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking, and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers.

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

E.

Easement, Access: A grant by a property owner for the use of a strip of land by the public or another person or entity for the purpose of allowing ingress or egress to the property.

Easement, Utility: A grant by a property owner for the use of a strip of land for the installation of utilities or for the preservation or maintenance of a drainage facility.

Entertainment Venues: Any use or business that provides entertainment services within the community, including but not limited to movie theaters, conference centers, reception halls, amusement centers, etc.

Erosion: The wearing away of land surface by the action of natural elements.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water or sewer transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Transmission/reception support structures and antennas shall not be considered an essential service.

Essential Service Structures: Structures and buildings necessary for the operation of essential services, including but not limited to telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, and lift stations. Essential service structures shall not include transmission/ reception antennas.

Excavation: The mechanical removal of earth material below finish grade shall be limited to only those areas needing soil correction and shall not include the exporting of earth material from the site.

Existing Grade: The grade prior to grading.

Explosive: Any chemical or other substance intended for the purpose of producing an explosion or that contains oxidizing or combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion, or by detonation may produce an explosion capable of causing injury to persons or property damage. The term "explosive" includes, but is not limited to, the following: black powder (all varieties), dry gun cotton, nitroglycerine, dynamite, chlorates, fulminates, all sensitized ammonium nitrate compositions, and any other of their compounds or mixtures, smokeless powder, wet gun cotton, and wet nitrostarch.

Extractive Use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

F.

Family: An individual or two (2) or more persons related by blood, marriage, adoption, or a functional family living together in a dwelling unit and sharing common cooking facilities.

Family, Functional: A group of no more than six (6) people plus their offspring having a relationship that is functionally equivalent to a family. The relationship must be permanent and distinct, with a demonstrable and recognizable bond that is characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization, group of students, or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Farm: A parcel greater than ten (10) acres in size that is principally used for agricultural activities such as the production of cash crops, livestock, or poultry farming. Such a farm may include agricultural dwellings and buildings and structures necessary for the operation of the farm.

Farm: Hobby: A parcel generally consisting of between ten (10) or and five (5) acres in size with a house and accessory buildings on which crops and often livestock are raised but not as a principal source of income.

Farming: The process of operating a farm for the growing and harvesting of crops, which shall include those necessary buildings related to operating the farm and the keeping of common domestic farm animals.

Feedlot Related:

1. Animal Feedlot Permit: A permit issued by the Minnesota Pollution Control Agency (MPCA) when the potential pollution hazard will not be corrected within ten (10) months of the permit issuance date or when manure is not used as a domestic fertilizer. This permit shall contain such conditions and requirements as the agency deems necessary to ensure compliance with applicable state rules.
2. Animal Unit (AU): A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced regularly by a slaughter steer or heifer. For purposes of this Ordinance, the following equivalents shall apply:

Animal	AU Per Animal	140 AU Equals:	200 AU Equals:	350 AU Equals:
One mature dairy cow	1.40	100 animals	143 animals	250 animals
One slaughter steer or heifer	1.00	140 animals	200 animals	350 animals
One horse	1.00	140 animals	200 animals	350 animals
One swine over 55 pounds	.40	350 animals	500 animals	875 animals
One duck	.20	700 animals	1,000 animals	1,750 animals
One sheep	.10	1,400 animals	2,000 animals	3,500 animals
One swine under 55 pounds	.05	2,800 animals	4,000 animals	7,000 animals
One turkey	.018	7,778 animals	11,111 animals	19,444 animals
One chicken	.01	14,000 animals	20,000 animals	35,000 animals

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds. The total number of animal units subject to permit or registration shall be determined by including operations located within one-half mile, which utilize a common area or system for manure disposal.

3. Certificate of Compliance: A letter from the MPCA Director to the owner of an animal feedlot stating that the feedlot meets agency requirements, the livestock operation does not create or maintain a potential pollution hazard, or that the potential pollution hazard has been corrected to meet MPCA requirements.
4. Change in Operation: An increase beyond the permitted maximum number of animal units, an increase in the number of animal units confined at an unpermitted animal feedlot requiring a

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construction investment, or a change in the construction operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

5. Commissioner: The MPCA commissioner's duties are defined in Minnesota Statutes, Section 116.03, as amended.
6. Corrective or Protective Measures: A practice, structure, condition, or combination thereof that prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with MPCA rules.
7. Domestic Fertilizer:
 - a. Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or
 - b. Animal manure that is used as compost, soil conditioners, or specialized plant beds.
8. Drainage Ditch: A natural or constructed open channel that is shaped or graded for the stable conveyance of stormwater runoff.
9. Earthen Basin: A dike or excavated structure, often lined with clay or a synthetic liner, in which manure is stored. The basin is emptied at least once each year. It is designed by a professional engineer or Natural Resources Conservation Service/Soil and Water Conservation District (NRCS)/(SWCD) technician.
10. Feedlot, Animal: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches, and zoos shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
11. Feedlot, New Animal: An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a preexisting animal feedlot has been abandoned or unused for five (5) years or more.
12. Feedlot Operator: An individual, a corporation, a group of individuals, a partnership, a joint venture, an owner, or any other business entity having charge or control of one or more livestock feedlots, poultry lots, or other animal lots.
13. Interim Permit: When required, a permit issued by the MPCA that expires no later than ten (10) months from the date of issuance, identifying the necessary corrective measures to abate potential pollution hazards.

14. Lagoon: A manure treatment structure, typically earthen. Depending on their design, lagoons can be aerobic, anaerobic, or facultative. An anaerobic lagoon differs from an earthen storage basin in that it is managed for manure treatment. Anaerobic lagoons are only partially emptied yearly, whereas earthen storage basins are emptied once or twice a year.
 15. Manure, Animal: Livestock and poultry's fecal and urinary excretions. Manure can include bedding material and water used for livestock. Types of manure have descriptive names such as liquid, slurry, and solid. Manure, with a moisture content of more than ninety-six (96) percent, is liquid. Manure with a moisture content between ninety (90) and ninety-six (96) percent is called a slurry. A moisture content of less than eighty-four (84) percent is considered solid.
 16. Manure Storage Area: An area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered manure storage for these parts.
 17. National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued by the MPCA to regulate the discharge of pollutants from point sources, including concentrated animal feeding operations, and issued to large facilities (one thousand (1,000) animal units or more) that have the potential to discharge pollutants to the state's waters.
 18. Cropland and Pastures: Areas of land over 10 acres where grass or other growing plants are used for grazing and where the concentration of animals is such that vegetation cover is maintained during the growing season except near temporary supplemental feeding or water devices.
 19. Potential Pollution Hazard: A condition which indicates a potential for pollution of the land or waters of the state, including:
 - a. An animal feedlot or manure storage area whose boundaries are located within shoreland or floodplain, or are located in an area draining directly to a sink hole or draining to an area with shallow soils overlying a fractured or cavernous rock, or are located within one hundred (100) feet of a water well; or
 - b. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or ground waters of the state over applicable standards, including, but not limited to, Minnesota Rules Chapter 7050 and 7055, during a rainstorm event of less magnitude than the 25-year, 24-hour event or will allow uncontrolled seepage of pollutants into the groundwater or violate any applicable state rules.
- Fence:** A partition, wall, hedge, row(s) of continuous plantings, or gate erected as a dividing marker, visual or physical barrier, or enclosure.
- a. "Man-made fence" shall mean a partition or wall constructed of wood, metal, masonry, brick, stone, concrete, and the like.
 - b. "Natural hedge or planting" shall mean a divider or barrier of vegetation materials.

Fence height: The distance from the adjacent finished grade to the highest projection of a fence structure, not including support posts.

Fill: A deposit of each material placed by artificial means to elevate a site's grade.

Filling: The act of depositing rock, soil, gravel, sand, or other material to fill a water body, watercourse, or wetland.

Flood Related:

1. Equal Degree of Encroachment: A method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream is reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.
2. FEMA: Federal Emergency Management Agency.
3. Flood: A temporary rise in stream flow or stage that inundates the areas adjacent to the channel.
4. Flood Frequency: The average frequency, statistically determined, for which a specific flood stage or discharge is expected to be equaled or exceeded.
5. Flood Fringe: The portion of the floodplain outside the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the city's Flood Insurance Study.
6. Flood Hazard Areas: The areas included in the floodway and flood fringe as indicated on the official Zoning Map and the Flood Insurance Study and Flood Insurance Rate Map, which have been officially adopted by the City.
7. Flood Insurance Rate Map: The Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City and as applicable and allowed by law, the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the County of Stearns and dated March 1, 1979.
8. Flood Insurance Study: The Federal Emergency Management Agency prepared the Flood Insurance Study for the City and, as applicable and allowed by law, the Flood Insurance Study prepared by the Federal Emergency Management Agency for the County of Stearns and dated March 1, 1979.
9. Floodplain: The areas adjoining a watercourse that has been or may be covered by the 100-year flood, as determined by using the 100-year flood profile and other supporting technical data in the Flood Insurance Study.

10. Floodproofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily to reduce or eliminate flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.
11. Floodway: The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the regional flood, as determined by using the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
12. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
13. 100-Year Flood: A flood that is representative of large regional floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
14. Reach A hydraulic engineering term for a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.
15. Regulatory Flood Protection Elevation: A point not less than one (1) foot above the water surface profile associated with the 100-year flood, as determined by using the 100-year flood profile and supporting technical data in the Flood Insurance Study, plus any increase in flood heights attributable to encroachments on the floodplain. This is the elevation to which uses regulated by this Section are required to be elevated or flood-proofed.

Floor: Area, Gross: The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include a basement floor area other than the area devoted to retailing activities, the production or processing of goods, or business or professional offices.

Floor: Plan: A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

Forest: Land Conversion: The clear-cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stand.

Frontage: That boundary of a lot that abuts an existing or dedicated public street, watercourse, or similar barrier.

Funeral homes: An establishment used for conducting or arranging funerals, memorials, visitations, or related services, and which may include the preparation of deceased persons for burial, cremation, or other final disposition.

G.

Game Farms: Land or facilities used for the propagation, raising, management, or controlled hunting of game birds or game animals, where permitted by applicable federal, state, and local regulations.

Garage, Private (Residential): An accessory building or accessory portion of the principal building which is primarily intended for and used to store the private passenger vehicles and trucks not exceeding twelve thousand (12,000) pounds gross weight of the family or families resident upon the premises. Excepting home occupations as may be allowed by this Ordinance, no business, service, or industry shall be conducted within a residential private garage.

Garage, Public: A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for enumeration or hire and in which any sale of gasoline, oil, and accessories is only incidental to the principal use (see also automobile repair-minor and major).

Gas Station: Land and buildings used to supply motor vehicles with petroleum-based fuel products.

Gazebo: A freestanding accessory structure or pavilion. Such structures are characterized by partly open construction, design symmetry, and the use of ornamental architectural features.

Grade (Adjacent Ground Elevation): The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grading: Changing the natural or existing topography of land.

Greenhouses: Buildings used for the indoor cultivation of plants and flora.

Grocery, Convenience Market: A retail establishment with a gross floor area of less than seven thousand five hundred (7,500) square feet that sells pre-packaged food products, household items,

and other goods associated with them. Convenience markets are intended to draw customers from surrounding neighborhoods, not the entire community.

Grocery, Supermarket: A retail establishment with a gross floor area of seven thousand five hundred (7,500) square feet or greater that sells food products, household items, and other goods associated with the same. In many cases, supermarkets include pharmacies, delicatessens, and snack bars. Supermarkets are intended to draw customers on a community, but not regional, scale.

Ground-mounted Solar Energy System: "Ground-mounted Solar Energy System" shall mean a Solar Energy System affixed to the ground.

Group: Care Facility: A facility that provides resident services to seven (7) or more individuals, one or more unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. The category includes uses such as homes for those with physical or mental handicaps, chemical dependency, foster children, maternity homes, and housing for formerly incarcerated individuals.

Group Day Care Center: Any location that provides care for six (6) or more unrelated children at one time for compensation and is licensed to provide such services by the Minnesota Department of Human Services or the Department of Health. This term shall include, but is not limited to, uses such as day nurseries, childcare centers, and drop-in care centers

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

H.

Hardship: A situation where the property in question cannot be put to a reasonable use under the 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 a hardship if a reasonable use for the property exists under terms of the official controls.

Haul Road: An internal private road used to transport material.

Haul Route: An external public road used to transport material.

Heavy: manufacturing and assembly. The manufacture, processing, assembly, fabrication, storage, or treatment of products from raw or extracted materials, or activities involving hazardous, explosive, flammable, or high-impact materials or processes, where operations may generate significant noise, odor, vibration, smoke, dust, traffic, or other external effects.

Highway: Any public thoroughfare or vehicular right-of-way with a federal, state, or county numerical route designation.

Home Extended Business: A business or service activity conducted within a dwelling or its accessory building that is clearly secondary to the residential use, operated by the occupant of the dwelling, and meeting all applicable standards for intensity, size, traffic, signage, and compatibility with the surrounding neighborhood as established in Section 25.04 of this ordinance.

Home: Occupation: Any occupation or profession engaged in by the occupant of a residential dwelling unit that is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

Home Office: A home occupation consisting of a room or group of rooms used solely by the dwelling occupant for conducting affairs of a recognized business, profession, or service and which does not involve the on-site sale of products or client/patron site visits.

Hotel: A building that provides a common entrance, lobby, halls, and stairway and in which twenty (20) or more people are, for compensation, lodged with or without meals.

I.

Impervious: Surface: An artificial or natural surface through which water, air, or roots cannot penetrate. It includes surfaces such as compacted sand or clay and most conventionally surfaced streets, roofs, sidewalks, parking lots, and other structures.

Incendiary Device: A device so articulated that an ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion. The term does not include a manufactured device or article in common use by the general public designed to produce combustion for a lawful purpose, including but not limited to matches, lighters, flares, or devices commercially manufactured primarily for illumination, heating, or cooking. The term does not include firearms ammunition.

Intensive Vegetation Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim Use: A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

Interim: Use Permit: A permit issued by the City Council in accordance with procedures specified in this Ordinance.

J.

Junk Yard: An open area where waste, used, or second-hand 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 auto-wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills

Junk Cars: Any unlicensed, unregistered or inoperable vehicle stored in the open.

Junk (Rubbish): Any material or substance stored in the open or not enclosed in a building which does not serve, nor is it intended to serve, any useful purpose or the purpose for which it was originally intended, including, but not limited to: refuse; empty cans; bottles; debris; used furniture; unused appliances; machinery parts; motor vehicle parts; remnants of wood; decayed, weathered or broken construction material no longer usable; metal; or any cast off materials.

K.

Kennel, Dog: Any structure or premises on which four (4) or more dogs over six (6) months of age are kept for pets, sale, breeding, profit, etc.

L.

Land Reclamation: The process of the re-establishment of acceptable topography (i.e., slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

Landfill: A type of operation in which earth is deposited in alternate layers of specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

Landscaping: Plantings such as trees, flowers, grass, and shrubs, as well as improvements directly related thereto. **Loading Space (Off-Street):** A formally delineated space, area, or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials.

Light manufacturing and Assembly: The manufacture, processing, assembly, fabrication, packaging, or treatment of finished or semi-finished products from previously prepared materials, conducted primarily within an enclosed building and not producing significant noise, odor, vibration, smoke, dust, glare, or other external impacts beyond the property.

Light Manufacturing, Lower-Potency Hemp: A hemp business that conducts an operation pursuant to Minnesota Statute Section 342.45, as it may be amended.

Liquor, off-sale: An establishment licensed to sell alcoholic beverages in original packaging for consumption off the premises, as authorized by applicable state law and local licensing requirements.

Liquor, on-sale: An establishment licensed to sell alcoholic beverages for consumption on the premises, as authorized by applicable state law and local licensing requirements.

Lodging Room: A room rented as sleeping and living quarters but without cooking facilities. In a suite of rooms without cooking facilities, each room providing sleeping accommodations shall be counted as one (1) lodging room.

Lot: (of Record): Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Stearns County, Minnesota, before the effective date of this Ordinance. A lot of records shall also include parcels of land for which a deed or contract for deed has been recorded in the Office of the Stearns County Recorder before the date of this Ordinance, provided that said parcel or parcels were legally created in accord with ordinances in effect at the time the deed or contract was recorded.

Lot: Area: The area of a lot in a horizontal plane bounded by the lot lines.

Lot,: Buildable: Contiguous land area exclusive of lakes, ponds, creeks, or other water bodies, wetlands, drainage ways, slopes in excess of eighteen (18) percent, and rights-of-way. The area shall meet or exceed all requirements within the Land Use Plan and Zoning Ordinance without the necessity of a variance.

Lot,: Corner: A lot situated at the junction of and abutting two or more intersecting streets or a lot at the point of deflection in alignment with a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

Lot,: Double Frontage: An interior lot having frontage on two streets.

Lot, Frontage: The narrowest lot boundary abutting a public street that meets minimum lot width requirements. If none of the boundaries abutting a public street meet minimum lot width requirements, then the lot frontage is the widest boundary abutting a street.

Lot: Improvement: Any building, structure, place, work of art, or other object or improvement of the land on which it is situated that constitutes a physical betterment of real property or any part of such betterment.

Lot, Interior: A lot, other than a corner lot, including through or double frontage lots.

Lot Depth: The mean horizontal distance between the front and rear lot lines of a lot.

Lot Line: The property line bounding a lot, except where any portion of a lot extends into the public right-of-way, shall be the lot line for applying this Ordinance.

Lot Line, Front: The boundary of a lot that abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the Stearns County Recorder.

Lot Line, Rear: That boundary of a lot that is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line, Side: Any boundary of a lot that is not a front lot line or a rear lot line.

Lot, Substandard: A lot or parcel of land for which a deed has been recorded in the Office of the Stearns County Recorder upon or before the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

Lot, Through: A lot that has a pair of opposite lot lines abutting two substantially parallel streets and is not a corner lot. For applying this Ordinance on a through lot, both street lines shall be front lot lines.

Lot, Unit: Lots created from the subdivisions of a base lot for a two-family dwelling, townhome, or manor home dwelling with different minimum lot size requirements than the conventional base lots within the zoning district.

Lot Width: The maximum horizontal distance between the side lot lines of a lot measured within the first thirty (30) feet of the lot depth. The lot width shall determine the required street frontage and shoreline frontage for lots.

Lower-Potency Hemp Edible Retailer: A low potency hemp business that conducts an operation pursuant to Minnesota Statutes Section 342.46, as may be amended.

Lower-Potency Hemp Edible sales: The sale of lower-potency hemp edibles, that have been obtained from a licensed Minnesota cannabis microbusiness, cannabis mezzobusiness, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible manufacturer, directly to consumers.

Lower-Potency Hemp Manufacturer: A low potency hemp business that conducts an operation pursuant to Minnesota Statutes Section 342.45, as may be amended.

M.

Manufactured Home (Mobile Home): A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily filed a certification required by

the Secretary of State and complies with the standards established under Minnesota Statutes Chapter 327.

Manufactured Home Park: Any lot upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation. It includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the park's equipment.

Massage Therapy (Therapeutic): The process by which a practitioner applies massage therapy techniques and may apply adjunctive therapies to affect the health and well-being of the client positively. The rubbing, stroking, kneading, tapping, positioning, causing movement, and applying touch and pressure to the body. Adjunctive therapies may include

- (1) the application of heat, cold, water, mild abrasives, heliotherapy, topical preparations not classified as prescription drugs,
- (2) the use of mechanical devices and tools that mimic or enhance manual actions,
- (3) and instructed self-care and stress management. Massage therapy shall not include techniques traditionally practiced by chiropractors.

Medical and Dental Clinics: A structure intended to provide medical and dental examinations and services to the public. This service is provided without overnight care available.

Metes and Bounds Description: This method describes properties by means of their direction and distance from an easily identifiable point.

Minerals: Soil, clay, stone, sand, gravel, and other similar solid materials or substances to be mined from natural deposits.

Mineral Extraction: Extraction of inorganic materials such as ore, gravel, or sand.

Mining: is all or part of the process of extracting minerals by removing the overburden and extracting directly from the mineral deposits thereby exposed.

Mining, accessory use: Uses customarily incidental to mining located on the same site, such as stockpiling, sorting, screening, washing, crushing, batching, and related maintenance facilities.

Mixed-Use Building: A building constructed or converted to contain commercial and residential uses on the same parcel of land.

Model Home: A home similar to others in a development that is open to public inspection to sell the other homes.

Mortuaries: An establishment used primarily for the preparation, care, storage, or handling of deceased persons prior to burial, cremation, or other final disposition, and which may include related funeral or memorial services.

Motel (Motor Hotel): A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with a garage or parking space conveniently located to each unit, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients.

Motor Freight Terminal: A building or area where freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

Motor: Fuel Station: Any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils, or lubricants. When the use is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

Motor: vehicle, farm implements, and recreation equipment sales, services, and repair. An establishment primarily engaged in display, sale, rental, leasing, servicing, maintenance, or repair of motor vehicles, farm implements, recreational vehicles, trailers, boats, snowmobiles, all-terrain vehicles, or similar equipment, including incidental accessory parts sales.

Multi-family attached (5+ Units): A residential building or group of attached residential buildings containing five or more dwelling units, each designed or used as a separate housekeeping unit with independent living facilities.

N.

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

Non-Conformity: The same as that term is defined or described in Minnesota Statutes, Chapter 394.

Non-Conforming Structure, Use, or Lot, Legal: A building, structure, premises, or use lawfully established prior to the adoption of this Ordinance or any amendment thereto which does not now conform with the applicable conditions or provisions of this Ordinance for the distinct in which the structure or use is located.

Nursery, Landscape: A business involving the growing and selling of trees, flowering and decorative plants, and shrubs, which may be conducted within or without a building for landscape construction.

O.

Occupancy: The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

Off-street parking: A designated area located outside of a public right-of-way that is used for the parking of motor vehicles associated with a specific land use. Off-street parking may be provided as a principal use (e.g., commercial parking lot or structure) or as an accessory use to a primary use. Off-street parking areas may include parking lots, parking structures, drive aisles, loading areas,

accessible spaces, and associated landscaping, screening, and stormwater features required by this Code.

Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

Offices, commercial: A building, room, or portion thereof used for business, administrative, financial, real estate, sales, consulting, or similar commercial office services, where goods are not primarily manufactured, stored, or sold on the premises.

Offices, professional: A building, room, or portion thereof used for professional services such as medical, legal, planning, engineering, architectural, accounting, design, consulting, or similar services, where goods are not primarily manufactured, stored, or sold on the premises.

On-street Parking: Parking spaces located within a public or private street right-of-way, typically positioned parallel, angled, or perpendicular to the travel lanes, and intended for use by vehicles stopping or parking along the curb or edge of the roadway.

Open Sales Lot (Exterior Storage): Any land used or occupied for the purpose of buying and selling goods, materials, or merchandise and for storing them under the open sky before sale.

Open: Space: Any open area not covered by structures, including but not limited to the following uses: required or established yard areas, parking areas, sidewalks, school walks, trails, recreation areas, waterbodies, shorelands, watercourses, wetlands, groundwater recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.

Open Space, Usable: A required ground area or terraced area on a lot that is graded, developed, landscaped equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for recreational purposes. Roofs, driveways, and parking areas shall not constitute usable open space.

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

Outdoor service, sales, and rentals: The display, sale, rental, leasing, servicing, or customer pick-up of goods, vehicles, equipment, materials, or merchandise conducted wholly or partly outside of an enclosed building, including accessory outdoor display or storage areas.

Outdoor storage: The keeping, placement, or staging of goods, materials, merchandise, equipment, supplies, vehicles, containers, or refuse outside of a fully enclosed building for more than 24 hours, whether for business operations, inventory, maintenance, processing, sale, or disposal. Outdoor storage includes laydown areas, contractor yards, material stacks, palletized goods, and parked equipment awaiting service. Outdoor storage may be a principal use or accessory use, and may be short-term (greater than 24 hours but less than 30 days) or long-term (30 days or more) as defined by this Code. Passenger vehicles parked on a residential driveway or in a commercial or industrial paved parking lot which are in working order and are regularly used for personal transportation use by the owner of such vehicle shall not constitute outdoor storage.

Outlot: A parcel of land included in a plat which is smaller than the minimum size permitted for lots and which is thereby declared unbuildable until combined through platting with additional land; or a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting before development; or a parcel of land which is included in a plat and which is designated for public or private open space, right-of-way, utilities or other similar purposes.

Owner: An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity with a proprietary interest in the land.

P.

Parcel: See Lot.

Park, Private: A lot presently owned or controlled and used by private or semi-public persons, entities, groups, etc. solely for active and/or passive recreational purposes.

Park, Public: A lot publicly owned and used by the public for active and/or passive recreational purposes. Trailways themselves shall not constitute a public park.

Parking: The temporary placement of an operable motor vehicle for the purpose of conducting normal daily activities, such as visiting, loading, unloading, accessing a residence or business, or remaining idle for a short and limited duration. Parking occurs in areas designated or authorized for that purpose, such as driveways, parking lots, garages, or on street parking spaces. Parking is not intended for long term or indefinite duration.

Parking Space (Off-Street): A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store a standard automobile.

Party Wall: A common wall that divides two (2) independent structures by a firewall.

Patio: A level, surfaced area directly adjacent to a principal building at or within three (3) feet of the finished grade, without a permanent roof which is intended for outdoor lounging, dining, and the like.

Performance Standard: A criterion established for, but not limited to, setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage, and off-street parking and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in the use of land or buildings.

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

Person: Any individual, legal entity, or place of worship.

Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Planned Unit Development: A zoning designation that allows a mixing of buildings and uses which cannot be otherwise addressed under this section and/or whereby internal site design standard deviations from this section may be allowed to improve site design and operation.

Planning Commission: The St. Augusta Planning Commission.

Play and Recreational Facilities: Equipment customary and incidental to the principal use of the site intended for the enjoyment and convenience of the residents of the principal use and their occasional guests. Such facilities include swing sets, play sculptures, sandboxes, picnic tables, basketball standards, tennis courts, barbecue grills, patio accessory furniture, etc.

Pole: Building: Any structure possessing the following characteristics: structural wood poles or timbers buried in the ground on individual footings, metal wall coverings hung vertically of less than twenty-eight (28) gauge, or any structure constructed using post-frame design. Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utilities, or any similar structure not covering or enclosing a specific area.

Practical: Difficulty: the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner

Premises: A lot or plot with the required front, side and rear yards for a dwelling structure, or other use as allowed under this Ordinance.

Principal Building: A building in which the principal use of the lot is conducted or which is essential to the conduct of such principal use. In the A-1 General Agriculture District, the principal use may require multiple buildings—such as a dwelling, barn, or other agricultural structures—each of which shall be considered a principal building.

Principal Use: The main use that a lot is put to as distinguished from subordinate or accessory uses. A “principal use” may be permitted, interim, conditional or may be a legal non-conforming use.

Private accessory recreational facilities: Recreational facilities, areas, or improvements intended for the private use of residents, tenants, members, employees, or guests of the principal use, including private courts, pools, playgrounds, trails, athletic fields, clubhouses, or similar facilities, and not operated as a principal commercial recreation use.

Private Open Space: Areas that are part of a private property, intended for the use of the occupants or owners of that property. These spaces are maintained by the property owner or occupant and are designed to provide privacy and personal outdoor space for residents.

Property: Line: The legal boundaries of a parcel of property which may also coincide with a right-of-way lines of a street, cartway, and the like.

Protective: Covenant: A contract in readable form entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

Public: Land: Land owned or operated by municipal, school district, county: state, or other governmental units.

Public Open Space: Areas designated for use by the general public. Public open space is owned, managed, or maintained by a government entity or public agency and is accessible to all individuals regardless of property ownership.

Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

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

Public Utility: Any person, firm, corporation, municipal department, or board fully authorized and furnishing electricity, gas, steam, communication services, cable television, telegraph services, transportation, water, or the like to the public under municipal regulation.

Public Waters: Any waters as defined in Minnesota Statutes, Section 105.37, subdivisions 14 and 15. However, no lake, pond, or flowage of less than ten (10) acres in size in municipalities and twenty-five (25) acres in size in unincorporated areas need be regulated for the purposes of parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from parts 6120.2500 to 6120.3900. The official determination of the size and physical limits of drainage areas of rivers and streams shall

be made by the Commissioner, who shall officially determine the size and physical limits of drainage areas of rivers and streams.

Publication: Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic

Q.

Quadplex: A residential building containing four dwelling units, each designed or used as a separate housekeeping unit with independent living facilities.

R.

Radio and television studios: An establishment used for the production, recording, editing, broadcasting, or transmission of radio, television, video, audio, or similar media programming, excluding freestanding communications towers unless otherwise permitted.

Reclamation/End: Use. The process of creating useful landscapes that meet a variety of goals. It includes all aspects of this work, including material placement, stabilizing, capping, regrading, and placing cover soils, revegetation, and maintenance.

Recreation,: Commercial: A business directed toward the general public, not requiring membership, that offers recreational entertainment such as amusement centers, bowling alleys, billiard halls, miniature golf, movie theaters, ballrooms, and the like.

Recreational Camping Vehicle (Travel Trailer/Motor Home): Any vehicle or structure which meets all of the following qualifications:

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

Recreational Equipment of limited size and weight: Small, portable items used for recreation during certain times of the year that can be easily moved, carried, or stored and do not create the visual or physical impacts associated with large recreational vehicles or equipment. Examples include but are not limited to kayaks, canoes, paddleboards, bicycles, portable nets or goals, lawn games, fish house, or kiddie pools.

Recreational: Field, Structure, or Building: An area of land, water, or any building in which amusement, recreation, or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly. A golf course, arena, baseball park, stadium, or gymnasium is a recreation field or building for the purpose of this Ordinance.

Recreational: Vehicle: A self-propelled vehicle that is used primarily for recreation and leisure time activities and purposes, including, but not limited to, classic cars, cars used for racing, bicycles, motor boats, sailboats, snowmobiles, ATV's, and recreational camping vehicles.

Recyclable: Materials: Materials that are separated from mixed municipal solid waste for recycling, including paper, glass, metals, automobile oil, batteries, and other specifically allowed items. Refuse-derived material or other material that is destroyed by incineration is not recyclable.

Refuges: Land or water areas managed or preserved primarily for the protection, conservation, restoration, or observation of wildlife, habitat, or natural resources.

Refuse: Waste products which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, fruit, or other vegetable or animal matter from the kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain or vegetables; offal, animal excreta, or the carcass of animals; tree or shrub trimmings, or grass clippings; brick, plaster, wood, metal, roofing materials, pipe or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, used containers, boxes and packing materials, junk vehicles, ashes, tires, junk, Christmas trees, rocks, sod, dirt, glass, jars, bottles, auto parts, cement brick, leaves, burn barrels, household appliances, furniture, toys, floor coverings, fabric, drain oil, solvents and fluids or other such substances that may become a nuisance.

Registered Land Survey: A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes 508.47 as amended.

Religious Institution: A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Research and development laboratories: A building or group of buildings used for scientific, technical, medical, agricultural, engineering, product, or industrial research, experimentation, testing, analysis, or development, provided that any manufacturing, processing, or sales are incidental to the principal research and development use.

Residential Facility: Any facility licensed by the Minnesota Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons with twenty-four (24) hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include but are not limited to state institutions under the

control of the Commissioner of Public Welfare, foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children.

Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.

Residential: Shelter: A supervised facility providing short-term housing, food, and protection for individuals, not including residential care facilities, community correctional facilities, day care facilities, hotels, motels, or nursing homes.

Restaurant (Not drive-in, convenience, or drive-through type): An establishment that serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

Restaurant, Convenience (Fast) Food: An establishment that serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

Restaurant, Delivery, or Take Out: An establishment that permits or encourages the purchase of prepared, ready-to-eat foods to be picked up or delivered for off-premise consumption by design of physical facilities, service, or packaging procedures.

Restaurant, Drive-In (not drive-through type): Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages on the premises, typically eaten in the customer's vehicle on the site.

Retail Store/Service: Any use where products are sold or personal services are offered to purchasers in the public, such as but not limited to,

Right-Of-Way: Land acquired by reservation or dedication intended for public use and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer, or other similar uses.

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

S.

School: A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota and does not provide residential accommodations.

School, Private: Any building or group of buildings not operated by a public agency or unit of government, the use of which meets compulsory education laws of the State of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher

education and which use does not secure the major part of its funding directly from any governmental source.

School, Public: Any building or group of buildings, the use of which meets compulsory education laws of the State of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education and which secures all or the major part of its funding from governmental sources and is operated by a public agency or governmental unit.

Secondary Use: A use of land or a building or a portion thereof that is subordinate to and does not constitute the primary use of the land or building.

Semi-Public Use: Uses owned by private or private non-profit organizations open to some, but not all, of the public.

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 of flooding, or occurrence of flora or fauna in need of special protection.

Setback: The minimum horizontal distance between a structure and the property line nearest thereto; within shoreland districts, it shall also mean the minimum horizontal distance between a structure or a sewage treatment system and the ordinary high water level. For purposes of earth shelter buildings only, above-grade portions shall be used in determining setback requirements. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided hereinafter.

Sewage: A combination of water-carried or dewatered wastes from residences, businesses, institutions, industrial establishments, or any other source, including transported wastes or sludge from treatment plants and/or industrial establishments, regardless of whether the point of origin of said wastes or sludge is within or outside St. Augusta.

Sewage: Treatment Systems, Private: On-site means for disposing and treating human and domestic waste such as a septic tank and soil absorption system or other system allowed by State, County, and City regulations; used where authorized by the City when access to a municipal sewer system is not required or feasible.

Sexually Oriented Activities, Related Terms:

1. Sexually Oriented Uses: Uses which include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the

presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public. Activities classified as “obscene” as defined by Minnesota Statutes, Section 617.241 are not included.

- a. Specified Anatomical Area: Human genitals in a state of sexual arousal.
 - b. Specified Sexual Activities: Includes any of the following:
 - i. The fondling or other erotic touching of human genitals pubic region, buttocks, anus, or female breasts;
 - ii. Sex acts, normal or perverted, actual, or simulated, including intercourse, oral copulation, or sodomy;
 - iii. Masturbation, actual or simulated; or
 - iv. Excretory functions as part of or in connection with any of the activities set forth in sub-section 2.a through 2.c above.
2. Sexually Oriented Uses, Accessory: The offering of retail goods for sale which are classified as sexually oriented uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties, and the like.
3. Sexually Oriented Uses, Principal: The offering of goods and/or services which are classified as sexually oriented uses as a primary or sole activity of a business or establishment and include but are not limited to the following:
- a. Escort: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to model lingerie privately or to perform a striptease for another person privately.
 - b. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.
 - c. Establishment: Means and includes any of the following:
 - i. The opening or commencement of any sexually oriented business as a new business;
 - ii. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - iii. The addition of any sexually oriented business to any other existing sexually oriented business; or
 - iv. The relocation of any sexually oriented business.
 - d. Nude Model Studio: Any place where a person who appears in a state of nudity or displays “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.
 - e. Nudity or State of Nudity: Nudity or state of nudity is described as follows:
 - i. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or

- ii. A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.
- f. Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- g. Sexually Oriented Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.
- h. Sexually Oriented Bookstore, Sexually Oriented Video Store, or Sexually Oriented Store: A commercial establishment which, as a principal business purpose, offers for sale or rental for any form of consideration any one or more of the following:
 - i. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, compact discs, computer software, digital recordings, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas;” or
 - ii. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”
- i. Sexually Oriented Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - i. Persons who appear in a state of nudity or
 - ii. Live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities” or
 - iii. Films, motion pictures, video cassettes, slides, compact discs, computer software, digital recordings, or other photographic reproductions, which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- j. Sexually Oriented Conversation/Rap Parlor: A conversation/rap parlor that excludes minors because of age or which provides the service of engaging in or listening to the conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- k. Sexually Oriented Massage Parlor: A massage parlor that excludes minors because of age or which provides for any form of consideration, the rubbing, stroking, kneading, tapping, or rolling of the body, if the service provided by the massage parlor is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- l. Sexually Oriented Motel: A hotel, motel, or similar commercial establishment which:
 - i. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures,

- video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- ii. Offers a sleeping room for rent for a period of time that is less than ten (10) hours or
- iii. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- m. Sexually Oriented Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- n. Sexually Oriented Sauna: A sauna that excludes minors because of age or which provides for any form of consideration, a steam bath or heated bathing room used for bathing, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- o. Sexually Oriented Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

Shed: An accessory structure less than two hundred square feet in size, used primarily for the storage of tools, equipment, lawn and garden materials, recreational items, or similar personal property

Shore Impact Zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

Shoreland: Land located within the following distances from public water: one thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (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.

Short-Term Rental: Any dwelling unit represented to the public as a place where sleeping accommodations are furnished nightly or weekly for compensation for a period of one to thirty days.

Significant: Historic Site: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of

Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Sign: Related:

1. Abandoned Sign: Any sign and/or its supporting sign structure that remains without a message or whose display surface remains blank for one year or more, or any sign that pertains to a time, event or purpose that no longer applies. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business is not deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure is also deemed to be abandoned.
2. Address Sign: A sign communicating only a street address.
3. Advertising Sign: Any permanent non-governmental sign advertising products, services, commodities, entertainment, or other activity not offered at the location of the sign or not exclusively related to the premises on which the sign is located. Billboards are a form of advertising sign.
4. Alteration: Any change to a sign excluding routine maintenance, repair, painting or change of copy of any existing sign.
5. Area Identification Sign: A freestanding sign identifying the name of a single-family residential subdivision consisting of twenty (20) or more lots; a residential planned unit development; a multiple residential complex consisting of three (3) or more structures; an office or business structure or development containing three (3) or more independent operations; a single business consisting of three (3) or more separate structures; a manufactured home court; or an integrated combination of the above.
6. Artificial Light: Illumination resulting from internal or external artificial light sources, including glare, and reflected light byproducts of artificial light sources.
7. Awning: A roof-like cover, often of fabric, plastic, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and that projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning that also projects over a door is counted as an awning.
8. Balloon sign: A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air that is greater than 24 inches in diameter.
9. Banners: Attention-getting devices that resemble flags and are of a paper, cloth, or plastic-like consistency.
10. Billboard: An off-site sign used to advertise products, goods, or services not exclusively related to the premise on which the sign is located. An advertising sign.
11. Building Facade: That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
12. Business Sign: Any sign that identifies a specific business, either retail, wholesale, or industrial, or which identifies a profession and is located upon the subject property.
13. Cabinet sign: Any wall sign that is not of channel or individually mounted letter construction

14. Campaign Sign: A temporary sign promoting the candidacy of a person running for a governmental office or promoting an issue to be voted on at a governmental election.
15. Canopy: A roof-like cover, often of fabric, plastic, metal, or glass on a support, that provides shelter over a doorway.
16. Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.
Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.
17. Commercial Speech: Speech advertising a business, profession, commodity, service, or entertainment.
18. Construction Sign: A sign at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.
19. Copy: The wording on a sign surface either permanent or removable letter form.
20. Crop Demonstration Sign: A sign identifying agricultural products utilized upon the subject property.
21. Directional Sign: A sign erected with the address and/or name only of a business, development project, institution, church or other use or activity plus directional arrows or information on location.
22. Directory Sign, Private: An exterior information wall sign, or a free-standing sign identifying the names of residences, businesses or professional offices served by a common public entrance such as an apartment complex, shopping center, or office building.
23. Directory Sign, Public: A sign, group of signs on a sign panel or any identifiable object intended to communicate a public message or direction when located on public property as may be approved by the City Council.
24. Double-Sided Sign: A sign with two faces back to back, or a V-type sign with an angle not exceeding twenty (20) degrees. Only one side of a double-sided sign shall be used in computing the total surface area.
25. Drive-through Sign: A sign on the site of an allowed drive-through use.
26. Dwell Time: The duration or interval of time during which each individual advertisement or message is displayed on any dynamic sign.
27. Dynamic Sign: Any element of a sign or sign structure capable of displaying words, symbols, figures, images, or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input or any other method or technology that allows a sign to present a series of images, messages or displays.
28. Electronic Graphic Display Sign: A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fading, re-pixelation, or dissolve modes. Electronic Graphic Display Signs include computer-programmable, microprocessor-controlled electronic or digital displays.
29. Elevation: The view of the side, front, or rear of a given structure. Elevation area. The area of all walls that face any lot line.

30. Erect: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.
31. Farm Identification Sign: A sign identifying the name and/or type of farming activity practices upon the subject property.
32. Flag: Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, to allow movement of the material by atmospheric changes and that contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.
33. Flashing sign: A directly or indirectly illuminated sign that exhibits changing light or color effect by any means, to provide intermittent illumination that includes the illusion of intermittent flashing light by means of animation. The term "flashing sign" also means the mode of lighting that resembles zooming, twinkling, or sparkling.
34. Ground or Low-Profile Sign: A sign that is intended to be incorporated into some form of landscaping design scheme or planter box, is not elevated from the ground by means of a pole or free-standing support structure but is placed directly on the ground or on an interior planter base which is incorporated into such a design arrangement.
35. Historical Sign: A sign commemorating places of local, state, or national historical significance.
36. Holiday Sign: Signs or displays that contain or depict a message pertaining to a religious, national, state, or local holiday.
37. Identification Sign: A sign which identifies the business, owner, manager, resident, or address of the premises where the sign is located and which contains no other material.
38. Illuminated Sign: Any sign that contains an element designed to emanate artificial light internally or externally..
39. Informational Sign: Any on-site sign giving information to employees visitors, or delivery vehicles, but containing no advertising or identification.
40. Interior Sign: A sign that is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court, or entrance of any theater.
41. Institutional Sign: A sign which identifies the name and other characteristics of a public or semi-public institution on the site where the sign is located.
42. Integral Sign: A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure.
43. Master Sign Plan: Written document describing all proposed signs regarding a specific site, development, or complex, submitted by owner/manager including all type of signs/signage desired, reviewed, and approved by the city, and shall at a minimum include sign type, location, size illustrations.
44. Marquee Sign: Any building sign painted, mounted, constructed, or attached in any manner, on a marquee.
45. Maximum Height of Sign: The vertical distance from the base of the sign, or the grade of the street centerline, whichever is higher, to the top of the sign.
46. Menu Board: A sign containing a food price list for restaurant customers, but containing no advertising or identification.

47. Message Sign: A sign which allows for the graphic and/or verbal content to be changed, when desired, through electronic or manual methods.
48. Monument Sign: Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and that has a height exceeding 8 feet.
49. Motion Sign: This includes any rotating, revolving, moving, flashing, blinking, or any display that incorporates rotating panels.
50. Multiple Tenant Site: Any site that has more than one tenant, each of which (tenant) has a separate ground level exterior public entrance.
51. Noncommercial Speech: Dissemination of messages not classified as commercial speech, including messages concerning political, religious, social, ideological, public service and informational topics.
52. Nonconforming Sign: Any sign and its support structure that was lawfully erected prior to the effective date of the regulations of this article fails to conform to the requirements of this article. A sign erected in accordance with a variance granted before the adoption of the ordinance from which this chapter is derived and that does not comply with this code is deemed a nonconforming sign. A sign unlawfully erected is deemed illegal.
53. Non-Profit Organization: A corporation formed under Chapter 317 of Minnesota State Statutes and which is formed for a purpose not involving pecuniary gain to its shareholders, or members and paying no dividends or other pecuniary enumeration, directly or indirectly, to its shareholders or members, or a community or civic group such as the Lion's Club, League of Women Voters, etc.
54. Off-premises Sign: A commercial speech sign that directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. Off-premises signs are considered Freestanding signs for the purposes of this article.
55. On-premises Messages: Messages that identify or advertise an establishment, person, activity, goods, products, or services that are directly involved in a lawful business activity on the premises where the sign is installed.
56. Owner (of a lot): The legal owner of the lot as officially recorded by the county, and including fee owners, contract for deed purchasers and ground lessees.
57. Owner (of a sign): The owner of the sign, including any lessees. Pole sign. See Pylon sign
58. Parapet: A low wall which is located on a roof of a building will be known as a parapet for this Ordinance.
59. Permitted Signs: Signs allowed with or without a permit.
60. Political Sign: A sign used exclusively to call attention to the candidacy of any individual or party for elective office which appears on the official ballot to be voted upon by the citizens of the City.
61. Portable Sign: Any sign that is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed, and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.
62. Porte Cochere: A roofed structure or roof-like cover, extending from the entrance of a building and that provides shelter over a doorway

63. Principal Frontage: The wall of the principal building on a lot which fronts toward the principal public streets.
64. Prohibited Sign: Sign not allowed in the City.
65. Projecting Sign: A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.
66. Public Entrance: Any passage or opening which affords entry and access to the general public or customer.
67. Public Entrance, Common: A public entrance providing access for the utilization and benefit of two or more tenants or building occupants.
68. Public Signs: Signs on non-commercial nature and in the public interest, erected by, or on the order of a public officer in the performance of his or her public duty.
69. Pylon Sign: Any freestanding sign with its supportive structures anchored in the ground, a sign face elevated above ground level by poles or beams, and the area below the sign face open.
70. Pyrotechnics: Fireworks or similar devices used to ignite a combustible substance or produce an explosion
71. Reader Board: A message sign with an electronic changing message.
72. Real Estate Sign: A business sign placed upon a property advertising that particular property for sale, rent, or lease.
73. Real Estate Development Project Sign: A temporary business sign advertising a new subdivision or development.
74. Roof Line: The uppermost edge of the roof, or in the case of an extended facade or parapet, is the uppermost height of the facade.
75. Roof Sign, Integral: Any building sign erected or constructed as an integral or integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.
76. Rotating Sign: A sign or portion of a sign that turns about on an axis.
77. Rummage Sale Sign: Temporary signs announcing a non-commercial rummage or garage sale.
78. Shimmering Signs. A sign that reflects an oscillating sometimes distorted visual image.
79. Sign: Any letter, word or symbol, poster, picture, statuary, reading matter or representation in advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed, including all associated brackets, braces, supports, wires, and structures, that is displayed for informational or communicative purposes..
80. Sign Area: A measurement of the area (size/square footage) within the frame of the sign, except when the width of the frame exceeds 12 inches in the frame must be included in calculating sign area. When letters or graphics are mounted directly on a wall or fascia without a frame, the calculation of the sign's area must include the area extending 6 inches beyond the periphery formed around the letters or graphics in a plane figure bounded by straight lines. Each surface utilized to display a message or to attract attention must be measured as a separate sign. Symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures,

- suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating total sign area.
81. Sign Face: The sign's surface upon, against, or through which its message is shown.
 82. Sign Structure: The supports, uprights, bracing, and framework for a sign, including the sign area.
 83. Street Frontage: The proximity of a parcel of land to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) or more frontages.
 84. Stringer. A line of string, rope, cording, or equivalent to which several pennants are attached.
 85. Suspended Sign: Any building sign suspended from the underside of a horizontal plane surface is connected to this surface.
 86. Temporary Sign: Any sign, banner, pennant, valance, flags (not intended to include flags of any nation, state, city, or other governmental agency or non-profit organization), searchlights, balloons, or other air-filled or gas-filled figures or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frame, intended to be displayed for a limited period of time only.
 87. Total Site Signage: The combined area of all signs faces every freestanding, wall sign or other sign requiring a permit on a specific property with the exception of temporary signs.: A sign erected or displayed for a specified period of time.
 88. Time and/or Temperature Sign: A sign that displays the current time and/or temperature without advertising material, company name, logo, or other identifying marks.
 89. Total Allowable Sign Area: The maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated so as to create a surface area in excess of this requirement.
 90. Traffic Sign: A sign erected by a governmental unit to direct or guide traffic.
 91. UL Approved: A device that has been approved by Underwriters' Laboratories (48), a U.S. non-profit organization that establishes standards for electrical equipment.
 92. Video Display Sign: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text, and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes. Video display signs do not include images or messages with these characteristics projected onto buildings or other objects.
 93. Visible: Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.
 94. Wall: Any structure that defines the exterior boundaries or courts of a building or structure and that has a slope of 60 degrees or greater with the horizontal plane.
 95. Wall Sign: Any building sign attached parallel to, but within 2 feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, that is supported by such wall or building, and that displays only one sign surface.
 96. Wall Graphics: A sign painted directly on an exterior wall.
 97. Window Sign: A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.

Site Plan: A map drawn to scale depicting the development of a lot or subdivision, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, easements, utilities, landscaping, and walkways, as related to a proposed development.

Sketch Plan: A report in map and text form submitted as the first phase of a Planned Unit Development (PUD) proposal, depicting the location, general purpose, general type of land use and circulation patterns, primary relationships between site elements and between the proposed development and surrounding development, proposed general schedule of development, and information on the applicant.

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

Social: services: Services, programs, offices, classes, outreach, counseling, charitable activities, community assistance, or similar activities operated by a religious institution, nonprofit organization, or community organization that are accessory or related to, but not themselves principally used for, worship services.

Solar: Energy System. "Solar Energy System" shall mean a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system)

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 these regulations. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Stockpile: A pile or storage location for bulk materials, forming part of the bulk material handling process. Stockpiles are normally created by a stacking conveyor.

Storage, Outside (Exterior): Exterior depository, stockpiling, or safekeeping of materials, products, vehicles, trailers, and the like. Outside storage may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outside storage; or outside storage may involve fencing or screening without a roof in which case fencing or screening shall be deemed outside storage. Parking lots do not qualify for outside storage. Outside storage does not involve any product representation or signage except for those emergency or safety related signs specifically approved by the City. Vending machines accessory to allowable uses do not constitute outside storage. The parking or storage of vehicles, equipment, and merchandise for a period of less than seventy-two (72) hours does not constitute outside storage.

Storage (of vehicles): The long term or continuous placement of a vehicle beyond normal daily parking, typically when the vehicle is not in regular use. Stored vehicles may include passenger vehicles, recreational vehicles, trailers, seasonal vehicles, or vehicles parked for extended periods without routine movement. Vehicle storage is distinct from parking and may be restricted to certain zones or subject to additional standards.

Storage, utilization, or manufacture of materials that could decompose by detonation: The storage, handling, use, processing, or manufacture of explosives, blasting agents, highly reactive materials, or other substances that may rapidly decompose, ignite, explode, or detonate under certain conditions, subject to all applicable federal, state, and local safety regulations.

Story: The portion of a building between the surface of any floor and the surface of the floor next above. A basement is a story.

Street: A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, throughway, street, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

Street, Arterial: Minor: Streets defined as such and mapped accordingly within the City's duly adopted Comprehensive Plan

Street, Arterial: Principal: Streets are defined as such and mapped accordingly within the City's duly adopted Comprehensive Plan.

Street, Collector: Streets defined as such and mapped accordingly within the City's duly adopted Comprehensive Plan.

Street, Local: Streets defined as such and mapped accordingly within the City's duly adopted Comprehensive Plan.

Street Width: The shortest distance between the lines delineating the right-of-way of a street.

Structural Alteration: Any change, other than incidental repairs, that would prolong the life of a building's supporting members, such as bearing walls, columns, beams, girders, or foundations.

Structure: Anything which is built, constructed, or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner, whether temporary or permanent in character. Among other things, structures include but are not limited to buildings, gazebos, decks, retaining walls, walls, fences over six (6) feet in height, and swimming pools, but excluding patios and similar at-grade improvements.

Structure, Public: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned or rented, and operated by a federal, state, or local government agency.

Subdivision: The separation of an area of land under single ownership into two (2) or more lots, or long term leasehold interests where the division necessitates the creation of streets for residential, commercial, industrial, or other use or any combination thereof, except those separations:

1. Where all the resulting parcels or lots, shall be twenty (20) acres or larger in size and at least five hundred (500) feet in width for residential and agricultural zoned lands and five (5) acres or larger in size and at least 300 feet in width for commercial and industrial zoned land.
2. Creating cemetery lots.
3. Resulting from court orders or the adjustment of a lot line by relocating a common boundary.

Surveyor: A land surveyor registered under Minnesota State laws.

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

Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, portable and non-portable spas, and fixed-in-place wading pools.

T.

Temporary Outdoor Storage Container: A portable storage unit that does not have a permanent foundation or footing and which includes cargo containers, portable storage containers, and bulk solid waste containers. Such structures shall not be considered a building. A temporary storage structure may include a self-storage container that is delivered to and retrieved from a home or business for long term off-site or on-site storage. Temporary outdoor storage containers shall be permitted for a maximum of one hundred and twenty (120) days per calendar year.

Temporary roadside stands: A temporary, removable structure or display area used for the seasonal sale of agricultural products, plants, flowers, food products, or similar goods, typically accessory to an agricultural, garden, or seasonal retail use and subject to applicable location, duration, access, and safety requirements.

Tillable: Land: Any land capable of producing small grains, row crops or may with normal tillage practices, woodland excluded.

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

Top of the Bluff: The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent

Topsoil: The upper outermost layer of soil, usually in the top two (2) to eight (8) inches. It has the highest concentration of organic matter and is where most of the earth's biological soil activity occurs.

Tower: Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

Tower, Temporary Mobile: Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, which is commonly referred to as cellular on wheels (COW).

Trade Schools: An educational institution or training facility that provides instruction in skilled trades, technical occupations, business, vocational programs, or similar employment-related training, but does not include primary or secondary schools unless otherwise specified.

Trailer: Any non-self-propelled vehicle or portable unit designed or intended to be towed, pulled, or transported by a motor vehicle, including but not limited to utility, cargo, enclosed, flatbed, boat, livestock, construction, recreational, and travel trailers. A trailer shall remain classified as a trailer whether or not it is currently attached to a motor vehicle, licensed, roadworthy, or in active use. A manufactured home or mobile home shall not be considered a trailer for purposes of this Ordinance.

Tree Farms: The use of land for the planting, cultivation, management, harvesting, and sale of trees, nursery stock, Christmas trees, or similar tree products.

Tree, Significant: Healthy trees measure a minimum of eight (8) inches in diameter at a distance of fifty-four (54) inches above ground and a minimum of four (4) inches in diameter for conifers.

Triplex: A residential building containing three dwelling units, each designed or used as a separate housekeeping unit with independent living facilities.

U.

Unlicensed Cannabis Business: A business that operates in the cannabis industry without being formally registered or authorized under one of the cannabis business types outlined in Minnesota Statute 342.01, Subdivision 14. Such unlicensed cannabis businesses are not permitted in any zoning district within the City's jurisdiction.

Use: The purpose or activity for which the land or building thereon is designated arranged, or intended or for which it is occupied, utilized, or maintained.

Use,: Substandard: A legal use existing prior to the enactment of the St. Augusta Zoning Ordinance which is permitted or conditional use within the applicable zoning district but does not meet the minimum lot area, water frontage, structure setbacks, or other dimensional standards.

V.

Variance: Ordinance consistent with the state enabling statute for municipalities, as applied to a specific piece of property, in order to provide relief for a property owner because of a practical difficulty imposed upon him unique to the property by this Ordinance, except that modification in the allowable uses within a district shall not be considered a variance. Variances shall normally be limited to height, bulk, density, and yard requirements. A modification of or variation from the strict provisions of this

Vacation: Rental: See Short-Term Rental.

Veterinary Clinic (Animal Hospital): A facility concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.

W.

Warehousing: The storage of materials or equipment within an enclosed building.

Waste Facility: All property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing, disposal, transfer, and/or storage of hazardous and/or solid wastes, except property used primarily for the manufacture of scrap metal or paper. Waste facilities include but are not limited to transfer and storage stations, processing facilities, and disposal sites and facilities. Waste facilities do not include drop-off centers, which are accessories to allowable uses and which are operated by a governmental unit, civic organization, or similar non-profit group expressly for the collection of recyclable waste, including paper, clean glass and metal containers, yard waste for composting, and other eligible household wastes from individuals.

Waste, Hazardous: Any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which routine waste management techniques cannot handle because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives.

Waste, Solid: Any garbage, refuse, rubbish, and other discarded solid materials, except animal waste used for fertilizer, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities. Solid waste does not include earthen fill, boulders, rock, and other materials normally handled in construction operations, solids or dissolved materials in domestic sewage, or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

Waterbody: A body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basis holds water and is surrounded by land.

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

Water-Oriented Accessory Structure or Facility: A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls, that, because of its relationship 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.

Wind Energy Conversion System (WECS): Any device designed to convert wind power to another form of energy, such as electricity or heat (also known as a wind charger, wind turbine, or windmill).

Wholesaling: The sale of goods, equipment, and materials in bulk to another business, which in turn sells to the final customer.

X. No Definitions

Y.

Yard: Any space on the same lot with a building, open and unobstructed from the ground to the sky. The area within the lot lines of a parcel.

Yard, Front: The area extending across the width of the front lot line between the side yard lines and from the front lot line to the nearest line of the principal building in depth.

Yard, Rear: An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

Yard, Required: The open space between a lot line and the buildable area within which no structure may be located except as provided by this Ordinance.

Yard, Side: An open unoccupied space on a lot between the main building and the side line of the lot, extending from the front of the lot to the rear of the lot.

Z.

Zoning: Administrator: The duly appointed officer charged with the administration and enforcement of this Ordinance.

Zoning: Amendment: A change authorized by the City, either in the allowed use within a district or in the boundaries of the district.

Zoning: District: An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Ordinance.

Zoning: District Overlay: A zoning district containing regulations superimposed upon other zoning district regulations and where the more restrictive district use regulations shall apply.

Zoning: District Underlying (Base): All zoning districts except overlay zoning districts.

Zoning Map: The map or maps incorporated into this Ordinance as part thereof, designating the zoning districts.

Section 3 - Administration – Land Use And Amendment Processes And Procedures

Subdivision

- 3.01 Land Use and Amendment Purpose
- 3.02 Procedures
- 3.03 Appeals
- 3.04 Initiation
- 3.05 Information Requirement
- 3.06 General Standards
- 3.07 Performance Security
- 3.08 Conditional Use and Variance Lapse by Non-Use
- 3.09 Revocations and Terminations
- 3.10 Certification of Taxes Paid
- 3.11 Recording of New Land with County
- 3.12 Monuments

3.01 LAND USE AND AMENDMENTS PURPOSE

The purpose of the various available land use and amendment processes in the City of St. Augusta is as follows:

Process	Purpose
Amendment to Zoning Ordinance	The regulations, restrictions, and boundaries outlined in this Ordinance may from time to time be amended, supplemented, changed, or repealed; provided, however, that no such action may be taken until after a public hearing in relation to it, at which parties with interest and citizens shall have an opportunity to be heard.
Conditional Use Permits	Provide the City of St. Augusta with reasonable discretion in determining the suitability of certain designated uses for the general welfare, public health, and safety. In making this determination, whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises or on any adjoining streets, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health, and safety.
Interim Use Permits	1. To allow use for a brief period until a permanent location is obtained or while the permanent location is under construction. 2. To allow a presently judged acceptable use by the City Council but that, with anticipated development or redevelopment, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district. 3. To allow a use that reflects the anticipated long-range change to an area and follows the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

Process	Purpose
Variances	To provide for deviations from the literal provisions of this Ordinance in instances where their strict enforcement would cause a practical difficulty because of physical 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 this Ordinance.

3.02 PROCEDURE:

A. Under Minnesota Statutes 15.99, Land Use Applications and Zoning Code Amendments are subject to the following procedural process as well as any action taken pursuant to this section shall also comply in accordance with the rules and regulations of the Department of Natural Resources, State of Minnesota, and the Federal Emergency Management Agency:

Process Step	Procedures for Zoning Amendments, Conditional Use Permits, Interim Use Permits, and Variances
Timeline For Decision	1. An application or amendment shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to the Statute or a time waiver is granted by the applicant. If applicable, application processing through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless the applicant waives this limitation.
Application	2. Requests for these processes shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as provided by the City Council resolution. Such application shall also be accompanied by one (1) paper copy and one (1) electronic copy of detailed written and graphic materials fully explaining the proposed change, development of use, and list of property owners within one-half (1/2) mile of the subject property. The listed property owners shall be certified by the county or city. The request for amendment shall be placed on the agenda of the first possible Planning Commission meeting. The request shall be considered officially submitted when all the informational requirements are complied with. (Amended November 2025)
Submissions	3. The applicant shall supply proof of title of the property for which the process is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioner acquires legal ownership or equitable ownership interest or supply written authorization from the owner(s) of the property in question to proceed with the requested rezoning.
Notice of Hearing	4. Upon receipt, the Zoning Administrator shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing and report its findings and recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of the request and shall be published in the

As approved November 12, 2024 and amended through September 2026

Process Step	Procedures for Zoning Amendments, Conditional Use Permits, Interim Use Permits, and Variances
	official newspaper at least ten (10) days before the hearing, and written notice of said hearing shall be mailed at least ten (10) days before to all owners of land within 350 feet of the subject property. Note: The failure of the property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
Preparation of Reports	5. The Zoning Administrator shall instruct the appropriate staff to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the City Council.
Additional Requested Information	6. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. The applicant's failure to supply all necessary supportive information may be grounds for denial of the request.
Public Hearing	7. The applicant or a representative thereof shall appear before the Planning Commission to answer questions about the proposed request.
Recommendation to City Council	8. The Planning Commission shall recommend approving or denying the request in the case of a Zoning Amendment. 9. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of the Ordinance in the case of a Conditional Use Permit or Interim Use Permit.
Council Action	10. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission or until sixty (60) days after the first regular Planning Commission meeting at which the request was considered.
Receipt of Planning Commission Recommendation	11. Upon receiving the Planning Commission's report and recommendation, the Zoning Administrator shall place them on the agenda for the next City Council meeting. Such reports and recommendations shall be entered into and made part of the permanent written record of the City Council meeting.
Setting Secondary Hearing	12. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary.
Referring to Planning Commission	13. If, upon receiving said reports and recommendations of the Planning Commission, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council

Process Step	Procedures for Zoning Amendments, Conditional Use Permits, Interim Use Permits, and Variances
	may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only once on a singular action.
Approval Threshold	14. Approval of a request shall require passage by a majority vote of the City Council. 15. Zoning Map Amendment that changes all or part of the existing classification of a zoning district from residential to business, industrial, or planned unit development that allows for commercial or industrial uses shall require a four-fifths (4/5) vote of the City Council.
Approval Publication	16. The amendment shall not become effective until the City Council approves an ordinance reflecting said amendment and after said ordinance is published in the official newspaper.

B. Each application has a unique set of considerations on which their judgment shall be based on (but not limited to) the following factors:

Process	Considerations for Judgement
Amendment to Zoning Ordinance	1. The proposed action has been considered in relation to the specific policies and provisions of and is consistent with the official City Comprehensive Plan. 2. The proposed use is or will be compatible with the area's present and future land uses. 3. The proposed use conforms with all performance standards contained herein. 4. The proposed use will not depreciate the area in which it is proposed. 5. The proposed use can accommodate existing public services and will not overburden the City's service capacity. 6. The proposed use conforms with the City's water connection and assessment policies or is contiguous to the existing development of a similar zoning.
Conditional Use Permits & Interim Use Permits	1. That the conditional use will not be detrimental to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted. 2. The establishment of conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area. 3. Adequate utilities, access streets, drainage, and other necessary facilities have been or will be provided for the proposed conditional use.

Process	Considerations for Judgement
	4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed conditional use. 5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result from the proposed conditional use. 6. Proper facilities are or will be provided to eliminate any traffic generation or traffic hazard resulting from the proposed conditional use. 7. That there is a demonstrated need for the proposed use. 8. That the proposed use complies with any land use plan adopted by the City. 9. That the affected property does not contain any wetlands or public waters over which the United States, the State of Minnesota, or their respective agencies or political subdivisions have control or jurisdiction or which are otherwise regulated by the United States, the State of Minnesota, or their respective agencies or political subdivisions.
Variances	In considering all requests for a variance and in taking subsequent action, the City staff, the Planning Commission, and the City Council shall make a finding of fact that the proposed action: 1. Will not impair an adequate supply of light and air to adjacent property. 2. Will not unreasonably increases the congestion in the public street. 3. Will not increase the danger of fire or endanger public safety. 4. Will not unreasonably diminish or impair established property values within the neighborhood or in any way contrary to this Ordinance's intent. 5. Is in harmony with the general intent and purpose of the Zoning Ordinance. 6. Is consistent with the Comprehensive Plan. Variances may be granted when the applicant demonstrates that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to reasonable use.

Process	Considerations for Judgement
	1. The special conditions and circumstances causing the practical difficulty do not result from the applicant's actions. 2. Granting the variance requested will not confer on the applicant any special privilege denied by this Ordinance to other lands, structures, or buildings in the same district. 3. The request is not a use variance. 4. Variance requested is the minimum variance necessary to accomplish the applicant's intended purpose. Application for a variance shall set forth reasons that the variance is justified to use the land, structure, or building reasonably.

3.03 APPEALS

All decisions by the City Council involving a variance request shall be final except that an aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Stearns County District Court.

3.04 INITIATION

Upon their motion, the City Council or Planning Commission may initiate a request to amend the text or the district boundaries of this Ordinance or seek a land use application process. The procedural requirements of Sections 3.02.A and 3.02. B of this Ordinance shall not apply to such proposed amendments except to the extent required by State Statute. Any person owning real estate or having documented interest therein within the City may initiate a request to amend the district and map boundaries or text of this Ordinance as to affect the same real estate.

3.05 INFORMATION REQUIREMENT

The information required for all land use permits shall be specified in Section 10.06 of this Ordinance.

3.06 GENERAL STANDARDS

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not limited to, the following general performance standards and criteria:

Process	Standards
Conditional Use Permit & Interim Use Permit	A street of sufficient capacity shall serve the use and the site in question, accommodating the generated traffic type and volume. The site design for access and parking shall minimize internal and external traffic conflicts and follow Section 20 of this Ordinance. 1. If applicable, a pedestrian circulation system shall be clearly defined, and appropriate provisions shall be made to protect such areas from encroachment by parked or moving vehicles.

Process	Standards
	2. Adequate off-street parking and off-street loading shall be provided in compliance with Sections 20 and 21 of this Ordinance. 3. Loading docks and drive-up facilities shall be positioned to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any abutting residential use or district, and to be in compliance with Section 21 of this Ordinance. 4. Whenever a non-residential use abuts a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with Section 15.07 of this Ordinance. 5. General site screening and landscaping shall be provided in compliance with Section 15.07 of this Ordinance. 6. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall comply with Section 15.10 of this Ordinance. 7. Potential exterior noise generated by the use shall be identified, and mitigation measures as necessary shall be imposed to ensure compliance with Section 15.14 of this Ordinance. 8. The site drainage system shall be subject to the review and approval of the City Engineer. 9. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and areas as to impair property values or have a blighting influence. All sides of the principal and accessory structures must have the same or coordinated, harmonious exterior finish materials and treatment. 10. Provisions shall be made for an interior location for recycling and trash handling and storage, or an outdoor, enclosed receptacle area shall be provided in compliance with Section 15.15 of this Ordinance. 11. All signs and informational or visual communication devices shall comply with Section 31 of this Ordinance. 12. The use and site shall be in compliance with any applicable federal or state laws or regulations, and any related permits shall be obtained and documented for the City. 13. Any applicable business licenses mandated by City regulations are approved and obtained. 14. The hours of operation may be restricted when there is potential negative impact upon a residential use or district. 15. The use complies with all applicable performance standards of the zoning district in which it is located.
Interim Use Permit	The use is allowed as an interim use in the respective zoning district. The date or event that will terminate the use can be identified with certainty. The use will not impose additional unreasonable costs on the public. The user agrees to any conditions that the City Council deems appropriate for permission of the use.

3.07 PERFORMANCE SECURITY

Except in the case of non-income producing residential property (excluding related structures), upon approval of a conditional use permit and variance, the City shall be provided, where deemed necessary, with an irrevocable letter of credit, cash escrow, certificate of deposit payable to the City, or cash deposit before the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall be non-cancelable and guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.

The security shall equal one hundred fifty (150) percent of the City Engineer's, City Building Official's, or City Council's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages at the discretion of the City Engineer and Building Official.

The City shall hold the security until the proposed improvements or development is completed and the city building official issues a certificate of occupancy indicating compliance with the city's conditional use permit and regulations.

Failure to comply with the conditions of the conditional use permit or the city regulations shall result in forfeiture of security.

Whenever the city imposes a performance guarantee, the applicant must enter into a performance agreement with the city. This agreement authorizes the City to utilize the posted security and complete the stipulated work should the applicant fail to meet the permit's terms and conditions. The said agreement shall hold the City harmless for the completion of the work and address other matters as determined by the City Attorney.

3.08 CONDITIONAL USE AND VARIANCE LAPSE BY NON-USE

Whenever within one (1) year after granting a conditional use permit, interim use permit or variance, the use as allowed by the permit shall not have been initiated or utilized, then such permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use that the City Council has granted. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the original conditional use permit expires. There shall be no charge for filing such a petition. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

(Amended November 2025)

3.09 REVOCATIONS AND TERMINATIONS:

The following procedure shall be followed in the event the Zoning Administrator has reason to believe that a property is not in compliance with the terms of a conditional use permit or interim use permit issued to the property:

Process	Terminating or Revoking Events
Conditional Use Permit & Interim Use Permit	1. Violating any condition outlined in a conditional use permit shall violate both the permit and this Ordinance. 2. Failure to correct a violation within thirty (30) days of written notice by the Zoning Administrator shall be grounds to revoke a conditional use permit through the following procedure: a. The Zoning Administrator shall give written notice to the permit holder, advising that the conditional use permit may be revoked upon the conclusion of a public hearing. The written notice shall also contain the nature of the violation, the facts that support the allegation that a violation exists, and the date and time of the public hearing. b. The City Council shall hold a public hearing in the same manner as that required for a new conditional use permit, except that the Planning Commission need not consider the matter. Within sixty (60) days of closing the public hearing, the City Council shall revoke the conditional use permit if it is determined that a violation of the conditional use permit terms does exist, or it shall make a finding that a violation of such conditional use permit terms does not exist. The Zoning Administrator shall give written notice of the City Council's decision to the permit holder
Interim Use Permit	1. The date of expiration stated in the permit occurs. 2. Upon a change in the City's zoning regulations, which renders the use non-conforming 3. The redevelopment of the use and property upon which it is located for permitted or conditional use as allowed within the respective zoning district.

3.10 CERTIFICATION OF TAXES PAID

Before approving an application, the applicant shall provide certification to the City that no delinquent property taxes, special assessments, interest, or utility fees are due on the parcel of land to which the application relates.

3.11 RECORDING OF NEW LAND WITH COUNTY

It is the expressed responsibility of the applicant to file the decision rendered by the city council and zoning administrator with the office of the county recorder for Stearns County. No permits will be issued on a subject property until proof of recording is submitted to the city.

3.12 MONUMENTS:

For this Ordinance, all international, federal, state, county, and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations, and it shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development. All sections, one-quarter (1/4) section, and one-sixteenth (1/16) section corners shall be duly described and tied.

Section 4-5 Reserved

Section 6 - Administration - Administrative Permits and Approvals

Subdivision

6.01 Purpose

6.02 Administrative Permits

6.03 Non-Permit Approvals

6.01 PURPOSE

The purpose of this section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, and of matters requiring the approval of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.

6.02 ADMINISTRATIVE PERMITS

A. Procedure:

1. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City.
2. The application shall be accompanied by a non-refundable fee as set forth by a resolution of the City Council. Applications for amending permits shall be accompanied by a non-refundable fee as set forth by resolution of the City Council for administrative permits.
3. The Zoning Administrator shall review the application and related materials and shall determine that the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Ordinance.
4. The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:
 - a. Compliance with and effect upon the Comprehensive Plan and public facilities plans.
 - b. The establishment, maintenance, or operation of the use, event, or activity will promote and enhance the general public welfare and
 - c. will not be detrimental to or endanger the public health, safety, morals, or comfort. The use, event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - d. The establishment of the use, event, or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - e. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event, or activity that is proposed.
 - f. The use, event, or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 - g. The use, event, or activity and site conform to all applicable performance standards of this Ordinance.

5. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application.
 6. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Ordinance shall be attached to the permit.
 7. Determination of non-compliance with applicable codes, ordinances, and the standards in this subdivision shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
 8. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as set forth within Section 8 of this Ordinance.
- B. Information Requirement: The information required for all administrative permit applications shall include:
1. A concise statement describing the proposed use, event, or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
 2. A copy of the approved site plan for the property or an “as built” survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
 3. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
 4. A copy of the current sales tax certificate issued by the State of Minnesota, if applicable.
 5. Information identified in Section 10.06 of this Ordinance, or requested by the zoning administrator as may be applicable.
- C. Performance Standards: All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed.
- D. Administration and Enforcement:
1. The Zoning Administrator shall keep a record of applications and administrative permits.
 2. A copy of all administrative permits issued shall be forwarded to the appropriate staff as determined by the Zoning Administrator.
 3. Enforcement of the provisions of this paragraph shall be in accordance with Section 12 of this Ordinance. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.

- E. Certification of Taxes Paid: Prior to approving an administrative permit application, the applicant shall provide certification to the City that no delinquent property taxes, special assessments, interest, or utility fees are due on the parcel of land to which the administrative permit application relates.

6.03 NON-PERMIT APPROVALS

In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Section 6.02.A.4 of this Ordinance.

Section 7 – Reserved

Section 8 - Administration - Appeals

Subdivision

8.01 Board Designation

8.02 Applicability

8.03 Procedures

8.04 Stay of Proceedings

8.05 Appeal

8.01 BOARD DESIGNATION

The City Council shall serve as the Board of Adjustment and Appeals.

8.02 APPLICABILITY

An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Ordinance. City staff opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

8.03 PROCEDURES

- A. An appeal from the ruling of an administrative officer of the City shall be made by the property owner or their agent within thirty (30) days after the making of the order being appealed.
- B. The property owner or their agent shall file with the City a notice of appeal stating the specific grounds upon which the appeal is made.
- C. Any appeal filed shall be comprehensive and include all matters subject to question. Subsequent appeals filed by the same individual or group which are intended to cause unjustifiable delay in the decision-making process shall not be accepted by the City.
- D. The filing of an appeal shall be accompanied by a fee as provided for by City Council resolution.
- E. The Board of Adjustment and Appeals shall make a finding of fact and its decision by resolution within forty-five (45) days from the date at which the City Council first considered the appeal.

8.04 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action being appealed unless it is certified to the Board of Adjustment and Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, on notice to the City.

8.05 APPEAL FROM DECISIONS OF THE BOARD OF ADJUSTMENT AND APPEALS

Any person or persons of any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment and Appeals, shall have the right to seek review within thirty (30) days of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Section 462, as such statute may be from time to time amended, supplemented or replaced.

Section 9 - Environmental Review

Subdivision

9.01 Purpose

9.02 General Provisions

9.03 Environmental Assessment Worksheets (EAWs)

9.04 Environmental Impact Statements (EISs)

9.01 PURPOSE

The purpose of this section is to determine whether certain projects have or may have the potential for significant environmental effects and should undergo special procedures of the Minnesota Environmental Review Program.

9.02 GENERAL PROVISIONS

- A. No development project shall be approved prior to review by the Zoning Administrator to determine the necessity for completion of an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS). Procedures for EAWs and EISs are set forth in the Minnesota Environmental Quality Review Board (EQB) regulations for the Environmental Review Program authorized by Minnesota Statute 116D.04 and 116D.04S and specified in Minnesota Rules Parts 4410.0200 to 4410.7800.
- B. Environmental reviews (EAWs and EISs) shall be conducted as early as practical in the processing of a development project. Time delays in the normal permit process caused by the filing and review of the EAW or EIS shall not be considered part of the permit approval time requirements set forth within this Ordinance. Such delays shall be considered as additional required time for each required permit. The permit process for the proposed project may be continued from the point it was interrupted by the EAW/EIS process. No decision on granting a permit or other approval required to commence the project may be issued until the EAW/EIS process is completed.

9.03 ENVIRONMENTAL ASSESSMENT WORKSHEETS (EAWs)

- A. Purpose: The purpose of an EAW is to rapidly assess, in a worksheet format, whether or not a proposed action has the potential for significant environmental effects.
- B. Mandatory EAWs: The preparation of an EAW shall be mandatory for those projects that meet or exceed the thresholds contained in the State Environmental Review Program regulations, Minnesota Rules 4410.4300, as may be amended.
- C. Discretionary EAWs: A discretionary EAW may be required when it is determined that, because of the nature or location of a proposed project, the project may have the potential for significant environmental effects. The Zoning Administrator may suggest and/or the City Council may require the preparation of a discretionary EAW if it is determined that a development project may have some significant environmental impact or when there is a perception of such, provided that the project is not specifically exempted by Minnesota Rules 4410.4600, as may be amended.

Process Step	Procedures for Environmental Assessment Worksheets
Preparation and Distribution	If the Zoning Administrator determines that an EAW shall be prepared, the proposer of the project shall submit an “Application for Environmental Review” along with the EAW prepared in draft form. The applicant shall agree in writing, as a part of the application, to reimburse the City prior to the issuance of any permits for all reasonable costs, including legal and consultants’ fees, incurred in preparation and review of the EAW.
	Pursuant to Minnesota Rules 4410.1400, within thirty (30) days of submission of the Application for Environmental Review, the Zoning Administrator shall review the draft EAW for completeness and accuracy, add supplementary material if necessary and approve the EAW for distribution
	If the EAW is ordered to be prepared pursuant to the petition process of Minnesota Rules 4410.1100, the EAW must be prepared within twenty-five (25) working days of the date of that decision, unless an extension of time is agreed upon by the proposer of the project and the Zoning Administrator.
	Within five (5) days of approving the EAW for distribution, the Zoning Administrator shall distribute copies of the EAW to the EQB for publication of the notice of availability of the EAW in the EQB Monitor. Copies shall be distributed at the same time to the official EAW distribution list maintained by the EQB staff. Within five (5) days of submission of the EAW to the EQB, the Zoning Administrator shall provide a press release to the City’s official newspaper, containing notice of availability of the EAW for public review.
Neighboring Property Owner Notification	Upon completion of the EAW for distribution, the Zoning Administrator shall provide mailed notice of the availability of the EAW and date of the meeting at which the Planning Commission will consider the matter to all property owners within at least five hundred (500) feet of the boundaries of the property which is the subject of the EAW. Said notice shall be mailed at minimum ten (10) days before the date of the Planning Commission meeting during which the EAW will be considered.
	Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Ordinance.
Review by Planning Commission	During the thirty (30) day comment period that follows publication of the notice of availability of the EAW in the EQB Monitor, the Planning Commission shall review the EAW. The Commission shall make recommendations to the City Council regarding potential environmental impacts that may warrant further investigation before the project is commenced and the need for an EIS on the proposed project.
Decision by City Council	The City Council shall make its decision on the need for an EIS for the proposed project at its first meeting more than ten (10) days but not more than thirty (30) days after the close of the comment period. The Board shall base its decision on the need for an EIS and the proposed scope of an EIS on the information gathered during the EAW process and on the comments received on the EAW. Pursuant to Minnesota Rules 4410,1700, in deciding whether a project has the potential for significant environmental effects, the following factors shall be considered

Process Step	Procedures for Environmental Assessment Worksheets
	• Type, extent and reversibility of environmental effects. • Cumulative potential effects of related or anticipated future projects. • The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. • The extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of EISs previously prepared on similar projects. Within five (5) days of City Council’s decision on the need for an EIS, notice shall be provided to all persons on the EAW distribution list, to all persons who commented in writing during the thirty (30) days comment period, to the EQB staff for publication of the decision in the EQB Monitor and to any person upon written request.
Mitigation Measures	Any measures for mitigating that are considered by the City Council in making their EIS need decision may be incorporated as condition for approval of conditional use permits, interim use permits, variances, planned unit development, and/or site plan requests as required by this Ordinance.

9.04 ENVIRONMENTAL IMPACT STATEMENTS (EISs)

- A. A. Purpose: The purpose of an EIS is to provide information for governmental units, the proposer of the project and other persons to evaluate proposed projects which have the potential for significant environmental effects, to consider alternatives to the proposed projects and to explore methods for reducing adverse environmental effects.
- B. Mandatory EISs: An EIS shall be prepared for any project that meets or exceeds the thresholds of any of the EIS categories listed in Minnesota Rules 4410.4400, as may be amended.
- C. Discretionary EISs: An EIS shall be prepared when the City Council determines that, based on the EAW and any comments or additional information received during the EAW comment period, the proposed project has the potential for significant environmental effects, or when the City Council and the proposer of the project agree that an EIS should be prepared.
- D. Procedures:
 1. All projects requiring an EIS must have an EAW on file with the City, which will be used to determine the scope of the EIS. All EISs shall be prepared according to the procedures and requirements of the State Environmental Review Program, Rules 4410.2100-4410.3000, as may be amended. The costs of preparation of an EIS shall be assessed to the project proposer in accordance with Minnesota Rules Parts 4410.6000 to 4100.6500, as may be amended.
 2. Any proposal, project or use on which an EIS is required shall be considered a conditional use as defined in Section 2.02 of this Ordinance and shall comply with the procedure for approval of a conditional use permit. Mitigating measures identified in the EIS shall be incorporated as conditions of issuance of the conditional use permit.

As approved November 12, 2024 and amended through September 2026

Section 10 - Site Plan Review

Subdivision

- 10.01 Purpose
- 10.02 Exceptions to Review
- 10.03 Procedures
- 10.04 Certification of Taxes Paid
- 10.05 Evaluation Criteria
- 10.06 Information Requirement
- 10.07 Plan Modifications
- 10.08 Lapse of Approval
- 10.09 Site Improvement, Performance Agreement, and Security
- 10.10 Building and Other Permits
- 10.11 Inspections During Development

10.01 Purpose

The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Ordinance.

10.02 Exceptions to Review

The following shall be excepted from the foregoing requirements:

- A. Agricultural developments in the A-1 Zoning District.
- B. Single family detached dwellings.

10.03 Procedures

Pursuant to Minnesota Statutes 15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless the applicant waives this limitation. Additional City requirements are as follows:

Process Step	Description
Application	An application for site plan approval shall be filed with the City for all developments (except for agricultural developments in A-1 Zoning District and single-family dwellings) within the City. Such application shall be filed with the Zoning Administrator on an official application form and shall be accompanied by a fee as provided for by the City Council resolution. The proposed site plan shall be placed on the agenda of the first possible new business Planning Commission meeting occurring after fourteen (14) days from the date of official submission. The plan shall be considered officially submitted only when all information and fee requirements are complied with.

Process Step	Description
Preliminary Site Plan	The purpose of the preliminary site plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the final plan. Schedule: 1. The developer shall meet with the Zoning Administrator and/or City staff to discuss the proposed development 2. The developer shall submit to the Zoning Administrator the necessary application data in site plan form as required herein, and filing fee at least fourteen (14) days prior to the Planning Commission meeting on which the proposal is tentatively scheduled to be heard. 3. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the City Council. 4. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to obtain expert testimony with the consent and at the expense of the applicant concerning operational factors; said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. 5. The applicant or a representative thereof shall appear before the Planning Commission to present the proposal and answer any questions concerning the proposed development. 6. The Planning Commission shall make a recommendation of approval or denial on the preliminary site plan to the City Council within sixty (60) days of the date of the initial Planning Commission meeting at which the case was heard. If the Planning Commission fails to act within the time specified herein, it shall be deemed to have recommended the plan for approval. 7. The Planning Commission shall recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Ordinance 8. Such recommendation shall be in writing and be accompanied by the report and recommendation of the City Engineer. 9. The City Council shall not grant site plan approval until they have received a report and recommendation from the Planning Commission and the City Engineer. The City Council shall review all recommendations and approve or deny the application for site plan approval within thirty (30) days of the initial City Council meeting at which the case was heard. 10. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made a part of the permanent written record of the City Council meeting. 11. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to

Process Step	Description
	set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition it considers necessary to protect the public health, safety, and welfare. 12. If, upon reviewing said reports and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reason for referral. This procedure shall be followed only one time on a singular action. 13. Whenever an application for site plan review has been considered and denied by the City Council, a similar application affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by the City Council.
Final Site Plan	1. Purpose. The final site plan is to serve as a complete, thorough, and permanent public record of how the subject site is to be developed. It shall incorporate all prior approved plan revisions resulting from the site plan review process. 2. Schedule. Upon receiving all required final approvals through the site plan review process, the developer shall prepare a final site plan reflecting all revisions and conditions of approval. Three (3) copies of this final site plan shall be submitted to the Zoning Administrator for review and approval. 3. City staff shall review the final site plan for consistency with the conditions of approval outlined by the City Council. If all conditions for approval have been met, the Zoning Administrator shall grant final site plan approval. Failure to meet the specific conditions shall result in denial of final site plan approval. 4. Any modifications of the proposal, not specified as a condition for approval by the City Council, shall result in review of the proposal by the Planning Commission and City Council pursuant to the procedures outlined in Section 10.03. B.2 of this Ordinance.
Nullification	If, after one (1) year from being granted site plan approval, the plan as permitted by the approval shall not have been initiated, then such approval shall become null and void unless a request by petition for an extension of time has been made to and granted by the City Council. Such extension shall be requested in writing thirty (30) days before the original site plan approval expires. There shall be no charge for the filing of such petition.

Process Step	Description
Extension	The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the site plan approval. Such a petition shall be presented to the City Council for a decision.

10.04 Certification of Taxes Paid

Prior to approving an application for a final site plan, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the site plan application relates.

10.05 Evaluation Criteria

The Planning Commission and City Council shall evaluate the effects of the proposed site plans. This review shall be based on compliance with the City Comprehensive Plan and provisions of the Zoning Ordinance.

10.06 Information Requirement

The information required for all site plan applications generally consists of the following items and shall be submitted when requested and specified by the Zoning Administrator.

A. Site Plan:

1. Name and address of developer/owner.
2. Name and address of architect/designer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. Scale of plan (engineering scale only, at one (1) inch equals fifty (50) feet or less).
7. North point indication.
8. Lot dimension and area.
9. Required and proposed setbacks.
10. Location, setback, and dimension of all buildings on the lot including both existing and proposed structures.
11. Location of all adjacent buildings, wells and septic systems located within one hundred (100) feet of the exterior boundaries of the property in question.
12. Location, number, and dimensions spaces of existing and proposed parking
13. Location, number, and dimensions spaces of existing and proposed loading
14. Curb cuts, driveways.
15. Vehicular circulation.
16. Sidewalks, walkways.
17. Location and type of all proposed lighting.
18. Location of recreational and service areas.
19. Location of rooftop equipment and proposed screening.
20. Provisions for storage and disposal of waste, garbage, and recyclables.
21. Location of proposed well and sewage treatment systems.

- B. Grading/Storm Water Drainage Plan:
 - 1. Existing contours at two (2) foot intervals.
 - 2. Proposed grade elevations, two (2) foot maximum intervals.
 - 3. Drainage plan including configuration of drainage areas and calculations.
 - 4. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
 - 5. Spot elevations.
 - 6. Proposed driveway grades.
 - 7. Surface water ponding and treatment areas.
 - 8. Erosion control measures.
 - 9. Wetland boundaries.
- C. Landscape Plan:
 - 1. Planting Schedule (table) containing:
 - a. Symbols.
 - b. Quantities.
 - c. Common names.
 - d. Botanical names.
 - e. Sizes of plant material.
 - f. Root specification (bare root, balled and burlapped, potted, etc.)
 - g. Special planting instructions.
 - 2. Location, type, and size of all existing significant trees to be removed or preserved.
 - 3. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
 - 4. Typical sections in details offences, tie walls, planter boxes, tot lots, picnic areas, berms, and the like.
 - 5. Other existing or proposed conditions which could be expected to affect landscaping.
- D. Other Plans and Information: (May be submitted in combination pursuant to approval by the Zoning Administrator)
 - 1. Legal description of property under consideration.
 - 2. Proof of ownership of the land for which a site plan approval has been requested.
 - 3. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
 - 4. Typical" floor plan and "typical" room plan.
 - 5. Extent of and any proposed modifications to land within the Shoreland, Wetland, or Floodplain Overlay Districts as described and regulated in Sections 64, 65 and 66 of this Ordinance.
 - 6. Type, location and size (area and height) of all signs to be erected upon the property in question.
 - 7. Restrictive covenants.

10.07 Plan Modifications

- A. Minor Changes: Proposed minor structural additions involving ten (10) percent or less of the total existing floor area and proposed minor site expansions or modifications involving ten (10) percent or less of the total existing site area which meet all ordinance requirements may be

approved by the Zoning Administrator prior to a building permit being issued and shall not require Planning Commission or City Council review, subject to the following:

1. This Section shall apply in the cases of new developments which have received City Council plan approval, but for which building permits have yet to be taken; and this Section shall apply to existing developments on file which have City Council approved site plans.
2. Compliance with all Ordinance requirements shall be construed to include all adopted policies and codes.
3. Any major variances from Ordinance and policy requirements shall be subject to the established review and hearing procedures for site plan and variance approval.
4. Plans submitted for minor structural additions or minor site alterations under the terms of this Section shall be the same as those required for site plan approval.
5. A copy of the plans approved under this Section shall be appropriately certified by the Zoning Administrator and placed on file with the City Council approved plans.

B. Major Changes:

1. Plans not qualifying as minor shall be classified as major.
2. An amended site plan involving major changes shall be applied for and administered similarly to that required for a new site plan.

10.08 Lapse of Approval

- A. Unless otherwise specified by the Zoning Administrator or City Council as may be applicable, the site plan approval shall become null and void one (1) year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to apply for time extension in accordance with this section.
- B. An application to extend the approval of a site plan for up to an additional one (1) year shall be submitted to the Zoning Administrator not less than thirty (30) days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the site plan approval, and it shall state the additional time being requested to begin the proposed construction. The request shall be heard and decided by the Zoning Administrator prior to the original request's approval. A request pertaining to a major project involving a longer period than one (1) year or a second request for a time extension shall be presented to the Planning Commission for recommendation and to the City Council for a decision.
- C. In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the Zoning Administrator or the City Council, as applicable, shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

10.09 Site Improvement, Performance Agreement, and Security

- A. Upon City Council approval of a site plan and prior to the issuance of building permits or initiation of work on the proposed improvement or development, the developer shall execute a

performance agreement setting out site improvement items and terms of completion of said items. The performance agreement shall be approved by the City Attorney.

- B. Except in the case of non-income producing residential property (excluding relocated structures), upon approval of the site plan, the City shall be provided, where deemed necessary, with an irrevocable letter of credit, cash escrow, certificate of deposit payable to the City, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall be non-cancelable and guarantee conformance and compliance with the conditions of the site plan approval and the City's ordinances.
- C. The security shall be in the amount equal to one hundred fifty (150) percent of the City Engineer's or City Building Official's estimated cost of labor and materials for the proposed improvements or development. Said project may be handled in stages upon the discretion of the City Engineer or Building Official.
- D. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and regulations of the City has been issued by the City Building Official.
- E. Failure to comply with the conditions of the site plan approval or the regulations of the City shall result in forfeiture of the security.

10.10 Building and Other Permits

Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the final site plan has been approved and a properly executed performance agreement has been received, and upon application of the applicant pursuant to the applicable ordinances of the City, all appropriate officials for the City may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the final site plan provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and ordinances which are applicable to the permit sought, have been satisfied.

10.11 Inspections During Development

- A. Site Improvements
 - 1. Following preliminary site plan approval by the City Council and final site plan approval by the Zoning Administrator, the City Engineer shall specify those site improvement items requiring inspections and approval by the City.
 - 2. Within thirty (30) days of such notice, the Board shall revoke the site plan approval or shall take such steps as it shall deem necessary to compel compliance with the final site plan as approved or shall require the landowner or applicant to seek an amendment of the final site plan.
- B. Compliance with Overall Plan: Following final plan approval of a site plan, or a stage thereof, the Building Official shall, periodically until the completion of the development, review all permits

issued, and construction undertaken and compare actual development with the approved site plan.

1. If the Building Official finds that development is not proceeding in accordance with the approved plan, they shall immediately notify the City Council.
2. Within thirty (30) days of such notice, the City Council shall either by the provisions of the Ordinance revoke the site plan approval or shall take such steps as it shall deem necessary to compel compliance with the final site plan as approved; or shall require the landowner or applicant to seek an amendment of the final site plan.

Section 11 - Certificate Of Occupancy

Subdivision

11.01 Certificate Required

11.02 Application

11.01 CERTIFICATE REQUIRED

Except for farm and residential buildings, no building or structure hereafter erected or moved, or that portion of an existing structure of building erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy of zoning shall have been issued by the City Building Official stating that the building or structure complies with all of the provisions within this Ordinance and applicable state building code sections.

11.02 APPLICATION

Said certificate shall be applied for coincident with the application for a building permit, conditional use permit, interim use permit, and/or variance and shall be issued within ten (10) days after the City Building Official shall have found the building or structure satisfactory and given final inspection. Said application shall be accompanied by a fee as established by City Council resolution.

Section 12 - Administration - Enforcement And Penalties

Subdivision

12.01 Administration

12.02 Violations

12.03 Application to City Personnel

12.04 Additional Equitable Remedies

12.05 Enforcement Procedures

12.01 ADMINISTRATION

This Ordinance shall be administered and enforced by the Zoning Administrator who is appointed by the City Council or his or her designee as approved by the City Council.

12.02 VIOLATIONS

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.

12.03 APPLICATION TO CITY PERSONNEL

The failure of any officer or employee of the City to perform any official duty imposed by this Ordinance shall not invalidate this Ordinance.

12.04 ADDITIONAL EQUITABLE REMEDIES

In the event of a violation of the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the Zoning Administrator in the name of St. Augusta may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

12.05 ENFORCEMENT PROCEDURES

- A. Upon receipt of complaint, identification of a violation of this Ordinance, or by the direction of the City Council, the Zoning Administrator shall investigate said violation to determine its validity.
- B. If it is determined that a condition or provision of this Ordinance or a permit issued pursuant to this Ordinance has been violated, the investigator shall submit a report to the City Council and the Building Official identifying the violation, the location, and the property owner(s) responsible for the violation.
- C. Upon submission of the report, the City Building Official shall, on behalf of the City, send the property owner(s) a letter of citation informing them of said violation and ordering compliance with the provisions of this Ordinance. The letter of citation shall include a time frame in which the property owner(s) must bring the property in compliance with this Ordinance.

- D. The City Building Official shall inspect the property for compliance with this Ordinance upon expiration of the time frame outlined in the letter of citation. If the violation has not been corrected, the City Building Official shall notify the City Council.
- E. Upon notification by the City Building Official of failure to comply with this Ordinance, the City Council shall instruct the City Attorney to begin legal proceedings for enforcement of this Ordinance.

12.06 Administration and Enforcement

Except as otherwise specifically provided in this Chapter, all matters relating to the administration, enforcement, interpretation, violations, penalties, appeals, and other procedural requirements shall be governed by the applicable provisions of the City Code pertaining to zoning administration and enforcement, which are hereby incorporated by reference.

Section 13 - Reserved

Section 14 - Non-conforming Buildings, Structures, Uses and Lots

Subdivision

14.01 Purpose

14.02 General Provisions

14.03 Non-Conforming Uses

14.04 Non-Conforming Buildings and Structures

14.05 Non-Conforming Lots

14.06 Special Protection Districts

14.01 PURPOSE

It is the purpose of this section to provide for the regulation of non- conforming buildings, structures, uses, and lots, and to specify those requirements, circumstances, and conditions under which non-conforming buildings, structures, uses, and lots will be operated, maintained, and regulated. It is necessary and consistent with the establishment of this Ordinance that non-conforming buildings, structures, uses, and lots are not allowed to continue without restriction. Furthermore, this section intends that all non-conformities shall be eventually brought into conformity.

14.02 GENERAL PROVISIONS

- A. Conditional Uses: Any established use, building or lot legally existing prior to October 7, 2003, and which is herein classified by this Ordinance as requiring a conditional use permit may be continued in like fashion and activity and shall automatically be considered as having received conditional use permit approval. Any change to such a use or building shall however require a new conditional use permit to be processed according to this Ordinance.
- B. Interim Uses: Any established use, building or lot legally existing prior to October 7, 2003, and which is herein classified by this Ordinance as requiring an interim use permit may be continued in like fashion and activity and shall automatically be considered as having received interim use permit approval. Any change to such a use of such a building shall, however, require a new interim use permit to be processed according to this Ordinance.
- C. Threats to General Welfare: Non-conforming buildings, structures, and/or uses, which based upon documented study and evidence, pose a danger and/or threat to the health, safety, and general welfare of the community, shall:
 - 1. Be legally declared a nuisance by the City Council.
 - 2. Upon being identified by the City Council and upon the owner being notified in writing by the Zoning Administrator, the owner shall provide to the City Council a documented time schedule and program with rationale to support the proposed amortization of the building, structure, or use investments which will result in the termination or correction of the non-conformity.
 - a. The termination/correction time schedule shall be based on factors such as the initial investment and the degree of threat or danger being posed.
 - b. The acceptability of the time schedule shall be determined by the City Council with right of appeal.
 - c. In no case shall a time schedule exceed two (2) years.

As approved November 12, 2024 and amended through September 2026

14.03 NON-CONFORMING USES

- A. Effective Date: The lawful use of buildings or land existing at the effective date of this Ordinance which does not conform to the provisions of this Ordinance may be continued; provided, however, that no such non-conforming use of land shall be enlarged or increased, nor shall any such non-conforming use be expanded to occupy a greater area of land than that occupied by such use at the time of the adoption of this Ordinance, nor shall any such non-conforming use be moved to any other part of the parcel of land upon which the same was conducted at the time of the adoption of this Ordinance.
- B. Continued Use: A lawful, non-conforming use shall not be enlarged but may be continued at the same size and in the same manner of operation as it existed on the date it became legally non-conforming except as hereinafter specified.
- C. Changes to Non-Conforming Uses:
 - 1. When a lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
 - 2. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the non-conformity.
- D. Discontinuance: If non-conforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.
- E. Normal Maintenance: Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary non- structural repair and incidental alterations which do not extend or intensify the non-conforming use.

14.04 NON-CONFORMING BUILDINGS AND STRUCTURES

- A. Restoration: No lawful non-conforming building or structure which has been damaged by fire, explosion, act of God or a public enemy, to the extent of more than fifty (50) percent of its value, as determined by the City Building Official, shall be restored, except in conformity with the regulations of this Ordinance.
- B. Alterations: Alteration and normal maintenance to a lawful non-conforming building or structure may be made provided:
 - 1. The alterations do not expand the building size.
 - 2. The alterations do not change the building occupancy capacity or parking demand.
 - 3. The alteration does not increase the non-conformity of the building or the use.
- C. Expansion of Non-Conforming Buildings or Structures:
 - 1. Administrative Approvals: The following expansions of lawful non- conforming building and structures may be approved through the administrative permit process by the Zoning Administrator subject to provisions of Section 6 of this Ordinance. The Zoning Administrator

shall decide that the building expansion will have no external negative impacts upon adjacent properties or public rights-of-way.

- a. Expansion of buildings found to be non-conforming only by reason of height, yard setback, or lot area may be permitted provided the structural non-conformity is not increased and the expansion complies with the performance standards of this Ordinance.
 - b. Lawful non-conforming single family and two-family units may be expanded to improve the livability provided the non-conformity of the structure is not increased.
2. Conditional Use Permit: Lawful non-conforming commercial, industrial, public, semi-public, and multiple family structures may be expanded on the same lot by conditional use permit provided:
 - a. The expansion will not increase the non-conformity of the building or site.
 - b. The new building expansion will conform with all the applicable performance standards of this Ordinance. A conditional use permit shall not be issued under this section for a deviation from other requirements of this Ordinance unless variances are also approved.
 - c. The request for a conditional use permit shall be evaluated based on standards and criteria set forth in Section 4 of this Ordinance.

14.05 NON-CONFORMING LOTS

A. Vacant or Redeveloped Lots:

1. Lot Combination: If an owner has an interest in more than one (1) lot of record contiguous to other lots of record, all such lots shall be combined to meet the requirements of this section or the applicable zoning district standards. If sufficient contiguous property is held in one ownership to comply with the standard of the applicable zoning district, then those more restrictive provisions will apply. In no circumstances will there be approval of any proposal for multiple lot developments based on lots of record, and not conforming with the existing zoning district's provisions.
2. Single Family Detached Dwellings: Legal non-conforming, vacant, substandard sized lots of record may be developed for single family detached dwellings upon approval of an administrative permit by the Zoning Administrator, provided that:
 - a. The lot in question was legally established in accordance with Ordinance requirements existing at the time of its creation and is a separate, distinct tax parcel with a parcel identification number.
 - b. The lot is properly zoned for single family land uses.
 - c. Minimum Lot Size.
 - i. Sewered Lots: A lot of record having direct access to municipal sewer and water shall be considered buildable provided measurements for lot area and/or width are within seventy (70) percent of the requirements of the base zoning district
 - ii. Unsewered Lots: A lot of record not having access to municipal sewer and water shall be considered buildable provided it can be demonstrated by

means satisfactory to the City that no ground water, soil, or other contamination will result.

- d. The lot in question has a frontage on a public street.
- e. Public health concerns (potable water and sewage collection and treatment) can be adequately provided.
- f. The setback and yard requirements of the applicable zoning district or Section 16.04 of this Ordinance can be achieved while simultaneously resulting in development which complies with the character and quality of the immediate area and the objectives of the City's Comprehensive Plan and Zoning Ordinance.
- g. The lot in question and related potential development is evaluated based upon criteria outlined in Section 4.02.F and is found to be acceptable per these standards.

- B. Developed Lots: An existing conforming use on a lot of substandard size and/or width may be expanded or enlarged if such expansion or enlargement meets all other provisions of this Ordinance.

14.06 SPECIAL PROTECTION DISTRICTS

Non-conforming buildings and uses within the special protection districts as described in Section 64 through 67 of this Ordinance shall be subject to the applicable regulations and standards relating to such buildings and uses in that section.

Section 15 - General Building And Performance Requirements

Subdivision

- 15.01 Purpose
- 15.02 Dwelling Unit Restriction
- 15.03 Platted and Unplatted Property
- 15.04 Accessory Buildings
- 15.05 Swimming Pools
- 15.06 Fences
- 15.07 Required Fencing, Screening and Landscaping
- 15.08 Traffic Visibility
- 15.09 Drainage Plans
- 15.10 Glare
- 15.11 Smoke
- 15.12 Dust and Other Particulated Matter
- 15.13 Air Pollution
- 15.14 Noise
- 15.15 Refuse
- 15.16 Outside Storage, Residential, Commercial and Industrial Uses
- 15.17 Sewage Disposal
- 15.18 Waste Material
- 15.19 Bulk Storage (Liquid)
- 15.20 Radiation Emission
- 15.21 Electrical Emission
- 15.22 Temporary Storage of Fill
- 15.23 Sales in Residential and Agricultural Zoning Districts

15.01 PURPOSE

The purpose of this section is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent blight, deterioration, and decay; and to enhance the health, safety, and general welfare of the residents of the city.

15.02 DWELLING UNIT RESTRICTION

- A. No garage, tent, accessory building, travel trailer or motor home shall be used as living quarters, temporarily or permanently, except as allowed by Section 15.02.D of this Ordinance.
- B. The basement portion of finished home may be used for habitation purposes provided it is properly damp-proofed, complies with applicable sections of the Fire and Building Codes, and is otherwise approved by the City Building Official.
- C. Tents, playhouses, recreational camping vehicles (travel trailers), motor homes or similar structures may be used only for play or recreational purposes.

- D. Temporary establishment of dwelling units is allowed by administrative permit on residential lots during reconstruction of the principal structure damaged by fire or natural disaster, provided that:
1. The temporary dwelling unit is not established prior to building permit approval for the principal structure's reconstruction.
 2. The temporary dwelling unit's occupancy is limited to the residents of the prior or future principal structure.
 3. The applicant demonstrates an intent to proceed with reconstruction of principal structure, including construction contracts, proof of financial or other evidence of intended project completion.
 4. The temporary dwelling unit meets all setback requirements within the Zoning District for which the property is located, unless determined impractical by the City Building Official.
 5. The temporary dwelling unit shall not exceed one (1) story or fifteen (15) feet in height, whichever is least.
 6. The temporary dwelling housing unit is connected to a private water and sewer system approved by the city, Stearns County, and State Department of Health.
 7. Security is provided to ensure removal of the temporary dwelling unit upon completion of the reconstruction project. The security shall be in the amount equal to Zoning Administrator's estimated costs for removal of the temporary dwelling unit.
 8. The applicant submits a permit application and a site plan (to scale) showing the location of lot lines, the proposed location of the temporary dwelling unit, the principal structure and other prominent site features.
 9. The administrative permit provisions of Section 6 of this Ordinance are considered and satisfactorily met.

15.03 PLATTED AND UNPLATTED PROPERTY

- A. Except if determined unnecessary by the City Council, any person desiring to improve property shall submit to the City Building Official a Certificate of Survey of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to ensure conformance to City zoning provisions.
- B. All buildings shall be so placed that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and in accordance with the Comprehensive Plan and to the system and standards employed by the City. Furthermore, all buildings shall be placed so that they will not obstruct future utility routes, or the potential resub division of the property.
- C. Except for farm and hobby farm operations, or by conditional use permit, no more than one (1) principal building shall be on a lot. The words "principal building" shall be given their common, ordinary meaning as defined in Section 2.02 of this Ordinance.
- D. On a through lot, both street lot lines shall be front yards for applying the yard and parking setback regulations of this Ordinance.

- E. When a development is proposed which is to be located on two (2) or more lots, and such lots are required to meet the minimum district area and frontage requirement and/or are required to accommodate the use, the lots shall be combined in accordance with the City's Subdivision Ordinance, prior to the issuing of a building permit.
- F. When two (2) or more lots are located in the same residential district, one (1) or more of which lack adequate area or dimensions to qualify for residential use under the current Ordinance requirements and are contiguous and held in one ownership, they shall be combined for use in order to meet the lot requirements by re-subdividing the property in accordance with the City Subdivision Ordinance.

15.04 ACCESSORY BUILDINGS

- A) Agricultural buildings are exempt from the building permit requirements and size restriction of this Subsection B(6). All other zoning requirements must be followed.
- B) Residential Uses:
 - 1) One of each of the following accessory buildings is allowed in the rear or side yard in Residential districts R-R, R-1, and R-2 and any A-1 lot that is primarily for residential use:
 - a. Detached private garage.
 - b. A shed that is not permanently affixed.
 - 2) An enclosed and covered pet kennel.
 - 3) Freestanding gazebos are allowed in the front, rear, or side yard.
 - 4) On larger lots where the primary dwelling or structure is more than 100 feet from the front lot line, accessory buildings or structures may be in a front yard if it is no closer than 100 feet from the front lot line.
 - 5) Detached buildings for this ordinance include buildings attached by a breezeway or other similar method, with no continuous frost depth foundation and a fully enclosed attachment meeting all the standards of Section 16.07.
 - 6) The combined total floor area of a detached accessory building or buildings or detached garages shall not exceed the following maximum area requirements:

Lot Area Maximum	Total Floor Area of All Detached Accessory Structures
up to 1 acre	2,000 square feet
1 acre to 2.00 acres	2,500 square feet
2.01 to 4.99 acres	3,000 square feet
5 acres to 6.99 acres	No Limit

- 7) Accessory buildings with an area of one thousand (1,000) square feet or less may encroach into the required side and rear yard setbacks within the rear yard of a lot unless it is abutting a street. The setback shall not be less than ten (10) feet.
- C) Except as was otherwise noted, accessory buildings and uses for all principal uses shall conform to the setback requirements specified for the respective zoning district in which they are located.

D) No accessory uses or equipment such as air conditioning cooling structures or condensers that generate noise beyond established state standards may be located in a required side yard except for side yards abutting streets where equipment is fully screened from view

E) Height:

1) Accessory buildings shall comply with the following height limitations:

Zoning District	Maximum Height
A-1, R-R	35 feet or the height of the principal structure, whichever is greater
R-1, R-2	25 feet
B-1, B-2, I-1	35 feet

2) Accessory buildings may exceed the height limitations in Section 15.04.E.1 by conditional use permit subject to the provisions of Section 16.02.A of this Ordinance.

F) Building Type and Standards:

Accessory buildings on all lots less than 10 acres (regardless of building structure type – post/pole versus stick) shall be similar in design to the principal building relative to:

1. Exterior color schemes and detailing
2. Building materials and style
3. Overhang depth and details, if overhang is needed

Similar shall mean that the accessory structure has a substantial likeness, resemblance, or characteristics of the principal structure.

(Amended March 2025, November 2025)

15.05 SWIMMING POOLS

- A. Swimming pools shall be subject to the applicable requirements of Section 15.04 of this Ordinance.
- B. A permit shall be required for all permanently constructed swimming pools with a capacity of five thousand (5,000) gallons and/or two (2) feet or more of depth. Each application for a permit to construct or erect a swimming pool shall be accompanied by plans of sufficient detail to show:
 - 1. The proposed location and its relationship to the other principal buildings on the lot.
 - 2. The size of the pool.
 - 3. Fencing and other fixtures existing on the lot, including utility location and trees.
 - 4. The location, size, and types of equipment to be used in connection with the pool, including but not limited to filter unit, pump, fencing and the pool itself.
 - 5. That the requirements contained in Subd. 15.05.C and 15.05.D of this section will be satisfied.
- C. All below ground pools for which a permit is required and granted shall be provided with safeguards to prevent children from gaining uncontrolled access. This may be accomplished with fencing, screening or other enclosures, or any combination thereof, of sufficient density as to be impenetrable. If fences are employed, they shall be at least four (4) feet in height. The opening between the bottom of the fence and the ground or other surfaces shall not be more than four (4) inches. Fences shall be non-corrosive and constructed to be not easily climbable. All fencing openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height to be inaccessible to all small children. All fence posts shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection.
- D. All above ground pools for which a permit is required and granted shall be provided with safeguards to prevent children from gaining uncontrolled access.

15.06 FENCES

Fences shall be permitted in all yards subject to the following:

- A. Location: All boundary line fences shall be located entirely within the private property of the person, firm or corporation constructing or causing the construction of such fence.
- B. Construction and Maintenance:
 - 1. Every fence shall be constructed in a professional and substantial manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. The materials and design shall also be compatible with other structures in the area in which the fence is located and shall not cause blight or a negative impact.
 - 2. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the City shall commence proper proceedings for the abatement thereof.

3. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.
 4. The decorative side of any fence which abuts an agricultural use may face inwards towards the property being fenced.
- C. Access: All fences shall be provided with a gate which affords reasonable and convenient access for public safety.
- D. Barb Wire and Electric Fences: Except as specified in this subsection, barbed wire fences and electric fences shall only be allowed when related to farming and hobby farms.
- E. All fences shall not obstruct natural drainage.
- F. Grade Modifications: Any modifications to the grade or drainage of a property in conjunction with the construction of a fence shall be subject to Subd. 15.09 of this Ordinance.
- G. Residential District Fences: All residential district fences shall be placed within the property being fenced.
1. Except in the case of a side yard on a corner lot which abuts a street, fences alongside property lines shall not be more than six (6) feet in height for the distance commencing from a point on such side property line located along the rear lot line and proceeding thence along such side property line to a point thereon which would be intersected by the front wall line of the existing principal structure on the lot.
 2. Fences along or paralleling any rear property line, also the rear property line of an abutting lot, shall not exceed six (6) feet high.
 3. Except in the case of a side yard on a corner lot which abuts a street, fences along a rear property line which line constitutes the side lot line of an abutting lot shall not exceed six (6) feet in height.
 4. The required screening provisions for residential districts shall supersede, where applicable, the provisions of this subdivision.
 5. Fences extending across required front yards or a required side yard which abuts a street on a corner lot shall not exceed forty-two (42) inches in height and shall be at least seventy-five (75) percent open space for passage of air and light and shall maintain the traffic visibility requirements of Subd. 15.08 of this Ordinance.
- H. Commercial and Industrial District Fences: All commercial and industrial fences shall be placed within the property being fenced.
1. Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy-five (75) percent open for the passage of air and light and shall maintain the traffic visibility requirements of Subd. 15.08 of this Ordinance.
 2. Business and industrial fences may be erected up to eight (8) feet in height. Fences more than eight (8) feet shall require a conditional use permit.

3. Fences primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at least seven (7) feet above the ground.
 4. The screening provisions for commercial and industrial districts shall supersede, where applicable, the provisions of this Subsection.
- I. Special Purpose Fences: Fences for special purposes and fences differing in construction, height or length may be permitted by the city by issuance of a conditional use permit as regulated by Section 4 of this Ordinance. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which such a fence is intended. The city may stipulate the height, location, construction, and type of special fence thereby allowed.

15.07 REQUIRED FENCING, SCREENING AND LANDSCAPING

- A. Fencing and Screening: Except as may be otherwise allowed by the City Council, any non-residential use except agriculture and farming (i.e., structure, parking, or storage) which abuts property zoned for residential use, shall provide screening along the boundary of the residential property. Screening shall also be provided where a non-residential use is across the street from a residential zone, but not on that side of a non-residential use considered to be the front (as defined by this Ordinance). All fencing and screening specifically required by this Ordinance shall be subject to Subd. 15.08 of this Ordinance and shall consist of either a fence or a green belt planting strip as provided for below:
1. A green belt planting strip shall consist of coniferous trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of six (6) feet. Earth mounding or berms may be used but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of planting shall require the approval of the City Council.
 2. A required screening fence shall be constructed of masonry, brick, wood, or metal. Such a fence shall provide a solid screening effect six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the Zoning Administrator and the Building Official. Fences over six (6) feet tall shall require City Council approval.
- B. Landscaping, General Residential: Fences or trees placed on utility easements are subject to removal at the property owner's cost if required for the maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed twenty (20) feet in height. (The planting of large trees is not recommended under overhead wires.) The amount of hard surfacing provided on a lot shall be limited to the size and area necessary to accommodate ordinance requirements and allowances.
- C. Landscaping, Semi-Public, and All Income Producing Property Uses: Except as may be otherwise allowed by the City Council, all above referenced uses shall be subject to mandatory landscape plan prior to approval of a building permit.

1. Said landscape plan shall be developed with an emphasis upon the following areas:
 - a. The boundary or perimeter of the proposed site at points adjoining other property.
 - b. The immediate perimeter of the structure.
 - c. The perimeter of parking and loading areas.
2. All landscaping incorporated in said plan shall conform to the following standards and criteria:
 - a. All plants must at least equal the following minimum size:

Balled and Burlapped, Container Grown, or Bare Root*	
Shade Trees	1.5 to 2 inch diameter
Ornamental Trees (Flowering Crab, Hawthorn, etc.)	1 inch diameter
Coniferous Trees	4-6 feet
Large Deciduous Shrubs (Dogwood, Viburnum, etc.,)	2-4 feet
Large Coniferous Shrubs (Globe arborvitae, migho pine, etc.)	2 feet
Small Deciduous Shrubs (spirea, potentilla, etc.)	18-24 inches
Small Coniferous Shrubs (spreading evergreens)	18-24 inches (spread)

*all trees shall be balled and burlapped (B&B) and shrubs shall be container grown unless otherwise approved by City staff

Type and mode of planting are dependent upon time of planting season, availability, and site conditions (soils, climate, ground water, irrigation, grading, etc.).

- b. Spacing:
 - i. Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings based on the judgment of the Zoning Administrator.
 - ii. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
 - iii. Where plants or screening is intended, large deciduous and coniferous shrubs shall not be planted more than four (4) feet on center.
- c. Types of New Trees. Plantings, suitable trees include, but are not limited to the following:

<u>Botanical Name</u>	<u>Common Name</u>
Quercus (varieties)	Oak
Acer platanoides (and varieties)	Norway Maple
Acer rubrum (varieties)	Red Maple
Acer saccharum	Sugar Maple
Celtis occidentalis	Hackberry
Betula (varieties)	Birch
Gleditsia Triacanthos inermis (varieties)	Honeylocust
Tilia cordata (and varieties)	Little Leaf Linden
Tilia americana (and varieties)	American Linden
Fraxinus Pennsylvania (varieties)	Green Ash
Ginkgo biloba (male tree only)	Ginkgo
Gymnocladus dioicus	Kentucky Coffee Tree

- d. Design:
 - i. The landscape plan must show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc., which are largely intended for aesthetic purposes).
 - ii. All areas within the property lines (or beyond if side grading extends beyond) shall be treated. All exterior areas not paved or designated as drives, parking, or storage, must be planted with ornamental vegetation (lawns, ground covers or shrubs) unless otherwise approved by the Zoning Administrator.
 - iii. Slopes to be maintained as turf over 2:1 are prohibited unless approved by the Zoning Administrator.
 - iv. All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.
 - v. All principal use structures shall provide an exterior water supply for use in landscape purposes."
- e. Landscape Guarantee: All new plants shall be guaranteed for two (2) full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.
- f. Existing Trees: With respect to existing trees in new developments, all trees on the site are to be saved which do not have to be removed for streets, buildings, utilities, drainage, or active recreational purposes. Trees over six (6) inches in diameter that are to remain, are to be marked with a red band, and to be protected with snow fences or other suitable enclosures, prior to any excavation. The City may further require that the property owner and/or developer retain a professional forester to prepare a forest inventory and management plan for the development, to control and abate any existing or potential shade tree disease and to save trees from construction loss.

- D. Mechanical Equipment: All rooftop and ground mounted mechanical equipment of non-residential buildings shall comply with the following standards:
 - 1. All rooftop and ground-mounted mechanical equipment shall be buffered to mitigate noise in compliance with Section 15.14 of this Ordinance.
 - 2. All rooftop and ground mounted mechanical equipment shall be designed (including exterior color) and located so to be aesthetically harmonious and compatible with the building. Screening of the equipment may be required where the design, color, and location of the equipment are found to not effectively buffer noise or provide aesthetic harmony and compatibility. Screening shall be constructed of durable materials which are aesthetically compatible with the structure, and which may be an integral part of the structure. Applicable requirements for access to the equipment shall be observed in the design and construction of the screening.
 - 3. Rooftop mechanical equipment less than three (3) feet in height shall be exempt from the screening requirements of Section 15.07.D.2 of this Ordinance.

15.08 TRAFFIC VISIBILITY

- A. Corner Lots: On corner lots in all zoning districts, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height two (2) feet and eight (8) feet within twenty (20) feet from the intersecting property lines. Said obstruction shall not be wider than two (2) feet.
- B. Fences, Walls, and Hedges: Except as may be erected by a governmental agency, no fence, wall or hedge shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and eight (8) feet where it will interfere with traffic or pedestrian visibility from a driveway or alley to a public way. In required front yards or a required side yard abutting a street on a corner lot, fences, walls, hedges, or structures shall be at least seventy-five (75) percent open space for passage of air and light. These regulations shall apply unless it can be demonstrated that the structure provides an unobstructed view so as not to create safety hazards.

15.09 DRAINAGE PLANS

- A. No land shall be developed, and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities subject to the review and approval of the City Engineer and in accordance with storm drainage plans as may be established by the City.
- B. In the case of all residential subdivisions of three (3) or more lots, business and industrial developments, the drainage plans with appropriate spot site elevations shall be submitted to the City Engineer for review and the final drainage plan shall be subject to written approval. In the case of such uses, no modifications in grade and drainage flow through fill, erection of retaining walls or other such actions shall be permitted until such plans have been reviewed and received written approval from the City Engineer.
- C. The following standards shall apply to all development and activity that necessitates the grading, stripping, cutting, filling, or exposure of soils.
 - 1. General Standards:
 - a. The development shall conform to the natural limitations presented by topography and soil to create the least potential for soil erosion.
 - b. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
 - c. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical land area shall be exposed at any one time.
 - d. The drainage system shall be constructed and operational as quickly as possible during construction.
 - e. Whenever possible, natural vegetation shall be retained and protected.

- f. Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. The soil shall be restored to a depth of four (4) inches and of a quality at least equal to the soil quality before development.
 - g. When soil is exposed, the exposure shall be for the shortest feasible period. No exposure shall be planned to exceed sixty (60) days. Said time period shall be extended only if the City Engineer is satisfied that adequate measures have been established and will remain in place.
 - h. The natural drainage system shall be used as far as is feasible for the storage and flow of runoff. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flows, erosion damage, and construction costs.
2. Exposed Slopes: The following control measures shall be taken to control erosion during any activity where soils are exposed:
- a. No slope should be steeper in grade than four (4) feet horizontal to one (1) foot vertical
 - b. Exposed slopes steeper in grade than ten (10) feet horizontal to one (1) foot vertical should be contour plowed to minimize direct runoff of water.
 - c. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.
 - d. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron, a gravel energy dissipator should be installed to prevent erosion at the discharge end.
 - e. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark, or other protective material. Mulch should be anchored to slopes with liquid asphalt, stakes, and netting, or should be worked into the soil to provide additional slope stability.
 - f. Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will effectively protect exposed slopes.

3. Design Standards:

a. Waterways:

- i. The natural above ground drainage system shall be used to dispose of runoff. Storm sewers are only used where it can be demonstrated that the use of the above ground natural drainage system will not adequately dispose of runoff. Above ground runoff disposal waterways may be constructed to augment the natural drainage system. To the extent possible, the natural and constructed waterways shall be coordinated with an open space trail system.
- ii. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) inch storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
- iii. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
- iv. The banks of the waterway shall be protected with permanent turf vegetation.
- v. The banks of the waterway shall not exceed five (5) feet horizontal to one (1) foot vertical in gradient.
- vi. The gradient of the waterway bed shall not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
- vii. The bed of the waterway shall be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone, fieldstone (if random rip rap is used) or construction materials provided said construction materials are limited to asphalt cement and concrete. The rip rap shall be no smaller than two (2) inches square nor no larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.
- viii. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the sidewalls. Either gravel or rip rap may be allowed to prevent erosion at these points.

b. Water Velocity:

- i. The flow velocity of runoff in waterways shall be controlled to minimize waterway erosion.
- ii. Flow velocity shall be controlled through the installation of diversions, berms, slope drains, and other similarly effective velocity control structures.

c. Sediment Control:

- i. To prevent sedimentation of waterways, previous and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
- ii. Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures may serve as temporary sediment control features during the construction stage of a development.

- iii. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.
 - d. Maintenance of Erosion Control System:
 - i. The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.
 - ii. Sediment basins shall be maintained as the need occurs to insure continuous desilting action.
 - iii. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in unsightly conditions. The banks of the sediment basins and waterways shall be landscaped.
 - iv. Before any development's approval, the developer shall provide for continued maintenance of the erosion and sediment control system.
- D. The top of any exterior foundation shall extend above the street, gutter, or inlet of an approved drainage device at least twelve (12) inches plus two (2) percent. Exceptions to this standard may be approved by the City Building Official when it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

15.10 GLARE

Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged to deflect light away from any adjoining residential use or zone and from public streets. Direct or sky-reflected glare, from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property or the public right-of-way. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles (meter reading) as measured from said property.

15.11 SMOKE

The emission of smoke by any use shall follow and regulation by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7017.

15.12 DUST AND OTHER PARTICULATED MATTER

The emission of dust, fly ash or other particulate matter by any use shall follow and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7011, as amended.

15.13 AIR POLLUTION

The emission of air pollution, including potentially hazardous emissions, by any use shall follow and regulated by Minnesota Statutes 116, as may be amended.

15.14 NOISE

Noises emanating from any use shall follow and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NPC 7010, as amended.

15.15 REFUSE AND RECYCLABLE MATERIAL

A. Removal:

1. In the R-R, R-1, R-2, B-1 and B-2 zoning districts, junk cars or passenger automobiles and trucks not currently licensed by the state, or which are because of mechanical deficiency incapable of movement under their own power, parked or stored outside for a period in excess of 90 days, and all materials stored outside in violation of City regulations are considered refuse or junk and shall be disposed of.
2. In A-1 and I-1 zoning districts, no more than three (3) passenger automobiles and trucks, not currently licensed by the State or which are, because of mechanical difficulty, incapable of movement under their own power, shall be parked or stored outside, provided they are stored outside for no more than 90 days.
3. Any accumulation of junk or rubbish on any premises not stored in containers which comply with City regulations, or any accumulation of junk or rubbish on any premises is hereby declared to be a nuisance and may be abated by order of the Health Officer, as provided by Minnesota Statutes, Sections 145.22 and 145.23 as may be amended, and the cost of abatement may be assessed on the property where the nuisance was found, as provided by law.
4. Waste resulting from the handling, storage, sale, preparation, cooking and serving of foods with insufficient liquid content to be free flowing is considered refuse. The storage and removal of this refuse shall meet the requirements of St. Augusta.

B. Location and Screening:

1. All refuse and refuse handling equipment, including but not limited to garbage cans and dumpsters, shall be stored within the principal structure, within an accessory building, or totally screened from eye level view for all uses, except for single-family residences.
2. Screening shall be at least six (6) feet in height and provide a minimum opaqueness of eighty (80) percent. Said facility shall comply with minimum setback requirements. All dumpsters, trash handling equipment, recycling containers, and enclosures shall be kept in a good state of repair with tight-fitting lids to prevent spilling and spreading debris. The construction of trash enclosures shall be per standards established by the City Building Official and all designs and construction of such enclosures shall be subject to the Building Official's approval.
3. For public health purposes, uses existing on the effective date of this Ordinance shall come into compliance no later than April 30 2026.

C. Dumping and Disposal:

1. Except if associated with a permitted use and approved by the City Council, the use of land within the City for dumping and disposal of sewage, rubbish, scrap iron, junk garbage, ashes, slag industrial waste by-products, and petroleum contaminated soil is not permitted in any zoning district of the City.

15.16 OUTSIDE STORAGE, RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL USES

A. General Standards:

1. Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the City, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, industrial manufacturing, testing, or storage of items used with or in a business, commercial or industrial enterprise.
2. The City Council may order the owner of the property to cease or modify open storage uses including existing uses, provided it is found that such use constitutes a threat to the public health, safety, or general welfare.

B. Residential Uses:

1. Exceptions: In R-R, R-1, and R-2, except as provided in this Ordinance, 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 in good order:
 - a. Clothes lines pole and wire.
 - b. Play and recreational facilities.
 - c. Agricultural materials and equipment if these are used or intended for use on the premises within twelve (12) months.
 - d. Construction and landscaping materials or equipment if these are intended for use on the premises within twelve (12) months.
 - e. On and off-street parking of currently registered and operable passenger vehicles and trucks not to exceed a gross weight of twelve thousand (12,000) pounds.
 - f. Rear or side yard exterior storage of firewood for the purpose of consumption only by the person or persons on whose property it is stored.
2. Recreational Vehicle and Equipment Storage: Not more than four (4) recreational vehicles, as defined by Section 2.2 of this Ordinance, may be parked, or stored outside in the R-R, R-1, R-2 zoning districts provided:
 - a. Such vehicles or equipment have affixed thereto current registration or license plates as required by law.
 - b. Except on established driveways, such vehicles shall be stored to comply with accessory building setbacks of the residential district and on a surface to prevent weed and grass growth, such as asphalt, concrete, or pavers.
 - c. Parking and storage comply with any other applicable City regulations.
3. Temporary Parking of Recreational Vehicles: In the R-R, R-1, R-2, temporary parking of one (1) recreational vehicle per residential lot shall be allowed upon established driveways for a period not exceeding seven (7) days within a thirty (30) day period.

C. Non-Residential Uses:

1. Exterior Storage/Display: Outside storage shall be governed by the respective zoning district in which such use is located.
2. Additional Standards: All outside storage shall be screened so as not to be visible from adjoining properties and public streets except for the following:
 - a. Merchandise being displayed for sale in accordance with zoning district requirements.

- b. Materials and equipment are currently being used for construction on the premises.
- 3. Parking of Commercial Vehicles: Up to three (3) commercial vehicles such as delivery and service trucks up to twelve thousand (12,000) pounds in gross vehicle weight may be parked without screening if such vehicles relate to the principal use. Construction equipment, trailers, and vehicles over twelve thousand (12,000) pounds in gross vehicle weight shall require screening in compliance with Section 15.07 of this Ordinance.

15.17 SEWAGE DISPOSAL

The installation of on-site sewage treatment systems shall comply with Minnesota Rule 7080, the State Plumbing Code and applicable State, County and City regulations.

15.18 WASTE MATERIAL

Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system, the sanitary sewer system or any public water body, but shall be disposed of in a manner approved by the Minnesota State Fire Marshal, the Pollution Control Agency, and the Department of Natural Resources and the Zoning Administrator.

15.19 BULK STORAGE (LIQUID)

All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable, and similar liquids shall comply with requirements of the Minnesota State Fire Marshall's, Minnesota Department of Agriculture Offices and have documents from those offices stating the use complies.

15.20 RADIATION EMISSION

All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

15.21 ELECTRICAL EMISSION

All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.

15.22 TEMPORARY STORAGE OF FILL

- A. Limitations: The temporary storage of fill from building excavations or construction projects shall be allowed in all zoning districts subject to the following conditions:
 - 1. Storage shall not exceed the term of the building permit.
 - 2. The storage shall comply with requirements and approved by the City Building Inspector and/or City Engineer.
 - 3. Provisions as approved by the City Building Inspector and/or City Engineer shall be made for erosion control.
- B. The storage of fill beyond that defined in Subd. 15.22.A of this Ordinance shall follow the provisions of Section 22 of this Ordinance as may be applicable and allowed only within those zoning districts of the City where outside storage is allowed.

15.23 SALES IN RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS

- A. Personal Vehicles, Trailers, Recreational Equipment, and Similar Items:
 - 1. Merchandise items for sale shall not be placed in any portion of the public right-of-way, public boulevard.
 - 2. For sale signs on or in such merchandise shall be limited to two (2) square feet.
- B. Garage or Rummage Sales:
 - 1. Sales shall be limited to a maximum of five (5) consecutive days and occur no more than two (2) times within one (1) calendar year per property, unless approved by the Zoning Administrator.
 - 2. Merchandise items for sale shall not be placed in any portion of the public right-of-way, or public boulevard.
 - 3. Signs shall be governed by Section 31 of this Ordinance.

Section 16. General Yard, Lot Area, and Building Regulations

Subdivision

16.01 Purpose

16.02 Height

16.03 Building Type and Construction

16.04 Yards

16.05 Minimum Floor Area Per Dwelling Unit

16.06 Minimum Floor Area; Commercial and Industrial Structures

16.07 Single Family Dwellings

16.08 Two Family, Townhouse, Quadraminium, Manor Home, Multiple Family Uses

16.01 PURPOSE

This section identifies yard, lot area, building size, building type and height requirements in each zoning district.

16.02 HEIGHT

- A. Allowable Increases: Building heights more than those standards contained in the district provisions and any other sections of this Ordinance may be allowed through a conditional use permit, provided that:
 - 1. Demonstrated need is established for the increase in height and said increase will not violate the intent and character of the zoning district in which the structure is located.
 - 2. The site can accommodate the increased structure size.
 - 3. The potential increased intensity and size of use does not increase traffic volumes beyond the surrounding streets' capacity.
 - 4. Public utilities and services are adequate.
 - 5. For each additional story over the district limitation or for each additional ten (10) feet above the maximum allowed per district, front and side yard setback requirements shall be increased by ten (10) percent.
 - 6. The construction does not limit solar access to abutting and/or neighboring properties.
 - 7. The provisions of Section 4 of this Ordinance are considered and satisfactorily met.
- B. Exceptions: Building height limits established for the respective zoning districts shall not apply to the following:
 - 1. Belfries.
 - 2. Chimneys or flues.
 - 3. Church spires.
 - 4. Cooling towers.
 - 5. Cupolas and domes which do not contain usable floor space.
 - 6. Elevator penthouses.
 - 7. Flag poles.
 - 8. Monuments and statues - public and semi-public only.
 - 9. Parapet walls extending not more than three (3) feet above the limiting height of the building.

As approved November 12, 2024 and amended through September 2026

10. Poles, towers, and other structures for essential services.
 11. Necessary mechanical and electrical appurtenances.
 12. Farm buildings.
 13. Wind energy conversion system towers as regulated by Section 30 of this Ordinance.
 14. Antennas and antenna support structures as regulated by Section 29 of this Ordinance.
- C. No excluded roof equipment or structure element extending beyond a building's limited height may occupy more than twenty-five (25) percent of the area of such roof nor exceed ten (10) feet unless otherwise noted.

16.03 BUILDING TYPE AND CONSTRUCTION

A. General Provisions:

1. Metal Buildings. No galvanized or unfinished steel, unfinished galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as Corten steel or engineered designed roofs of less than two/twelve (2/12) pitch shall be permitted in any Residential, Commercial, or Industrial zoning district. Furthermore, no galvanized or unfinished steel, unfinished galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as Corten steel or engineered designed roofs of less than two/twelve (2/12) pitch shall be permitted in any agricultural zoning district on lots less than 2.5 Acres.
2. Quality: Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility and harmony with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties as intended by this Ordinance or adversely impact the public health, safety, and general welfare.
3. Finishes: Exterior building finishes shall consist of materials comparable in grade and quality to the following:
 - a. Brick.
 - b. Natural stone.
 - c. Decorative concrete block.
 - d. Cast in place concrete or pre-cast concrete panels.
 - e. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, cypress.
 - f. Curtain wall panels of steel, fiberglass, and aluminum (non-structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
 - g. Glass curtain wall panels.
 - h. Stucco or Efis.
 - i. Vinyl (in agricultural or residential districts only.)
 - j. Other materials as determined by the City Building Official but not including galvanized or unfinished metal unless the galvanized or unfinished metal is within an Agricultural zoning District on a lot greater than 2.5 acres.

B. Business and Industrial Uses and Zoning Districts:

1. For all uses other than those specified in Section 16.03.B.2 within the B-1 and B-2, Zoning Districts, all principal buildings which abut public rights-of-way, residential uses, and/or public areas, shall have a decorative front on such exposure which is comprised of at least fifty (50) percent of materials specified in Section 16.03.A.3.a-e and Section 16.03.A.3.g-h of this Ordinance. Exterior doors and windows shall not be included in the calculation of exterior wall space or materials requirements. Any metal finish used in the building shall be at least twenty-six (26) gauge steel. The roof slope shall be limited to a minimum slope of one-quarter (1/4) inch per foot.
2. Any buildings constructed within the B-1, B-2, and I-1 Districts that are on parcels within three hundred (300) feet of State Highway 15, County Road 7, and County Road 75 shall have exterior wall finishes consisting entirely of materials comparable in grade and quality to the materials specified in Section 16.03.A.3.a-e and Section 16.03.A.3.g-h of this Ordinance. Exterior doors and windows shall not be included in the calculation of exterior wall space or materials requirements.

By resolution, the City Council may approve buildings that vary from these specific requirements up to 50% of all exterior walls, provided that the City finds that the applicant has made alternative improvements to the site and/or building that result in a project which meets or exceeds the intent of this ordinance, including, but not limited to:

- a. Substantial use of natural stone and/or brick on the exterior surfaces of the building; and
 - b. Substantial improvements to the landscaping of the site beyond that normally required for the zoning district; and
 - c. Improved architectural detailing to building walls, roof, entranceways, and other portions of the building; and
 - d. Other architectural or site planning enhancements as approved by the City Council; and
 - e. The overall site design is suitable for the neighborhood and within the character of other buildings in the area.
3. Any buildings within the B-1, B-2, and I-1 Districts that have frontage onto an arterial roadway not specified in Section 16.03.B.2, including those buildings with double frontage or buildings located on a corner lot or arterial street, as defined within the Subdivision Ordinance, shall be required to have a minimum of fifty (50) percent materials specified in Section 16.03.A.3.a-e and Section 16.03.A.3.g-h of 3 this Ordinance on all sides of the building that abut the arterial roadway. Exterior doors and windows shall not be included in the calculation of exterior wall space or materials requirements.
 4. All principal buildings within the I-1 Industrial District which abut public rights-of-way, residential uses, and/or public areas shall have a decorative front on such exposure which is comprised of at least fifty (50) percent of materials specified in Section

16.03.A.3.a-e and Section 16.03.A.3.g-h of this Ordinance, unless otherwise specified in Section 16.02.B.2 of this Ordinance. Exterior doors and windows shall not be included in the calculation of exterior wall space or materials requirements.

5. All roofs over one and one half-twelve (1.5/12) pitch shall have a minimum twenty-four (24") overhang with soffit.
 6. The City shall require architectural plans within the B-1, B-2, and I-1 Districts prior to building and site plan approval. The architectural plans shall comprise the following:
 - a. Date of plan preparation and dates of any subsequent revisions.
 - b. Architectural elevations, in color, of all principal and accessory buildings and structures (type, color, and materials used in all exterior surfaces).
 - c. Typical floor plan and typical room plan drawn to scale with a summary of square footage by use or activity.
 7. The City may grant a deferment to the requirements of Sections 16.03.B.2 and 16.03.B.3 of this Ordinance when a building or building addition is constructed in more than one (1) phase. Any such deferment shall be processed as a conditional use permit pursuant to Section 4 of this Ordinance and shall be subject to the following:
 - a. The deferment shall be until the completion of construction or five (5) years, whichever is less.
 - b. Property owner shall provide the City with an irrevocable letter of credit for an amount one and one-half (1 ½) the City Building Official's estimated cost of the required exterior wall treatment. The bank and letter of credit shall be subject to the approval of the City Council. The letter of credit shall assure compliance with this section of this Ordinance.
- C. Exceptions to the provisions of Subd. 16.03 of this Ordinance may be granted as a conditional use permit pursuant to Section 4 of this Ordinance, provided that:
1. The proposed building maintains the quality and value intended by the Ordinance.
 2. The proposed building is compatible and in harmony with other existing structures within the district and immediate geographic area.
 3. The provisions of Section 4 of this Ordinance are considered and determined to be satisfied.

16.04 YARDS

No lot, yard or other open space shall be reduced in area or dimension to make such lot, yard, or open space less than the minimum required by this Ordinance. No required open space provided for any building or structure shall be included as part of any open space required for another structure.

- A. The following shall not be considered as encroachments on yard setback requirements:
1. Cantilevers up to ten (10) feet in width, and chimneys, window wells and covers, flues, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two and one-half (2-1/2) feet into a required yard setback.
 2. Terraces, steps, decks, uncovered porches, stoops, or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a

distance less than five (5) feet from a side or rear lot line. No encroachment shall be permitted in existing or required drainage and utility easements.

3. In rear yards, recreational equipment (non-vehicular), laundry drying equipment, arbors, and trellises, detached outdoor living rooms and gazebos not exceeding five hundred (500) square feet, and air conditioning or heating equipment not exceeding established state noise levels, provided they are at a distance not less than ten (10) feet from any lot line. No encroachment shall be permitted in existing or required drainage and utility easements.

- B. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be no less than the average setback of the two (2) adjacent principal structures. If only one (1) adjacent lot is occupied by a structure, the minimum front yard shall be the average of the adjacent principal structure and the district minimum setback, but in no case shall a setback greater than the minimum established for the respective zoning district be required.

16.05 MINIMUM FLOOR AREA PER DWELLING UNIT

Except as otherwise specified in the zoning district provisions or allowed as a conditional use permit, single family homes as classified below shall have the following minimum floor areas per unit.

- A. Single Family Dwelling Units: Except as otherwise specified in the zoning district provisions or allowed as a conditional use permit, single family homes as classified below shall have the following minimum floor areas per unit.

One Bedroom	720 square feet
Two Bedroom	
Three Bedroom	

- B. Multiple Dwelling Units: Except for elderly housing or as allowed by conditional use permit, living units classified as multiple dwelling shall have the following minimum floor areas per unit:

Efficiency Units	500 square feet
One Bedroom Units	700 square feet
More than one bedroom units	an additional 80 square feet for each additional bedroom

- C. Elderly (Senior Citizen) Housing: Living units classified as elderly (senior citizen) housing units, except as allowed by conditional use permit, shall have the following minimum floor areas per unit:

Efficiency Units	440 square feet
One Bedroom	520 square feet

- D. Two Family Dwellings, Quadrominiums, Townhouses and Manor Homes: Except as otherwise specified in the zoning district provisions or allowed as a conditional use permit, two family dwellings, quadrominiums and townhouses, as classified below, shall have the minimum floor area per one bedroom unit:

Two Family Dwellings	650 square feet first floor above grade, plus 100 additional square feet for each additional bedroom
Quadrominiums, Townhouses and Manor Homes	600 square feet first floor above grade, plus 100 additional square feet for each additional bedroom

- E. Efficiency Apartments: Except for elderly (senior citizen) housing, the number of efficiency apartments in a multiple dwelling shall not exceed ten (10) percent of the total number of apartments. In the case of elderly (senior citizen) housing, efficiency apartments shall not exceed thirty (30) percent of the total number of apartments, except by conditional use permit.

16.06 MINIMUM FLOOR AREA; COMMERCIAL AND INDUSTRIAL STRUCTURES

Commercial and industrial buildings (principal structure) which are to be less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 4 of this Ordinance.

16.07 SINGLE FAMILY DWELLINGS

All single family detached homes shall:

- A. Be built on a continuous perimeter foundation that meets the State Uniform Building Code requirements.
- B. Not be less than thirty (30) feet in length and not less than twenty-four (24) feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls. Dwellings shall also meet the minimum floor area requirements as set out in this Ordinance. No room, hallway, breezeway, or other similar attachment to a dwelling less than ten (10) feet in width and connected to an accessory building or garage may be greater than sixteen (16) feet in length. No such room, hallway, breezeway, or other similar attachment to a dwelling that is connected to an accessory building or garage may be narrower than six (6) feet in width.
- C. Have a minimum roof overhang of one (1) foot.
- D. Have an earth covered, composition, shingled or tiled roof or other comparable quality materials determined to be appropriate by the City Building Official.
- E. Receive a building permit. The application for a building permit and other information required shall indicate the height, size, design, and appearance of all elevations of the proposed building and a description of the construction materials proposed to be used. The exterior architectural

design of a proposed dwelling may not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to cause a significant depreciation in the property values of the neighborhood or adversely affect the public health, safety or general welfare.

- F. Meet the requirements of the State Uniform Building Code.

16.08 TWO FAMILY, TOWNHOUSE, QUADRAMINIUM, MANOR HOME, MULTIPLE FAMILY USES

- A. No single townhouse structure shall contain more than eight (8) dwelling units.
- B. Minimum unit lot frontage for townhouses shall not be less than twenty (20) feet.
- C. Subdivision of Two-Family Double Bungalows, Townhouse or Quadrominium Lots: The subdivision of base lots containing two-family dwellings, townhouses, or quadrominiums to permit individual private ownership of a single dwelling within such a structure is acceptable upon the approval of a conditional use permit, provided that:
 - 1. Two family, townhouses, and quadrominiums intended for owner occupancy shall be subdivided on an individual unit lot basis subject to approval of a conditional use permit.
 - 2. Prior to subdivision, such units shall fully comply with applicable provisions of the Uniform Building Code.
 - 3. Prior to a two-family double bungalow dwelling, townhouse, or quadrominium subdivision, the base lot must meet all the requirements of the zoning district.
 - 4. Permitted accessory uses as defined by the zoning districts are acceptable provided, they meet all the zoning requirements.
 - 5. A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for review and subject to the Attorney's approval. The agreement shall ensure the maintenance and upkeep of the structure and lots to meet minimum City standards. The agreement is to be filed with the County Recorder's Office as a deed restriction against the title of each unit lot.
 - 6. A separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.
 - 7. The subdivision is to be platted and recorded conforming to the City's Subdivision Ordinance.
- D. Subdivision of multiple family, two family duplex dwellings, manor homes and other such units:
 - 1. The subdivision is to be platted and recorded in conformance with the requirements of the Subdivision Ordinance of the City as applicable.

The subdivision shall comply with applicable cooperative or condominium laws of the State of Minnesota.

Section 17 - Public Property/Rights-of-Way

Subdivision

17.01 Coverage

17.02 Liability

17.01 COVERAGE

Excepting newsstands, the erection and/or placement of any structure in the public right-of-way or on City property by any person, or group other than a governmental unit shall follow applicable City regulations and shall require the processing of a conditional use permit in accordance with Section 4 of this Ordinance.

17.02 LIABILITY

As a condition of approval for the erection or placement of a structure in the public right-of-way, or on City property by any party other than a governmental unit, the applicant shall be required to demonstrate a significant need for such structure placement and that it will not interfere or conflict with the public use and/or purpose of the right-of-way. Additionally, the applicant shall hold the City harmless for any potential liability and shall demonstrate to the Zoning Administrator proof of adequate liability insurance.

17.03 PARKING RESTRICTIONS

- A. Vehicles over 9,000 pounds limited to 2 hours. It is prohibited to park any vehicle over nine thousand (9,000) pounds gross vehicle weight on any street in the City of St. Augusta, unless said vehicle it is there for less than two hours to make a pick up or delivery at a property abutting said street, provided the vehicle is parked in such a manner that allows two cars to safely pass the parked vehicle. This ordinance shall not apply to Stearns County Highways, Minnesota Trunk Highways or Federal Interstates located within the City of St. Augusta.
- B. Recreation vehicles limited to 48 hours. Any vehicle meeting the definition of a recreational vehicle under St Augusta Zoning Ordinance Section 2.02 may be parked on any street in St. Augusta for a period not to exceed 48 hours provided this vehicle is parked in such a manner that allows two cars to safely pass the parked vehicle.
- C. Penalty. Violation will be enforced under Section 12 of this Zoning Ordinance. Every day that the offense occurs shall be deemed a separate violation of this ordinance.

Section 18 - Building Relocation

Subdivision

18.01 Review Process

18.02 Exemptions

18.03 Performance Standards

18.04 Performance Security

18.01 REVIEW PROCESS

The relocation of any building or structure onto a lot within the City shall be subject to the requirements, regulations and conditions of Section 4, conditional use permit of this Ordinance and Section 18.02 of this section.

18.02 EXEMPTIONS

The following are exempt from the provisions of this section:

- A. Relocations occur solely within the confines of a single lot or parcel.
- B. Manufactured homes within manufactured home parks.
- C. Prefabricated and industrialized/modular buildings as defined by the State Building Code are being relocated to their first permanent building site.
- D. Accessory structures at or below one thousand (1,000) square feet in total area may be moved and relocated within the City by an administrative permit provided all the conditions of Section 6, Administrative Permits, of this Ordinance and the conditions within Section 18.03.A through Section 18.03.E of this Ordinance are met. No accessory structure shall be relocated onto another property which does not conform to the principal structure's architectural style. Said architectural style shall include the same or similar building materials and the same or similar color. All administrative permits shall be reviewed by the City Council as a consent agenda. A building permit shall be required for all accessory structures relocated within the City.

18.03 PERFORMANCE STANDARDS

The following performance standards shall apply:

- A. Upon relocation, the building shall comply with the applicable requirements of the State Building Code.
- B. The proposed relocated building shall comply with the neighborhood's character as determined by the City Council.
- C. The relocated use will not result in a depreciation of neighborhood or adjacent property values.
- D. The relocated structure shall be similar to the market valuation of adjacent principal structures.

- E. The relocated structure shall be ready for occupancy within six (6) months from the date of location on the site.

18.04 PERFORMANCE SECURITY

Performance security shall be provided to the City as specified in Section 4.06 of this Ordinance.

Section 19 - Model Homes/Temporary Real Estate Offices

Subdivision

19.01 Purpose

19.02 Procedure

19.03 Special Requirements

19.01 PURPOSE

This section provides for the erection of model homes and temporary real estate offices in new subdivisions without adversely affecting the character of surrounding residential neighborhoods or creating a general nuisance. As model homes represent a unique temporary commercial use, special consideration must be given to the peculiar problems associated with them and special standards must be applied to ensure reasonable compatibility with their surrounding environment.

19.02 PROCEDURE

The erection of a model home(s) and temporary real estate offices shall require approval of an administrative use permit as may be issued by the Zoning Administrator.

19.03 SPECIAL REQUIREMENTS

- A. Model homes and temporary real estate offices shall be allowed as provided for in the applicable zoning district in which they are located.
- B. Temporary parking facilities equal to four (4) spaces per model home dwelling unit or temporary real estate office shall be provided. The overall design, drainage, and surfacing of the temporary parking facility shall be subject to the approval of the Zoning Administrator.
- C. Access from a temporary parking facility onto a local, residential street shall be minimized. Where this requirement is physically impractical, access shall be directed away from residential neighborhoods to the greatest extent possible.
- D. No model home or temporary real estate office shall incorporate outside lighting which creates a nuisance due to glare or intensity, as provided for in Section 15.10 of this Ordinance.
- E. All model home and temporary real estate office signage shall comply with the sign regulations as contained in Section 31 of this Ordinance.
- F. The administrative permit shall terminate three (3) years from its date of issuance or until eighty-five (85) percent of the development is completed, whichever occurs first.
- G. No residential occupancy permit shall be issued for a model home until such a time as the structure has been fully converted to a residence. Such conversion shall include parking lot restoration and the removal of signage and lighting.
- H. The restoration of all temporary parking areas with appropriate landscaping shall be completed by the end of the next growing season.

- I. All criteria for interim use consideration but not procedural requirements, as contained in Section 3.01 of this Ordinance, shall be considered, and satisfactorily met.

Section 20 - Off-Street Parking Requirements

Subdivision

- 20.01 Purpose
- 20.02 Scope of Regulations
- 20.03 General Provisions
- 20.04 Off-Street Parking Restrictions
- 20.05 Parking Area Design
- 20.06 Maintenance
- 20.07 Location
- 20.08 Use of Required Area
- 20.09 Number of Off-Street Parking Spaces Required
- 20.10 Space Reductions
- 20.11 Joint Facilities
- 20.12 Off-Site Parking
- 20.13 Off-Street Bicycle and Motorcycle Parking

20.01 PURPOSE

The purpose of the regulation of off-street parking spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures.

20.02 SCOPE OF REGULATIONS

The regulations and requirements set forth herein shall apply to all off-street parking facilities in all the zoning districts of the City

20.03 GENERAL PROVISIONS

- A. Application: For the purposes of this Ordinance, the off-street parking provisions of this section shall apply to all motorized vehicles including, but not limited to, passenger automobiles, trucks, vans, and motorcycles, unless otherwise specified herein.
- B. Site Plan: All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimension indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this Section. All site plans for single family homes shall provide for a two (2) stall garage in compliance with this Ordinance, whether construction is intended.
- C. Reduction of Existing Off-Street Parking Space or Lot Area: Off-street parking spaces and loading spaces or lot area existing upon the effective date of this Section shall not be reduced in number or size, unless said number or size exceeds the requirements set forth herein for a similar new use.

- D. Change of Use or Occupancy of Land: No change of use or occupancy of land already dedicated to a parking spaces, driveways, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by this Section.
- E. Change of Use or Occupancy of Buildings: Any change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by this Section.
- F. Disability-Accessible Parking: Disability-accessible parking spaces shall be provided as applicable pursuant to Minnesota Statutes 168.021, as may be amended.

20.04 OFF-STREET PARKING RESTRICTIONS

- A. Except where otherwise allowed as exterior storage or in a zoning district, or as provided in Subd. 20.04.C below, trucks of more than twelve thousand (12,000) pounds in gross vehicle weight or greater than thirty (30) feet in length, and contracting or excavating equipment may not be parked, stored, or otherwise located on any property within the City unless being used in conjunction with a temporary service benefiting the premises.
- B. No motor vehicle repair work of any kind shall be permitted in conjunction with exposed off-street parking facilities, except for minor repairs of vehicles owned by the occupant or resident of the principal use for which the parking space is intended. No exterior storage of car parts are allowed at any time.
- C. For detached single family uses in residential zoning districts, the off-street parking of vehicles greater than twelve thousand (12,000) pounds in gross vehicle weight or greater than thirty (30) feet in length and contracting or excavating equipment may be allowed as an interim use permit pursuant to Section 3.01 of this Ordinance, provided that:
 - 1. The property fronts on an improved public street which is determined by the City Engineer to be capable of carrying the vehicles in question without undue damage.
 - 2. The type of vehicle to be parked does not create an unreasonable safety hazard to neighboring residents or the public utilizing the street(s) servicing the property.
 - 3. The site upon which the vehicle is parked has adequate space to allow turning movements and parking which does not result in the backing of vehicles from or onto the public street.
 - 4. The parking of such vehicles does not adversely affect neighboring property owners as it relates to noise.
 - 5. The parking of such vehicles is screened from neighboring properties and the public right-of-way to the extent determined as necessary by the City Council in compliance with Section 15.07 of this Ordinance.
 - 6. The provisions of Section 3.01 of this Ordinance are considered and determined to be satisfied.

20.05 PARKING AREA DESIGN

A. Calculating Space.

1. Floor Area: number of off-street parking spaces required shall be determined based on the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten (10) percent except as may be hereinafter modified, and where a gross floor area calculation is specified. The term “floor area” for the purpose of calculating the
2. Computation: When determining the number of off-street parking spaces any fraction of a number shall constitute an additional space.
3. Places of Public Assembly: In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining parking requirements.
4. Snow Storage in Parking Stalls: Provision shall be made in the parking area for adequate snow storage or removal to ensure that the required number of spaces are available at all times during the year.
5. Use of Required Area: Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, or storage of inoperable vehicles unless approved by the Zoning Administrator.

B. Design

1. Circulation: Traffic circulation systems shall be designed to accommodate anticipated traffic demands. Vehicular traffic generated by a use shall be channeled and controlled in a manner which will avoid congestion or interference with other vehicular transportation systems and pedestrians, and which will avoid creating traffic hazards or excessive traffic. The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the City, which may require additional measures for traffic control as it may deem necessary, including but not limited to the following: directional signage, channelization, standby turn lanes, sidewalks, illumination, and other facilities within the site to prevent a backup of vehicles on public streets.
2. Parking Space Size: All required off-street parking spaces shall comply with the minimum dimension requirements of Section 20.05.B.5 of this Ordinance.
3. Pedestrian Provision: All off-street parking areas shall be designed with due regard to pedestrian circulation. Off-street parking areas shall be designed such that vehicle and pedestrian circulation is accommodated in a safe, complementary, and orderly fashion.
4. Compact Car Spaces: Up to twenty (20) percent of the parking spaces in a parking lot may be permanently marked for compact cars only, provided that:
 - a. The parking lot contains forty (40) or more off-street parking spaces.
 - b. All compact car spaces are at least eight (8) feet wide and sixteen (16) feet long.
 - c. Signs and markings, as approved by the City, are placed, and maintained in each compact car space.
 - d. All required off-street parking aisle widths are maintained.
 - e. The compact car stalls do not displace preferred handicap parking stall locations.

- f. The design, layout, and location of designated compact car spaces shall not encourage utilization by oversized vehicles and shall be subject to approval by the Zoning Administrator.
5. Dimensional Requirements: Unless otherwise specified in this Ordinance, stall, aisle, and driveway design for required off-street parking shall comply with the standards provided on page 20-6 of this Ordinance.
6. Street Access: Except as allowed by a conditional use permit or property subdivision, each off-street lot shall have access directly onto an abutting, improved and City accepted public street.
7. Within Structures: The off-street parking requirements may be furnished by providing a space so designed within the principal building or one (1) structure attached thereto; however, unless provisions are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Ordinance.
8. Lot Circulation: Except in the case of single-family dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single-family dwellings, parking area design which requires backing into the public street is prohibited.
9. Intersection Separation: No curb cut access shall be located less than sixty (60) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the intersection of lot lines.
10. Curb Cut Size: No curb cut access shall exceed twenty-four (24) feet in width unless approved by the City Engineer.
11. Side Yard Setback: Except with special approval from the Zoning Administrator, curb cut openings shall be a minimum of five (5) feet from the side yard property line in all districts.
12. Curb Cut Spacing: Except for single family dwellings, driveway access curb openings on a public street shall not be located less than forty (40) feet from one another.

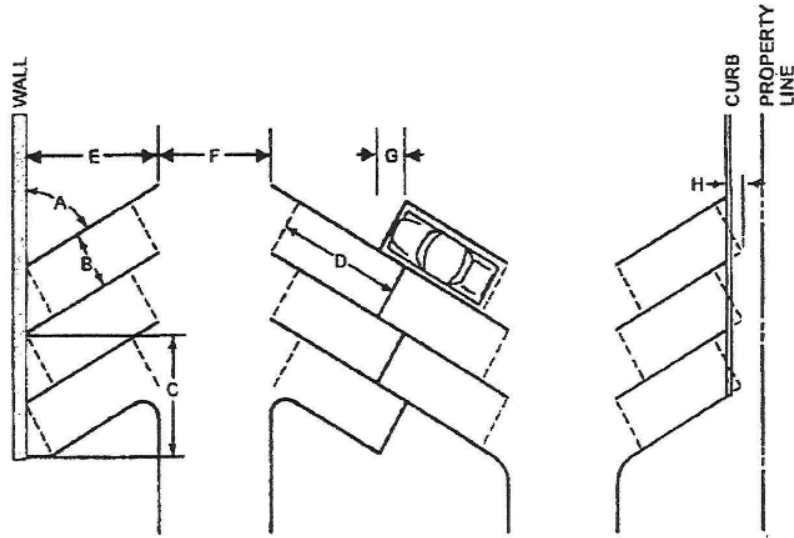
PARKING LOT DIMENSIONS TABLE

Angle of Parking (Degree)	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width
0	8'6"	23'0"	8'6"	12'0"
	9'0"	23'0"	9'0"	12'0"
	9'6"	23'0"	9'6"	12'0"
	10'0"	23'0"	10'0"	12'0"
20	8'6"	24'11"	14'6"	11'0"
	9'0"	26'4"	15'0"	11'0"
	9'6"	27'10"	15'6"	11'0"
	10'0"	29'3"	15'11"	11'0"
30	8'6"	17'0"	16'11"	11'0"

Angle of Parking (Degree)	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width
	9'0"	18'0"	17'4"	11'0"
	9'6"	19'0"	17'10"	11'0"
	10'0"	20'0"	18'3"	11'0"
40	8'6"	13'3"	18'9"	12'0"
	9'0"	14'0"	19'2"	12'0"
	9'6"	14'10"	19'6"	12'0"
	10'0"	15'8"	19'11"	12'0"
45	8'6"	12'0"	19'5"	13'6"
	9'0"	12'9"	19'10"	13'0"
	9'6"	13'5"	20'2"	13'0"
	10'0"	14'2"	20'6"	13'0"
50	8'6"	11'2"	20'0"	12'6"
	9'0"	11'9"	20'5"	12'0"
	9'6"	12'5"	20'9"	12'0"
	10'0"	13'2"	21'0"	12'0"
60	8'6"	9'10"	20'9"	18'6"
	9'0"	10'5"	21'0"	18'0"
	9'6"	11'0"	21'3"	18'0"
	10'0"	11'6"	21'6"	18'0"
70	8'6"	9'0"	20'10"	19'6"
	9'0"	9'8"	21'0"	19'0"
	9'6"	10'2"	21'3"	18'6"
	10'0"	10'8"	21'3"	18'0"
80	8'6"	8'8"	20'3"	24'0"
	9'0"	9'2"	20'4"	24'0"
	9'6"	9'8"	20'5"	24'0"
	10'0"	10'3"	20'6"	24'0"
90	8'6"	8'6"	20'0"	24'0"
	9'0"	9'0"	20'0"	22'0"
	9'6"	9'6"	20'0"	22'0"
	10'0"	10'0"	20'0"	22'0"

Note: This table pertains to a wall to wall situation. In calculating dimensions, two (2) feet may be subtracted from each stall depth for each overhang and overlap. No subtraction for overlap is allowed for angles greater than sixty (60) degrees.

A = Angle of Parking
 B = Stall Width
 C = Curb Length per Car
 D = Stall Length
 E = Stall Depth
 F = Aisle Width
 G = Overlap
 H = Overhang



13. Grade: The grade elevation of any parking area or driveways shall not exceed four (4) percent.
14. Driveway Access Minimum: Each property shall be allowed one (1) driveway access for each one hundred twenty-five (125) feet of street frontage. All property shall be entitled to at least one (1) driveway access. Single family uses shall be limited to one (1) driveway access per lot, except when the property exceeds the required street frontage per zoning district requirements, a second driveway access may be allowed by approval of the Zoning Administrator. Except as otherwise approved by the Zoning Administrator, single family users shall not access arterial and collector streets. In cases where a lot does not have frontage upon a local street and where driveway access to arterial and collector streets is determined necessary by the Zoning Administrator, joint access using shared curb cuts and access easements shall be utilized to the extent possible.
15. Surfacing:
 - a. Farms, farming operations, and detached single family residential uses:
 Driveways and parking area shall be surfaced with materials suitable to control dust and drainage.
 - b. Other Uses:
 - i. Except as otherwise determined by the City Council, all uses other than those specified in Subsection 15.a. above shall have customer parking areas and driveways which are surfaced with asphalt, concrete, cobblestone, or paving bricks.

- ii. For legal, nonconforming uses existing upon the effective date of this Ordinance, at any time an improvement is made to property requiring a conditional use permit, interim use permit, variance, and/or building permit, all nonconforming design and surfacing of parking areas or driveways existing on the lot in question shall be brought into full compliance with this Subdivision.
 - iii. Plans for surfacing and drainage of driveways and stalls for parking areas of five (5) or more vehicles shall be submitted to the City Engineer for review and the final drainage plan shall be subject to written approval.
 - iv. For industrial uses which experience frequent heavy equipment utilization which could be expected to destroy or damage required surfacing materials, an exemption to the surfacing requirements may be allowed by administrative permit provided that:
 - a. General public and employee access driveways and parking areas shall not be included in the exemption.
 - b. When heavy equipment is reduced or eliminated, the surfacing of exempted areas shall be completed in compliance with this Ordinance.
 - c. All other performance standards related to parking and driveways shall be met.
 - d. The provisions of Section 6 of this Ordinance are considered and determined to be satisfied.
- 16. Lighting: Any lighting used to illuminate an off-street parking area shall be hooded and so arranged as to reflect the light away from adjoining property, abutting residential uses, and public rights-of-way, and shall follow Section 15.10 of this Ordinance.
- 17. Required Screening: All open off-street parking areas of five (5) or more spaces shall be screened and landscaped from abutting or surrounding residential districts and uses, and the public right-of-way in compliance with Section 15.07 of this Ordinance.
- 18. Snow Storage: Adequate space for snow storage shall be provided on the site so as not to reduce the required minimum number of parking spaces. In those cases where excessive snow cannot be properly stored on site, it shall be immediately removed from the site.
- 19. Driveway Turn Around: In the case of single-family dwellings which front on streets designated as collector, minor arterial, and principal arterial by the City's Comprehensive Plan, the installation of a vehicle turn-around space, immediately adjacent to the access driveway is allowed and may be required by the City Council. Where possible, the said space shall be located away from the principal structure and shall be no closer than twenty (20) feet from the street surface. Said space shall not to be utilized for parking or storage purposes.
- 20. Signs: No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot or driveway. All signs shall conform with Section 31 of this Ordinance.
- 21. Cart Storage: Retail commercial uses exceeding fifty-five thousand (55,000) square feet in gross floor area may be required to provide ample space for the storage of customer

service carts within off-street parking areas. The need and specific amount of required cart storage space shall be determined as part of site plan review. When required, cart storage areas shall not occupy required off-street parking space, shall be clearly delineated, and include facilities for cart confinement.

20.06 MAINTENANCE

It shall be the joint and several responsibilities of the lessee and owner of the principal use, uses or buildings to maintain in a neat and adequate manner, the parking space, access ways, striping, landscaping and required screening.

20.07 LOCATION

All accessory off-street parking facilities as required by this Section shall be located and restricted as follows:

- A. Required accessory off-street parking shall be on the same lot under the same ownership or lease as the principal use being served, except under the provisions of Subd. 20.11 and 20.12 of this Section.
- B. Except for single family dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited.
- C. There shall be no off-street parking within fifteen (15) feet of any street surface.
- D. The boulevard portion of the street right-of-way shall not be used for parking.
- E. Required accessory off-street parking for non-residential uses shall not be provided in front yards (or inside yards in the case of a corner lot) in any residential district, except as allowed for model homes and temporary real estate offices by Section 19 of this Ordinance.
- F. In the case of single-family dwellings, parking or storage of vehicles shall be prohibited in any portion of the front yard, except designated driveways leading directly into a garage or one (1) open, surfaced space located on the side of a driveway, away from the principal use. Said extra space shall be surfaced with either concrete, asphalt or in cases of existing gravel driveways, gravel may be used for such additional parking. At any time, an improvement is made to property requiring a building permit, all non-conforming surfacing of parking areas or driveways existing on the lot in question shall be brought into full compliance with this Section.
- G. Storage of Recreational Camping Vehicle, Recreational Equipment of limited size and weight, and Recreational Vehicles may be stored to comply with 15.16.
- H. Violations may be enforced according to Section 12 of this ordinance.

20.08 USE OF REQUIRED AREA

Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, repair work, storage of inoperable vehicles, and/or storage of snow.

20.09 NUMBER OF OFF-STREET PARKING SPACES REQUIRED

The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement, and/or lease for and during the life of the respective uses hereinafter set forth.

USE		NUMBER OF PARKING SPACES REQUIRED
Subd. 1. Residential:		
Single Family Dwellings		Two (2) spaces.
Subd. 2. Public/Institutional		
Auditoriums, Theaters, Places of Worship, Sports Arenas		One (1) space for each four (4) permanent seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.
Community Center, Libraries, Museums		One (1) space for each three hundred (300) square feet of floor area.
Residential Facility		One (1) space for each four (4) beds
Private or Private Non-Profit Baseball Fields		One (1) space for each eight (8) seats of design capacity.
School, Elementary and Junior High (Public or Private)		Three (3) spaces for each classroom. This requirement may be reduced at the Zoning Administrator's discretion to reflect facility use and/or parking policy. Adequate space shall be allowed for the dropping off and/or picking up of students as determined by the Zoning Administrator.
School, High School (Public or Private)		One (1) space for each two (2) students based on the design capacity. This requirement may be reduced at the Zoning Administrator's discretion to reflect facility use and/or parking policy. Adequate space shall be allowed for the dropping off and/or picking up of students as determined by the Zoning Administrator.
Subd. 3. Commercial/Industrial:		
Veterinary Clinics, Animal Hospitals or Kennels		Five (5) spaces plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
Automobile Washes:		Shall be determined by the type of automobile wash as listed below: • Automatic Drive Through Service: Five (5) spaces or one (1) per employee on maximum shift, whichever is greater. • Self-Service Car Wash: One (1) space per bay. • Motor Fuel Station Automobile Washes: One (1) space in addition to that required for the station.
Salons, Beauty, or Barber Shops		Two (2) spaces for each beauty or barber chair.
Bowling Alleys		Five (5) spaces for each lane or alley, plus additional spaces as may be required herein for related uses contained within the principal structure
Restaurants, Drive-In		One (1) space for each two and one-half (2.5) seats plus one (1) space for each fifteen (15) square feet of public service and counter area
Drive-In Banks		One (1) space for every three hundred fifty

USE	NUMBER OF PARKING SPACES REQUIRED
	(350) square feet of floor area.
Furniture Sales	One (1) space for each four hundred (400) square feet of floor area for the first twenty-five thousand (25,000) square feet, plus one (1) space for each six hundred (600) square feet thereafter.
Commercial daycare facilities	One (1) space for each employee, plus one (1) space for each four (4) children of licensed capacity.
Manufacturing	One (1) space for each employee on the major shift or one (1) space for each three hundred fifty (350) square feet, whichever is greater, plus one (1) space for each company motor vehicle on the premises.
Medical, Chiropractic, or Dental Offices or Clinics	One (1) space for every two hundred (200) feet of floor area.
Motels, Hotels, Lodging or Boarding Houses	One (1) space per sleeping unit, plus one (1) space per day shift employee plus one (1) space for each forty (40) square feet devoted to meeting or banquet rooms.
Automobile and truck repair – major and minor	Four (4) spaces plus two (2) spaces for each service stall. Those facilities designed for sale of other items than strictly automobile products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance.
Offices, Commercial and Professional Offices, Other Than Any Area for Doctors, Chiropractors, or Dentists; Banks, Public Administration Offices	One (1) space for each two hundred fifty (250) square feet of floor area.
Restaurants, Bars, Private Clubs, Lodges, (Except Drive-In Restaurants)	One (1) space for each forty (40) square feet of floor area of dining and bar area and one (1) space for each eighty (80) square feet of kitchen area.
Retail Commercial Uses, Except as Prescribed Herein	One (1) space for each two hundred (200) square feet of floor area.
Retail Sales and Service Business with 50 Percent or More of Gross Floor Area Devoted to Storage, Warehouses, and/or Industry	Eight (8) spaces or one (1) space for each two hundred (200) square feet devoted to public sales or service plus one (1) space for each five hundred (500) square feet of storage area.
Shopping Center	One (1) space for each two hundred (200) square feet of leasable floor area.
Truck Wash	Three (3) spaces plus one (1) space per bay
Warehousing	One (1) space for each two (2) employees of the largest shift or one (1) space for each two thousand (2,000) square feet of floor area.
Subd. 4. Non-Specified Uses:	
For uses not specifically listed above, off-street parking requirements shall be computed by the Zoning Administrator on the same basis as required for the most similar listed uses. In such cases,	

USE	NUMBER OF PARKING SPACES REQUIRED
the Zoning Administrator shall also consult off-street parking reference materials including, but not limited to, manuals prepared by the American Planning Association, and Institute of Transportation Engineers.	

20.10 SPACE REDUCTIONS

Subject to the review and processing of an interim use permit as regulated by Section 3.01 of this Ordinance, the City may reduce the number of required off-street parking spaces and/or loading spaces when the use can demonstrate in documented from a demand which is less than required by this Ordinance. In such situations, the City may require land to be reserved for parking development should the use or needs change.

20.11 JOINT FACILITIES

The City Council may, after receiving a report and recommendation from the Planning Commission, approve an interim use permit for one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. Such a permit shall not be granted except when the following conditions are found to exist:

- A. Entertainment Uses: Up to fifty (50) percent of the parking facilities required for a theater, bowling alley, or other commercial recreational facilities may be supplied by the off-street parking facilities provided by type of uses specified as primarily daytime uses in Subd. 20.12.D.
- B. Nighttime or Sunday Uses: Up to fifty (50) percent of the off-street parking facilities required for any use specified under Subd. 20.12.D below, as primarily daytime uses may be supplied by the parking facilities provided by the following uses which typically have their major parking demand occurring during nighttime or weekends; auditoriums incidental to a public or parochial school, churches, bowling alleys, theaters, or apartments.
- C. Schools, Auditorium and Church Uses: Up to eighty (80) percent of the parking facilities required by this section for a church, or an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under Subd. 20.12.D below as primarily daytime use.
- D. Daytime Uses: To this section, the following uses are considered as primary daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair, service shops, manufacturing, wholesale, and similar uses.
- E. Additional Criteria for Joint Parking: In addition to the preceding requirements, the following conditions are required for joint parking usage:
 1. Proximity: The building or use which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities, excluding public rights-of-way.

2. Conflict in Hours: The applicant shall show documented conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
3. Written Consent and Agreement: A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and in a form and manner of execution approved by the City Attorney, shall be filed with the City Clerk and recorded with the Stearns County Recorder or Registrar of Titles, and a certified copy of the recorded document shall be filed with the City within sixty (60) days after approval of the joint parking use by the City or the interim use permit shall be considered null and void.

20.12 OFF-SITE PARKING

- A. Any off-site off-street parking which is used to meet the requirements of this Ordinance shall be interim use as regulated by Section 3.01 of this Ordinance.
- B. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.
- C. The parking lot is to be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot, said person to be responsible for its maintenance.
- D. The parking lot is not to be used for sales, repair work or servicing of any kind.
- E. Reasonable access to off-site parking facilities to the use being served shall be provided.
- F. No advertising sign or material is to be located on the property where the parking lot is located.
- G. All parking is to be kept behind the setback building line by barriers unless otherwise specifically authorized by the City Council.
- H. Except as provided below, the site used for meeting the off-site parking requirements of this Section shall be under the same ownership as the principal use being served or under public ownership.
- I. Except as provided below, off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the main public entrance of the principal use being served.
- J. Any use which depends upon off-site parking to meet the requirements of this Section shall maintain ownership and parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

- K. Compliance with off-street parking requirements provided through leased off-street parking may be approved by the City Council, subject to the following conditions:
 - 1. The lease shall specify the total number and location of parking spaces under contract and this number, when added to any on-site parking required, must be equal to the total number of parking spaces required.
 - 2. The lease instrument shall legally bind all parties to the lease and provide for amendment or cancellation only upon written approval from the City.
 - 3. The lease agreement shall incorporate a release of liability and any other provisions, as recommended by the City Attorney, that are deemed necessary to ensure compliance with the intent of this Section.

- L. Any other conditions as may be deemed necessary by the City Council to protect the welfare and character of the nearby land uses.

20.13 OFF-STREET BICYCLE AND MOTORCYCLE PARKING

Provisions shall be made for the off-street parking of bicycles and motorcycles in all multiple family and non-residential developments and uses. Plans for such facilities shall be reviewed and evaluated on an individual project or use basis as part of the site plan review provisions of Section 10 of this Ordinance.

Section 21 - Off-Street Loading

Subdivision

21.01 Purpose

21.02 Design

21.03 Number of Loading Spaces Required

21.04 Landscaping and Screening of Loading Spaces

21.05 Location

21.01 PURPOSE

The purpose of the regulation of loading spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way to promote the safety and general welfare of the public, by establishing minimum requirements for off-street loading and unloading from motor vehicles in accordance with the specific and appropriate utilization of various parcels of land or structure.

21.02 DESIGN

A. Dimensional Requirements;

1. Non-Residential Uses: Required off-street truck loading or unloading spaces for non-residential uses shall be at least twelve (12) feet in width, fourteen (14) feet in height, and sixty (60) feet in length, in accordance with the requirements of Subd. 21.02.2.B of this Ordinance. Where a loading space parallel to a building is to be utilized, such area shall not be less than twelve (12) feet in width nor less than sixty-five (65) feet in length. In no instance shall any designated side loading space encroach upon a fire lane or driving aisle or parking spaces.
2. Reductions: Reductions to loading space size may be granted by the Zoning Administrator upon demonstration of facility need.

B. All maneuvering for off-street loading shall be accomplished on private property.

C. In addition to the required loading space, all loading spaces shall include a maneuvering area. The maneuvering area shall not use any of that portion of the site containing parking stalls or customer service areas. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into the loading space, without blocking the use of other loading spaces, drives, parking spaces, or maneuvering areas on public right-of-way.

D. The construction and setback standards listed in Section 20 of this Ordinance shall apply to all loading spaces.

E. Customers drop-off spaces shall not constitute off-street loading spaces as may be required by Section 20 of this Ordinance.

21.03 NUMBER OF LOADING SPACES REQUIRED

The number of required off-street loading spaces shall be as follows:

Gross Floor Area of Non-Residential Use (square feet)	Required Number of Loading Spaces*
Less than 10,000	1
10,001 to 20,000	2
20,001 to 50,000	3
50,001 to 75,000	4
75,001 to 100,000	5
For each additional 50,000 over 100,000	1

* Reductions to loading space quantity requirements may be granted by the Zoning Administrator upon determination of facility need.

21.04 LANDSCAPING AND SCREENING OF LOADING SPACES

Loading spaces shall be screened from all property lines. Said screening shall be accomplished by a solid wall or fence and be designed to be architecturally harmonious with the principal structure and conform with Section 15.06 of this Ordinance. Screening plantings may be substituted, provided they conform to Section 15.07 to this Ordinance.

21.05 LOCATION

- A. Off-Street: All required loading spaces for non-residential use shall be off-street and located on the same lot as the building or use to be served.
- B. Distance from Intersection: All loading space curb cuts shall be located at minimum fifty (50) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the property line.
- C. Distance from Residential Use: Loading areas established after 2024 shall be prohibited within three hundred (300) feet of residentially zoned or guided property excluding public rights-of-way, unless completely screened by an intervening building. Loading areas not requiring screening by an intervening building shall be screened from adjacent residentially zoned or property or property designated for such use by the Comprehensive Plan using berms, fences, or walls to provide one hundred (100) percent opacity to a height of at least ten (10) feet.
- D. Pedestrians: Loading spaces shall not conflict with pedestrian movement.
- E. Visibility: Loading spaces shall not obstruct the view of the public right-of-way from off-street parking access.
- F. General Compliance: Loading spaces shall comply with all other requirements of this section.
- G. Traffic Interference: Each loading space shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.
- H. Accessory Use, Parking, and Storage: Required loading spaces shall not be used for the storage of goods, inoperable vehicles or snow and shall not be included as part of the space requirements to meet off-street parking requirements.

Section 22 - Land Filling and Land Excavation/Grading Operations

Subdivision

- 22.01 Permit Required
- 22.02 Application and Required Information
- 22.03 Technical Reports
- 22.04 Issuance of Permit
- 22.05 Conditions of Permit
- 22.06 Security
- 22.07 Failure to Comply
- 22.08 Completion of Operation
- 22.09 Operations in Process

22.01 PERMIT REQUIRED

- A. Except for City landfilling and land excavation/grading operations, and in cases where a grading and drainage plan for a private development has been approved as part of a subdivision or other development plan approved by the City, or as may be otherwise stipulated by this Ordinance, any person who proposes to add landfill or extract sand, gravel, black dirt, or other natural material from the land or grade land in excess of fifty (50) cubic yards within the City limits, shall apply to the City for a permit as specified below:

Cubic Yards Of Landfill or Land to be Excavated/ Graded	Permit Requirement
Less than 250	No permit required
251 - 1000	Administrative permit as provided in Section 6 of this Ordinance
Greater than 1000	Interim use permit as provided in Section 3.01 of this Ordinance

- B. Notwithstanding the requirements of this section, no permit will be required for depositing landfill or excavation/grading on a lot for which a building permit has been issued for construction thereon provided that such activity is in accordance with an approved grading plan.
- C. Activities which qualify as mining and extractive uses are subject to Section 33.
- D. Except for mining activities, landfilling and land excavation/grading operations are an allowable activity within all zoning districts.
- E. The use of any explosive or incendiary device shall be prohibited in mining operations in the City, provided however, that the use of explosive or incendiary devices may be used when necessary for the purpose of constructing roads or installing municipal sanitary sewer or municipal water service.

22.02 APPLICATION AND REQUIRED INFORMATION

- A. Any person desiring a permit hereunder shall file an application on such forms as shall be provided by the Zoning Administrator. Such application shall be accompanied by a fee as established by City resolution and one (1) large scale copy and one (1) reduced scale (not less than 11 inches by 17 inches) copy of detailed written and graphic materials fully explaining the proposed land filling or land excavation operation. If, in the opinion of the Zoning Administrator, reduced scale drawings (11 inches by 17 inches) are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The request shall be considered as being officially submitted and complete when the applicant has submitted and complied with all the following required information, as applicable and specified by the Zoning Administrator:
1. The name and address of the applicant.
 2. The name and address of the owner of the land.
 3. The address and legal description of the land involved.
 4. The purpose of the landfill or excavation/grading activity.
 5. A description of the type and amount of material to be placed upon or excavated/graded from the premises.
 6. The source of fill material.
 7. The highway, street or streets, or other public ways in the City upon and along which any material is to be hauled or carried.
 8. An estimate of the time required to complete the landfill or excavation/grading.
 9. A site plan shows present topography (with a minimum interval of two (2) feet) and boundary lines for all properties, water courses, wetlands, and other significant features within three hundred fifty (350) feet.
 10. A site plan showing the proposed finished grade (with a minimum interval of two (2) feet) and landscape plan. Erosion control measures shall be provided on such a plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the landfill is being conducted. Topsoil shall be of a quality capable of establishing normal vegetative growth.
 11. A plan and/or statement demonstrating the proposed activity will in no way jeopardize public health, safety and welfare or is appropriately fenced to provide adequate protection.
 12. A statement that the applicant will comply with all conditions prescribed by the City.
 13. A written right-of-entry is provided to the Zoning Administrator to enter the land for the purpose of determining compliance with all applicable conditions imposed on the operation.
 14. Other information may be specified by the Zoning Administrator.

22.03 TECHNICAL REPORTS

The Zoning Administrator shall immediately, upon receipt of a completed application, as determined by preliminary staff review, forward a copy thereof to the City Engineer and the City Building Official. Where protected watersheds, floodplains, and/or protected wetlands are in question, the Minnesota Department of Natural Resources and Army Corps of Engineers shall also be contacted. These technical

advisors shall be requested to prepare reports, as applicable, for the City Council and/or Zoning Administrator.

22.04 ISSUANCE OF PERMIT

Upon receiving information and reports from the City staff and other applicable agencies, as applicable, the City Council or the Zoning Administrator shall make its determination as to whether, and when, and under what conditions such permit for a landfill or excavation/grading activity is to be issued to the applicant.

22.05 CONDITIONS OF PERMIT

A. Landfill Operations

1. Under no circumstances shall any landfill operation be conducted or permitted if the contents of the landfill or any part thereof shall consist of garbage, animal or vegetable refuse, poisons, contaminants, chemicals, decayed material, filth, sewage or similar septic or biologically dangerous material deemed to be unsuitable by the City.
2. Unless expressly extended by permit, the hours of operation shall be limited to 7:00 AM to 7:00 PM, Monday through Saturday.

B. Land Excavation/Grading Operations:

1. The City, as a prerequisite to the granting of a permit, or after a permit has been granted, may require the applicant to whom such permit is issued, or the owner or user of the property on which the excavation/grading is located to:
 - a. Properly fence the excavation.
 - b. Slope the banks, and otherwise properly guard to keep the excavation in such condition as not to be dangerous from caving or sliding banks.
 - c. Properly drain, fill in or level the excavation after it is created, to make the same safe and healthful as the City shall determine.
 - d. Keep the excavation/grading within the limits for which the permit is granted.
 - e. Remove excavated/graded material from the excavation, away from the premises upon and along such highways, streets or other public ways as the City shall order and direct.
 - f. Retain and store topsoil from the site in question and utilize such materials in the restoration of the site.
2. Unless expressly extended by permit, the hours of operation shall be limited to 7:00 AM to 7:00 PM, Monday through Friday, and 7:00 AM to 2:00 PM on Saturdays.

(Amended November 2025)

22.06 SECURITY

The City shall require either the applicant or the owner or user of the property on which the landfill or excavation/grading is occurring to post a security in such form and sum as determined by the Zoning Administrator. The amount of the security shall be sufficient to cover the extraordinary costs of the City or any other Road Authority for the expense of repairing, from time to time, any highways, streets, or other public ways where such repair work is made necessary by the special burden from hauling and travel in transporting fill or excavated material. The amount of the security shall also be sufficient to

ensure compliance with all requirements of this section, and the permit, and to pay the expense the City or any other Road Authority may incur because of the permit.”

22.07 FAILURE TO COMPLY

The City may, for failure of any person to comply with any requirement made of them in writing under the provisions of such permit, as promptly as same can reasonably be done, proceed to cause said requirement to be complied with, and the cost of such work shall be certified as an assessment against the property whereon the landfill or excavation/grading operation is located, or the City may at its option proceed to collect such costs by an action against the person to whom such permit has been issued, and their superiors if a bond exists. If landfilling or excavation/grading operations requiring a permit are commenced prior to City review and approval, the City may require work stopped and all necessary applications filed and processed. In such cases, application fees shall be double the normal charge.

22.08 COMPLETION OF OPERATION

All landfill and excavation operations shall be completed within three hundred sixty-five (365) days of the issuance of the permit. Upon completion, the permit holder shall notify the Zoning Administrator in writing of the completion date. If additional time beyond the three hundred sixty-five (365) days is needed for completion, the permit holder may apply to the Zoning Administrator and upon a satisfactory showing of need, the Zoning Administrator may grant an extension of time. If such an extension is granted, it shall be for a definite period. Extensions shall not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the landfill or excavation/grading operation within three hundred sixty five (365) days and that failure to complete the operation was due to circumstances beyond the permit holder’s control such as shortage of fill or excavated material, labor strike, unusually inclement weather, illness or other such valid and reasonable excuse for non-completion. In the event a request for an extension is denied, the permit holder shall be allowed a reasonable time to comply with other provisions of this section relating to grading, leveling, and seeding or sodding. What constitutes such “reasonable time” shall be determined by the Zoning Administrator after inspecting the premises.

22.09 OPERATIONS IN PROCESS

All landfill and excavation/grading operations for which a permit has previously been issued shall terminate such operations on the date specified by the permit.

Section 23 - Farms

Subdivision

- 23.01 Allowed Use
- 23.02 Building Permits
- 23.03 Irrigation Systems
- 23.04 Accessory, Second Residential Dwellings (Temporary)
- 23.05 Animals
- 23.06 Temporary, Seasonal Sale of Products Produced on Site
- 23.07 Animal Feedlots

23.01 ALLOWED USE

Farms and farming shall be allowed pursuant to respective zoning district provisions.

23.02 BUILDING PERMITS

The construction of any building or applicable structure on a farm, unless specifically exempted, shall require a building permit and be in compliance with the Uniform Building Code.

23.03 IRRIGATION SYSTEMS

All proposed irrigation systems shall require a permit from the Minnesota Department of Natural Resources and be subject to City Engineer approval.

23.04 ACCESSORY, SECOND RESIDENTIAL DWELLINGS (TEMPORARY)

- A. Such structures and uses are classified as interim use and regulated pursuant to Section 3.01 of this Ordinance.
- B. Such structures may only be manufactured (mobile home) housing units which can be readily removed from the site.
- C. Such structures may only be allowed for and occupied by a family, one (1) member of which is an employee of the farm on which it is located.
- D. Conditions of approval shall include, but not be limited to:
 - 1. The structure meets all applicable zoning district performance standards.
 - 2. The established property access is jointly used by the interim use and the principal residence on the farms unless exempted by the City Council.
 - 3. The existing on-site sewer system and well is used by the temporary dwelling, unless specifically exempted by the City Council.
 - 4. Before the temporary dwelling is on the site, it shall be inspected by and subject to the City Building Official's approval and requirements.
 - 5. The way and the requirements for securing the temporary dwelling on the site shall be subject to the review and approval of the City Building Official.
 - 6. Upon termination of occupancy by a qualified individual or family, the temporary dwelling shall be removed within ninety (90) days of such date unless a time extension, requested in writing by the property owner, is approved by the City Council.

As approved November 12, 2024 and amended through September 2026

- E. The occupant of the temporary dwelling or the property owner shall provide proof of employment of the occupant of the temporary dwelling by the farm on which the interim use is located by submitting a federal income tax 1040 form each year between the dates of 1 January and 15 April. Failure of the occupant to qualify as an employee of the farm shall constitute a termination of the interim use permit and shall require the removal of the temporary dwelling within ninety (90) days from such date unless a time extension, requested in writing by the property owner, is approved by the City Council.

23.05 ANIMALS

The keeping of animals on farms shall be regulated by Sections 23.07 and 24 of this Ordinance as may be applicable.

23.06 TEMPORARY, SEASONAL SALE OF PRODUCTS PRODUCED ON SITE

- A. A-1, Agricultural Zoning District: Within the A-1 Zoning District, the temporary seasonal sale of products produced solely on site of the respective farm is a permitted accessory use, provided that:
 - 1. Only members of the family occupying the residence on the farm are engaged in such activity.
 - 2. Only temporary, unenclosed display facilities are used to exhibit such items.
 - 3. Adequate off-street parking is provided, and no parking related to such sales occurs on the public right-of-way.
 - 4. Signs:
 - a. They are located only on the private property of the farm owner/operator and are no more than one hundred (100) feet from the point of sale.
 - b. Are limited to no more than two (2) structures totaling no more than sixteen (16) square feet.
 - c. They are erected and removed daily and are not to be displayed at times when the sales operation is closed.
- B. Other Zoning Districts: The temporary, seasonal sale of products produced solely on the site of the respective farm may be allowed in zoning districts other than Agriculture A-1 Districts subject to the approval of an administrative permit, provided that:
 - 1. The standards and requirements specified in Subd. 23.06.A are complied with.
 - 2. The provisions of Section 6 of this Ordinance are considered and determined to be satisfied.

23.07 ANIMAL FEEDLOTS

- A. Purpose: The purpose and intent of this section is to:
 - 1. Establish a procedure for the allowance of feedlots within the City.
 - 2. Regulate the location, development, and expansion of feedlots
 - 3. Promote best farm management practices.
 - 4. Protect valuable ground water and surface water resources.
 - 5. Protect human and animal health.
 - 6. Promote compatibility of uses.

7. Coordinate and assist state agencies in the administration of state-wide statutes and regulations governing livestock operations.
- B. Minnesota Pollution Control Agency (MPCA) Feedlot Permit Requirements: The owner of an existing animal feedlot of greater than ten (10) animal units shall make an application to the Minnesota Pollution Control Agency (MPCA) for an animal feedlot permit when any of the following conditions exist:
1. A new feedlot is proposed where a feedlot did not previously exist.
 2. A change in the operation of an existing animal feedlot is proposed.
 3. A National Pollutant Discharge Elimination System (NPDES) permit is required under state or federal rules and regulations.
- C. Allowed Feedlots: Those feedlots which do not constitute a potential pollution hazard and meet the applicable requirements of this Ordinance shall be allowed within the City on the condition that they obtain a certificate of compliance by the MPCA, as required.
- D. Prohibited Feedlots:
1. New feedlots or expansions of existing feedlots that exceed the following cumulative number of animal units:
- | Zoning District | Maximum Number of Animal Units |
|-----------------------------------|--------------------------------|
| A-1 within the Transition Overlay | 140 |
| A-1 not in the Transition Overlay | 350 |
- NOTE: See St. Augusta Comprehensive Plan for District Boundary Designations.
Expansions over the maximum number of animal units shall require a permit from the Minnesota Pollution Control Agency and a conditional use permit.
- E. Destruction of Animal Feedlots: Notwithstanding Section 14.04.A of this Ordinance, any animal feedlot lawfully existing as a non-conforming use and any structures or buildings lawfully existing and which are used for the purpose of containing animals associated with a non-conforming animal feedlot use, which are destroyed or partially destroyed to the extent of more than fifty (50) percent of its fair market value, may be restored and the same use resumed (if such use was lawfully existing as a non-conforming use prior to such damage and destruction) or any conforming use established, provided that such reconstruction be completed within twelve (12) months after the date of such damage or destruction.
- F. Pollution Control Requirements:
1. Purpose: This Section provides restrictions on feedlot operations as restrictive as, or more so, than existing State regulations regarding pollution or potential pollution hazards.
 2. General Requirement: No animal feedlot or manure storage area shall be constructed, located, or operated to create or maintain a potential pollution hazard unless a certificate of compliance or an animal feedlot permit has been issued by the MPCA.

3. Vehicles and Spreaders: All vehicles used to transport animal manure on City, County, State, and interstate highways shall be leak-proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage, and the manure spreader is leak-proof. This shall not apply to animal manure being hauled to fields adjacent to feedlot operations or fields divided by roadways provided the animal manure is for use as domestic fertilizer.
4. Manure Storage: Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one (1) year and shall be applied at rates not exceeding local agricultural crop nutrient requirements except where allowed by permit. Local agricultural crop nutrient requirements can be obtained at the Stearns County Soil Conservation Service office or local Agricultural Extension Service office.
5. Animal Manure: Any animal manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable State rules.
6. Owner's Duties: The owner of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with the provisions herein.
7. Odors: Feedlot operations shall take responsible measures to minimize odors.
8. Variance: Any feedlot may request a variance in accordance with Section 7 of this Ordinance where rules may not apply or create a unique hardship due to conditions not created by the feedlot operator or owner.

G. Information Requirement:

1. A map or aerial photograph indicating dimensions of feedlot, showing all existing homes, buildings, lakes, ponds, water courses, wetlands, dry runs, rock outcroppings, streets, wells, contour, and surface water drainage encompassing the maximum setback distances of Section 23.06 of this Ordinance.
2. A description of the geological condition, soil types and seasonal high-water table.
3. A plan indicating operational procedure, the location, and specifics of proposed animal waste facilities. The quantity and type of effluent to be discharged from the site.
4. Method/plan for disposal of dead animals shall be consistent with the Minnesota Board of Animal Health regulations.
5. Manure Utilization Plan which will include the location of all manure application sites, crop types, application rate in gallons/acre or tons/acre, and the resulting application rate of N, P and K in pounds/acre. Manure application shall not exceed agronomic rates or to build N, P and K levels beyond the soil capability of holding and utilizing them for crop use, for the prevention of leaching and potential non-point pollution problems, as determined by the Stearns County Extension Educator and the Minnesota Extension Service.
6. Land spreading agreements shall be provided if the applicant does not own the minimum acreage to apply animal waste and the land application agreement must be signed by all owners of the property.
7. Methods used to control or mitigate odor impact upon neighboring properties.
8. A plan for proper closure of the facility including an estimated cost of the same.
9. In cases of feedlot expansions, certification of existing animal units upon the property.

10. Any other additional information as contained in the application and requested by the City or MPCA.

H. Feedlot Setbacks:

1. Existing Feedlots: Lawfully established feedlots existing prior to (effective date of ordinance) may be continued in the location existing on such date and are exempt from the setback requirements of this Ordinance. Expansions to existing feedlots shall comply with the setback provisions established by Section 23.07.G.2 below. Legal non-conforming feedlots may be expanded provided the degree of setback non-conformity is not increased and all other applicable standards of operation specified in this Ordinance are satisfactorily met.
2. New Feedlots and Feedlot Expansions: All new feedlots and feedlot expansions shall comply with each and every one of the following setback requirements:

Category	Required Setback
Shorelands as defined by the Stearns County Shoreland Management Ordinance	Prohibited unless otherwise allowed by the MPCA
100-year floodplains as established on insurance rate maps and the flood insurance study for Stearns County	Prohibited
Public Parks	2,640 feet (1/2 mile)
Public Wells	1,000 feet
County, City, and private drainage ditches	100 feet
Private Residences and Wells	500 feet*

* Setbacks may be reduced to 150 feet upon the City's receipt of written permission of affected property owners.

- I. Manure Stockpile/Application Setbacks: The following manure stockpile and application setbacks are required for all new and expanded feedlots:

1. SEPARATION DISTANCE (FEET)

	Surface Spreading	Incorporation or Injection	Irrigation
Streams or Rivers	*	50	200
Lakes	*	100	300
Water Wells	200	200	200
Sink Holes	100	50	200
Individual Dwelling**	100	50	2,000
Public Roadways	25	10	300

* See Section 23.07.1.2 below for surface water setbacks.

** Distance may be reduced with permission of owner.

2. SEPARATION DISTANCES FROM SURFACE WATERS FOR SURFACE APPLICATION

Slope (%)	Soil Texture	Time of Year	Minimum Separation (feet)
0-6	Coarse	May-October	100
0-6	Coarse	November-April	200

Slope (%)	Soil Texture	Time of Year	Minimum Separation (feet)
0-6	Medium to fine	May-October	200
0-6	Medium to fine	November-April	300
Over 6	Coarse	May-October	200
Over 6	Medium to fine	May-October	300
Over 6	All soils	November-April	Not recommended

J. Conditional Use Permits:

1. Requirement: A conditional use permit shall be obtained in a manner described in Section 4 of this Ordinance whenever:
 - a. A new feed lot or feedlot expansions that exceed the following cumulative number of animal units:

Zoning District	Maximum Number of Animal Units
A-1 within the Transition Overlay	140
A-1 not in the Transition Overlay	350

NOTE: See St. Augusta Comprehensive Plan for district boundary designations.

- b. The proposed expansion or modification of an existing feedlot within a Shoreland or Floodplain Overlay District.
 - c. A lagoon system, an earthen basin or any other outdoor liquid storage structure is proposed for the storage or treatment of animal waste.
 - d. An abandoned feedlot located within the Transition Overlay or planned for urban development as shown in the Comprehensive Plan is re-established subject to the following conditions:
 - i. The abandoned feedlot was legally established.
 - ii. The feedlot has been abandoned for a period greater than five (5) years.
 - iii. The re-established feedlot expansion takes place solely within feed lot-related buildings and facilities existing on the site on the effective date of this Ordinance.
 - iv. The number of animals units is limited to that previously allowed by the MPCA as part of the facility's legal establishment.
 - v. The conditions of Section 23.07.J.2 of this Ordinance are considered and determined to be satisfied.
2. Standards for Conditional Use Permits: To protect public health, safety and welfare, the City shall impose (but not be limited to) the following conditions:
 - a. Trees and/or shrubs are planted, as determined necessary by the City Council, for use as a wind break but not to interfere with the feedlot operation's design and functioning.
 - b. All provisions of the Manure Utilization Plan as outlined in Section 23.07.G.5 of this Ordinance are satisfactorily met.
 - c. All pollution control measures outlined in Section 23.07.F of this Ordinance are satisfactorily met.
 - d. As required by State regulations, the applicant shall provide adequate security to ensure compliance with any or all conditions of the permit, proper handling and

storage of manure, and proper closure of the facility. The amount of said security shall be contained in a written agreement between the permittee and the City.

- e. All applicable setback requirements of Sections 23.07. F and 23.07.1 of this Ordinance are satisfactorily met.
 - f. All feedlots shall be operated nuisance-free, consistent with the regulations of the City and Minnesota Pollution Control Agency (MPCA).
 - g. Approval of the conditional use permit shall be contingent upon the successful acquisition of a Minnesota Pollution Control Agency (MPCA) permit.
 - h. The use is consistent with applicable provisions of Section 23, 24 and 45 of this Ordinance.
 - i. The provisions of Section 4.02. F of this Ordinance are considered and determined to be satisfied.
 - j. All conditions of approval of the conditional use permit shall be recorded against the property.
- K. Standards for Earthen Storage Basins, Lagoons and Other Manure Storage Areas: Earthen basins, lagoons and other manure storage areas shall be constructed in compliance with Minnesota Pollution Control Agency (MPCA) requirements.
- L. Facility Closure:
- 1. Responsible Parties: The landowner, owner and operator of any animal feedlot shall be responsible for the ongoing management of manure and the final closure of the facility include the cleaning of buildings and the emptying and proper disposal of manure from all manure holding facilities.
 - 2. Environmental Financial Assurance: Financial security shall be posted to the City in the form of escrow, bond, or letter of credit in an amount established by State Rules or Regulations, or as amended, in order to assure proper closure of the facility.
 - 3. Closure Plan: If a permitted feedlot operation using a manure storage system ceases operation, the owner shall submit to the City and MPCA a closure plan.
 - a. The plan shall be submitted at least sixty (60) days before the manure storage system's final day of operation. The plan shall be prepared by a professional engineer registered in the State of Minnesota, or a person recognized as qualified for such work by the MPCA.
 - b. Closure of the operation may be postponed for twelve (12) months if the property is posted for sale or lease.
 - c. Manure storage system closure shall include the removal of the sludge in the facilities and its disposal by proper land application at agronomic rates or by other legally permissible method.
 - d. Manure storage system closure shall also include filling in a basin with material from the dikes or other earthen material that may be available. Only material allowed to be buried under federal, state, and local regulations may be used as fill. It is necessary to fill in the basin to prevent it from being a safety hazard when it fills in with rain and snow-melt water.

- e. All wastes from the feedlot operation and its waste control system shall be removed and disposed of on land or in some other manner which is legally permissible as soon as practical, but no more than six (6) months, and in accordance with the approved plan to promote and protect public health.
 - f. Each time ownership to the facility changes, the new owner must notify the MPCA and the City in writing within sixty (60) days of the transfer of ownership that the approved plan has been read and is understood and that all provisions of the plan will be implemented. The new owner must also provide the City with written assurance that they have assumed all obligations undertaken by previous operators or owners, including posting of any necessary security.
 - g. If the new ownership is to continue to operate the facility, closure shall not be necessary.
- M. Closure: Owners and operators of feedlots, either at the time of abandonment or after, shall have joint and several liability for cleanup, closure or remediation of abandoned feedlot sites and shall be subject to the enforcement and penalty requirements of Section 12 of this Ordinance.
- N. Exception: When a memorandum of understanding is in effect with Stearns County, the setbacks and other provisions listed in the Memorandum of Understanding will supersede the provision of the St. Augusta Zoning Ordinance.

Section 24 - Animals

Subdivision

24.01 General Regulations

24.02 Domestic Animals

24.03 Dog Kennels and Cat Shelters

24.04 Farm Animals

24.05 Commercial Stables

24.06 Wild or Exotic Animals

24.01 GENERAL REGULATIONS

- A. The size, number, species, facilities for and location of animals kept shall be maintained so as not to cause a nuisance or endanger the health, safety, or general welfare of the community and shall follow this Ordinance and all other applicable City regulations.
- B. Animals may only be kept for commercial purposes if such activities are authorized in the zoning district where the animals are to be located.
- C. Facilities for housing animal(s) shall be:
 - 1. Constructed of such material as is appropriate for the animal(s) involved.
 - 2. Maintained in good repair.
 - 3. Controlled as to temperature, ventilated and lighted compatible with the health and comfort of the animal(s).
 - 4. Of sufficient size to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition of debility, stress, or abnormal behavior patterns.
 - 5. Cleaned as often as necessary to prevent contamination of the animal(s) contained therein and to minimize disease hazards and reduce odors.
 - 6. Excepting farm related facilities, subject to approval of a building permit by the City Building Official.
 - 7. In accordance with applicable Humane Society or State requirements regarding the leasing of animals.
- D. Animals kept in pet shops or kennels shall be kept in accordance with regulations provided by this Ordinance.

24.02 DOMESTIC ANIMALS

The keeping and maintenance of farm animals, including livestock and horses, shall be an allowed use on sites qualifying as farms or hobby farms within the A-1 and R-R zoning districts.

24.03 DOG KENNELS AND CAT SHELTERS

- A. No person shall maintain or operate any kennel or shelter without a license.
- B. A minimum lot size of one (1) acre is required to be licensed for operation of a kennel or shelter.

- C. Every kennel or shelter shall be enclosed or fenced to prevent the running at large or escape of animals confined therein.
- D. Both dog kennels and cat shelters shall be open for inspection by the City authorities at any time.
- E. It shall be unlawful for any person to own or keep four (4) or more dogs and/or cats (excluding farm cats) over six (6) months of age on his/her premises in the City without obtaining a kennel license pursuant to this Section.

24.04 FARM ANIMALS

- A. The keeping and maintenance of farm animals, including livestock and horses, shall be an allowed use on sites qualifying as farms or hobby farms within the A-1 and R-R zoning districts.
- B. The keeping and maintaining of farm animals, including livestock and horses shall be allowed by administrative permit in the A-1 and R-R Zoning Districts, provided:
 - 1. The provisions of Section 6 Administrative Permits of this Ordinance are considered and determined to be satisfied.
 - 2. The minimum lot size upon which animals are to be located shall be two and one-half (2.5) acres.
 - 3. Farm animals may not be confined in a pen, feedlot, or building within two hundred (200) feet of any residential structure not owned or leased by the operator.
 - 4. The keeping and care of animals is provided by City regulations.
 - 5. The density per acre of farm animals specifically allowed must not exceed the maximum densities, as specified below, unless permitted by conditional use permit:
 - a. Cattle, horses, mules, donkeys = 1/acre
 - b. Goats, sheep = 5/acre
 - c. Swine = 10/acre
 - d. Turkeys, ducks, geese = 25/acre
 - e. Chickens, rabbits, guinea pigs, hamsters, pigeons = 50/acre
 - 6. A shelter or stabling facility shall provide a minimum of one hundred (100) square feet per acre of enclosed area per animal, or fractions thereof, as based upon the number of animals per acre listed above (example: 100 square feet divided by five goats/acre = 20 square feet of enclosed area per goat).
- C. No manure or waste shall be deposited, stored, kept, or allowed to remain in or upon any site without reasonable safeguards adequate to prevent the escape or movement of such manure, waste, or a solution thereof from the site which may result in pollution of any public waters or any health hazard.
- D. All regulations imposed by the Minnesota Pollution Control Agency (MPCA) relating to the keeping of farm animals shall be adhered to and animal feedlots shall comply with the applicable provisions of Section 23.07 of this Ordinance.

24.05 COMMERCIAL STABLES

- A. Commercial stables (operations involving the boarding and care of ten (10) or more horses) shall be allowed only in the City's A-1 Zoning District by conditional use permit.
- B. The minimum lot size for a commercial stable shall be ten (10) acres.
- C. The density of equine allowed on a commercial riding stable shall be in accordance with Section 24.04. B.5.
- D. Manure and other waste materials shall be removed and distributed so as to minimize odors, insect, and rodent problems or any condition which otherwise operates as a public or private nuisance. The storage of manure and other waste materials must be at least two hundred (200) feet from the property line of any residential structure, or any lake, pond, river, stream, or other body of water, well, or property line.
- E. All areas designated for equine sheltering shall be at least two hundred (200) feet from the property line. Any agricultural building or shelter which was being used in a commercial stable prior to the effective date of this Section is not required to comply with the requirements of this subparagraph, provided, however, that such agricultural building or shelter does not constitute a public nuisance as determined by the City Council.
- F. Fences regulated by Section 15.06 of this Ordinance shall be constructed and maintained to contain adequately and safely equine.
- G. One (1) agricultural building upon the commercial stable property shall be permitted to contain no more than one (1) caretaker's unit, subject to a demonstrated need and to the approval of a conditional use permit as regulated by Section 4 of this Ordinance.
- H. All equines shall be provided shelter sufficient to protect against potentially injurious weather. All such shelters shall be structurally sound, provide sufficient ventilation, and be maintained in good repair.
- I. Equine stalls shall provide sufficient space for the equine to lie or roll with a minimum danger of injury to itself. Stalls shall be cleaned and kept dry if the animal is not required to lie or stand in fluids. Bedding shall be provided in all stalls, kept clean, and periodically changed. The nature of the bedding shall not pose a health hazard to the animal.
- J. The Zoning Administrator shall inspect every commercial stable as frequently as the City may deem necessary to ensure compliance with the terms of this Section and any conditions of the license for such commercial stable. Anyone who operates a commercial stable shall, upon request of the Zoning Administrator and/or City Building Official, permit access to all parts of the commercial stable for inspection. The Zoning Administrator shall prepare a report of every inspection of a commercial stable. A copy of such report shall be mailed to the person operating the commercial stable and forwarded to the City Council.

24.06 WILD OR EXOTIC ANIMALS

A. Conditional Use Permit.

1. Other than may be herein exempted, wild or exotic animals, as defined in Section 2.2 of this Ordinance, shall require a conditional use permit prior to its being kept in the City.
2. Determination of acceptability shall include but not be limited to:
 - a. The potential health or safety hazard posed.
 - b. The provisions of Section 4 of this Ordinance are considered and determined to be satisfied.
3. Conditions and limitations governing wild or exotic animals shall include but not be limited to:
 - a. Full compliance with State Statutes and federal regulations governing such species.
 - b. Provisions for the adequate and safe confinement of such animals, as may be warranted by the potential adverse impact upon neighboring properties and by safe consideration of the property residents and neighboring uses.
 - c. Adequate screening, noise, and visual controls as deemed necessary by the City Council to maintain compatibility and protect the health, safety, and general welfare of the public.
 - d. Additional requirements and limitations may be deemed necessary by the City Council so as to ensure compatibility and maintain the health, safety and general welfare of the public.

- ### B. Zoological Programs.
- Wild or exotic animals being kept as part of the Minnesota Zoological Gardens, St. Paul Como Zoo, or similar institutional teaching programs are an allowed use in all zoning districts by administrative permit. Prior to permit issuance, the participant in the program shall notify the Zoning Administrator in writing of their participation in the program and identify all animals being kept.

Section 25 - Home Occupations

Subdivision

25.01 Purpose

25.02 Application

25.03 Procedures and Permits

25.04 Requirement; General Provisions

25.05 Non-Conforming Uses

25.06 Inspection

25.07 Revocations

25.01 PURPOSE

The purpose of this Section is to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing land use harmony and compatibility, and the health, safety, and general welfare of the surrounding neighborhood. In addition, this Section is intended to provide a mechanism enabling the distinction between permitted home occupations and interim or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

25.02 APPLICATION

Subject to the Non-Conforming Use Section and other applicable provisions of this Ordinance, all occupations conducted in the home shall comply with the provisions of this Ordinance. This Section shall not be construed, however, to apply to home occupations related to farming.

25.03 PROCEDURES AND PERMITS

A. Permitted Home Occupations:

1. "Permitted home occupations," as defined in this Ordinance, shall be considered permitted accessory uses in the City's agricultural and residential zoning districts and shall comply with the provisions of Section 25.04.A and 25.04.B of this Ordinance.

B. Home Extended Business:

1. Qualification: Any home occupation which does not meet the specific requirements for a "permitted home occupation" as defined in this Section shall require an-Interim Use Permit, which shall be applied for, reviewed, and disposed of in accordance with the procedural provisions of Section 3.01 of this Ordinance.
2. Declaration of Conditions: The City Council may impose such conditions on the granting of an Interim Use Permit as may be necessary to ensure compatibility and to carry out the purpose and provisions of this Section.
3. Effect of Permit: An Interim Use Permit may be issued for one (1) year after which the permit may be reissued for up to three (3) years each.
4. Transferability: Home occupation permits shall not run with the land and shall not be transferable.
5. Renewal of Permit: An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that the monetary investment in the home occupation will be fully

amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for a permit renewal will be reviewed without considering a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

25.04 REQUIREMENT; GENERAL PROVISIONS

All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.

A. General Provisions:

1. No home occupation shall produce light, glare, noise, fumes, odor, or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
2. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties. No equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the voltage off the premises.
3. Except in the case of State licensed day care facilities, any home occupation shall be clearly incidental and secondary to the residential use of the premises, not more than ten (10) percent of the floor area of the dwelling unit shall be permanently set aside to be used in the conduct of the home occupation. The home occupation shall not change the residential character of the premises nor result in incompatibility or disturbance to the surrounding residential uses.
4. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
5. There shall be no exterior storage of equipment or materials used in the home occupation, except personal vehicles used in the home occupation which comply with applicable provisions of this Ordinance may be parked on the site.
6. The home occupation shall meet all applicable fire and building codes.
7. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling except for directional and identification/business signs to the extent authorized by the provisions of Section 31 of this Ordinance.
8. All home occupations shall comply with all City regulations related to nuisances.
9. No home occupation shall be conducted between 10:00 PM and 7:00 AM unless approved by the City Council.
10. Home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway, where no vehicle is parked closer than fifteen (15) feet from the curb line or edge of paved surface.
11. No home occupation (permitted or interim) shall involve any of the following: body shops, welding, ammunition manufacturing, flea markets, motor vehicle sales or repairs, massage or escort business or other sexually oriented businesses as defined by this ordinance, or other objectionable uses as determined by the City Council.
12. Excepting incidental materials, no commodities shall be sold on the premises.

B. Requirements, Permitted Home Occupation:

1. No person other than those who customarily reside on the premises shall be employed.
2. On-street parking facilities shall not be utilized to accommodate parking demand.
3. Examples of permitted home occupations include art studio, dressmaking, secretarial services, family day care, foster care, offices, teaching with musical, dancing, and other instructions which consist of no more than two (2) pupils at a time, and similar uses.
4. The permitted home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than customarily found in a home; teaching which customarily consists of more than two (2) pupils at a time; over the counter sale of non-residential merchandise produced off the premises.

C. Requirements, Home Extended Business:

1. A maximum of one (1) full-time employee or equivalent, other than those people who customarily reside on the premises, shall be employed. This provision shall not apply where the interim home occupation is a meeting place for employees and the work is done off-premises.
2. Examples of Home Extended Business include massage therapy, barber and beauty services, day care, group nursery, photography studio, lessons, saw sharpening, small appliances, and small engine repair and the like.
3. The Home Extended Business may involve any of the following: stock-in trade incidental to the performance of the service, repair service or manufacturing which requires equipment other than customarily found in a home, the teaching with musical, dancing, and other instruction of more than two (2) pupils at a time.
4. Home Extended Business may be allowed to accommodate their parking demand through on-street parking. In such cases where on street parking facilities are necessary, however, the Zoning Administrator shall maintain the right to establish the maximum number of on-street spaces permitted and increase or decrease that maximum number when and where changing conditions require additional review.

25.05 NON-CONFORMING USES

Existing home occupations lawfully existing on June 2, 1998, may continue as non-conforming uses. Any existing home occupation that is discontinued for a period of more than one hundred eighty (180) days or is in violation of the provisions of the Ordinance under which it was initially established, shall be brought into conformity with the provisions of this Section.

25.06 INSPECTION

With reasonable cause and documentation, the City hereby reserves the right to inspect any home occupation during reasonable hours, with reasonable notice, the premises in which the occupation is being conducted to ensure compliance with and provisions of this Section or any conditions additionally imposed.

25.07 REVOCATIONS

- A. Permitted and interim home occupations may continue to exist until:

1. Such time as the business is not in compliance with any portion of this ordinance, any other applicable City ordinance, or any applicable state or federal statute, rule, or regulation.
2. Such time as there is any violation of the terms and conditions of permit approval.
3. Such time as there is any change in the conditions of operation of the business as it was originally approved; including any change in the nature of the business, any substantial change in the extent of business, any substantial change in the extent of business operations, any significant expansion of business facilities, or any other circumstances related to the business which have the potential to significantly effect surrounding properties, or which may pose a threat to the health, welfare or safety of the general public.
4. Such time as License Expires: At such time that the City has cause to believe that any of the events listed in 1, 2 or 3 above have taken place, the City shall immediately notify the permit holder of the allegations of violation and the necessary corrections required to bring the license into compliance.

Section 26 - Day Care Nursery Facilities

Subdivision

- 26.01 Purpose
- 26.02 Application
- 26.03 Declaration of Conditions
- 26.04 General Provisions
- 26.05 Inspection

26.01 PURPOSE

The purpose of the regulation of day care nursery facilities in this section is to establish standards and procedures by which day care facilities can be conducted within the City without jeopardizing the health, safety and general welfare of the day care participants and/or the surrounding neighborhood. This section establishes the City's minimum requirements for the establishment and operation of day care facilities which are not defined as permitted uses by State Statute, or which are not located in single family homes. Day care facilities other than those defined as permitted uses by State Statutes which operate in a single-family dwelling as an accessory use shall be subject to Section 25 of this Ordinance and processed as a home occupation.

26.02 APPLICATION

Day care nursery facilities shall be considered a permitted conditional use within all residential, commercial, and industrial zoning districts of the City and shall be subject to the regulations and requirements of Section 4 of this Ordinance. In addition to the City regulation, all daycare facility operations shall comply with the minimum requirements of the Minnesota Department of Human Services, as amended.

26.03 DECLARATION OF CONDITIONS

The Planning Commission and City Council may impose such conditions on the granting of a daycare facility conditional use permit as may be necessary to carry out this section's purpose and provisions.

26.04 GENERAL PROVISIONS

Day care facilities shall be allowed as a principal use or as an accessory use, provided that the day care facilities meet all the applicable provisions of this section.

- A. Lot Requirements and Setbacks: The proposed site for a daycare facility as a principal use shall have a minimum lot area as set in the respective zoning district. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety, and general welfare. The day care facility shall meet the setback requirements of the respective zoning district.
- B. Sewer and Water: All day care facilities shall have access to municipal sewers and water or have adequate private sewers and water to protect the health and safety of all persons who occupy the facility.

- C. Buffering: Unless exempted by the Zoning Administrator, where an outdoor play area of a day care facility which abuts any commercial or industrial use or zone, or public right-of-way, the day care facility shall provide screening along the shared boundary of such uses, zones, or public rights-of-way. All required fencing and screening shall comply with the fencing and screening requirements of Section 15.07 of this Ordinance.
- D. Parking:
 - 1. There shall be adequate off-street parking, which shall be located separately from any outdoor play area and shall be in compliance with Section 20 of this Ordinance. Parking areas shall be screened from view of surrounding and abutting residential uses in compliance with Section 15.07 of this Ordinance.
 - 2. When a daycare facility is an accessory use within a structure containing another principal use, parking for each use shall be calculated separately for determining the total off-street parking spaces required. An exception to this requirement may be granted by the Zoning Administrator in instances where no increase in off-street parking demand will result.
- E. Off-Street Loading: Off-street loading space in compliance with Section 21 of this Ordinance shall be provided.
- F. Signage: All signing and informational or visual communication devices shall comply with Section 31 of this Ordinance.
- G. Compliance with State Requirements: The structure and operation shall comply with State of Minnesota Department of Human Services regulations and be licensed accordingly.

26.05 INSPECTION

The City hereby reserves the right upon issuing any day care facility conditional use permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this section or any conditions additionally imposed.

Section 27 - Sexually Oriented Uses

Subdivision

27.01 Purpose

27.02 Sexually Oriented Use-General

27.03 Sexually Oriented Use-Principal

27.04 Sexually Oriented Use-Accessory

27.01 PURPOSE

The purpose of this subdivision is to establish provisions for the opportunity as well as controls of sexually oriented uses within St. Augusta.

27.02 SEXUALLY ORIENTED USE-GENERAL

Sexually oriented uses, as defined in this Ordinance, shall be subject to the following general provisions:

- A. Activities classified as obscene under Minnesota State Law are not permitted and are prohibited.
- B. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
- C. Sexually oriented uses, either principal or accessory, shall be prohibited from locating anywhere used to dispense or consume alcoholic beverages.
- D. Sexually oriented uses-principal which are defined in this Ordinance as sexually oriented stores, and which deal solely in the retail sales of novelties, shall be exempt from the requirements of Subd. 27.03 of this Ordinance.
- E. A sexually oriented use which does not qualify as an accessory use shall be classified as an sexually oriented use-principal.

27.03 SEXUALLY ORIENTED USE-PRINCIPAL

- A. Sexually oriented use-principal shall be located at least five hundred (500) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the sexually oriented use-principal is located to the property line of:
 - 1. Residentially zoned property.
 - 2. Residential uses within Agricultural Zoning Districts.
 - 3. A licensed day care center.
 - 4. A public or private educational facility is classified as an elementary, junior high or senior high.
 - 5. A public library.
 - 6. A public park.
 - 7. Another sexually oriented use-principal.
 - 8. An on-sale liquor establishment.

- B. Sexually oriented use-principal activities, as defined by this Ordinance, shall be classified as one use. No two (2) sexually oriented uses-principal shall be in the same building or upon the same property and each use shall be subject to Subd. 27.03. A of this Ordinance.

27.04 SEXUALLY ORIENTED USE-ACCESSORY

- A. Sexually oriented uses-accessory shall:
 - 1. Comprise no more than ten (10) percent of the floor area of the establishment in which they are located; and
 - 2. Comprise no more than two thousand (2,000) square feet of floor area in total; and
 - 3. Comprise no more than twenty (20) percent of the gross receipts of the entire business operation; and
 - 4. Not involve or include any activity except the sale or rental of merchandise.
- B. Sexually oriented business-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of public access:
 - 1. Movie Rentals: Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operator.
 - 2. Magazines: Publications classified or qualifying as sexually oriented shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
- C. Sexually oriented business-accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the public where minors are admitted.

Section 28 - Essential Services

Subdivision

28.01 Purpose

28.02 Special Permit Required

28.03 Conditional Use Permit Required

28.01 PURPOSE

The purpose of this section is to provide for the installation of essential services such as telephone lines, pipelines, electric transmission lines and substations in such a manner that the health, safety, and welfare of the city will not be adversely affected. Essential services shall also be installed in recognition of existing and projected demands for such services.

28.02 SPECIAL PERMIT REQUIRED

All underground communication lines, pipelines for distribution to individual properties within the City, and all, underground electric transmission lines, overhead utility lines, electric transmission lines, and substations less than 33 KV, when installed in any location in the City, shall require a permit subject to review by the City Engineer and approval by the City Council and shall be processed according to the following:

- A. Prior to the installation of any of the essential services defined above, the owner of such service shall file with the City Engineer all maps and other pertinent information as deemed necessary by the City Engineer for reviewing the proposed project.
- B. The City Engineer shall document in writing the findings of the proposed project's compliance with the Comprehensive Plan and any other applicable City regulations.
- C. In considering applications for the placement of essential services, as regulated in this section, the aforesaid City Engineer and City Council shall consider the effect of the proposed project upon the health, safety, and general welfare of the City, as existing and as anticipated, and the effect of the proposed project upon the Comprehensive Plan.
- D. Upon approval of the City Council, a permit for the installation and operation of the applicant's essential services shall be issued. If the City Council denies the permit, the applicant may appeal said decision to Stearns County District Court under the rules and procedures set forth in Section 8 of this Ordinance."

28.03 CONDITIONAL USE PERMIT REQUIRED

All transmission pipelines (i.e., pipelines not required for the St. Augusta local distribution network), and overhead and underground transmission and substation lines more than 33 KV shall require a conditional use permit.

Section 29 - Antennas

Subdivision

29.01 Purpose and Intent

29.02 General Standards

29.03 Tower Design

29.04 Co-Location Requirement

29.05 Setbacks

29.06 Accessory and Secondary Use Antennas

29.07 Personal Wireless Service Antennas

29.08 Satellite Dishes

29.09 Commercial and Public Radio and Television Transmitting Antennas and Public Utility Microwave Antennas

29.01 PURPOSE AND INTENT

The purpose of this section is to establish predictable, balanced regulations for the siting and screening of wireless communications equipment to accommodate the growth of wireless communicating systems within St. Augusta while protecting the public against any adverse impacts on the City's aesthetic resources and the public welfare. The provisions of this Ordinance are intended to maximize the use of existing towers, structures, and buildings to accommodate new wireless telecommunication antennas to minimize the number of towers needed to serve the community or area.

29.02 GENERAL STANDARDS

The following standards shall apply to all personal wireless services, public utility, microwave, radio and television broadcast transmitting, radio and television receiving, satellite dish and short-wave radio transmitting and receiving antenna.

- A. A. All obsolete and unused antenna shall be removed within twelve (12) months of cessation of operation at the site unless an exemption is granted by the Zoning Administrator.
- B. All antennae shall follow all City building and electrical code requirements and as applicable shall require related permits.
- C. Structural design, mounting and installation of the antenna shall comply with manufacturer's specifications and as may be necessary, as determined by the Zoning Administrator, shall be verified, and approved by a professional engineer.
- D. When applicable, written authorization for antenna erection shall be provided by the property owner.
- E. No advertising message shall be affixed to the antenna structure.
- F. The height of the antenna shall be the minimum necessary to function satisfactorily, as verified by an electrical engineer or other appropriate professional.

- G. Antennas shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety.
- H. When applicable, proposals to erect new, antenna shall be accompanied by any required federal, state, or local agency licenses.
- I. If a new tower is to be constructed, it shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least one (1) additional user, including but not limited to other cellular communication companies, local police, fire, and ambulance companies. Towers shall be designed to allow for future re-arrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- J. Antenna support structures under two hundred (200) feet in height shall be painted a non-contrasting color consistent with the surrounding area, such as blue, gray, brown or silver, or have a galvanized finish to reduce visual impact.
- K. Except as may be applicable in cases where a conditional use permit is required, antennas and support structures for federally licensed amateur radio stations and used in the amateur radio service are exempt from sub-paragraphs C, F, and I above, and must comply with Subd. L. below.
- L. Amateur radio towers must be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

29.03 TOWER DESIGN

Wireless communication towers shall be of a monopole design unless the City Council determines that an alternative design requested by the applicant would better blend into the surrounding environment. This provision does not apply to amateur radio towers or commercial and public radio or television towers.

29.04 CO-LOCATION REQUIREMENT

A proposal for a new tower shall not be approved unless the Zoning Administrator finds that the antennas cannot be accommodated on an existing or approved tower, building, or structure within a one mile search radius (one-half mile search radius for towers under one hundred (100) feet in height) of the proposed tower due to one (1) or more of the following reasons:

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

- C. Existing or approved towers, buildings, or structures within the search radius cannot accommodate the planned equipment at a height necessary to function as documented by a qualified and licensed professional engineer.
- D. Other unforeseen reasons that make it unfeasible to locate the antennas upon an existing or approved tower or structure.
- E. Existing or approved towers, buildings, or other structures do not exist in the service area or meet the user's needs. Documentation shall be provided at the time of application clearly showing why existing structures do not meet users' needs.
- F. The applicant shall demonstrate that a good faith effort to co-locate on existing towers or structures was made, but an agreement could not be reached.

29.05 SETBACKS

All towers shall comply with each of the minimum setback requirements:

- A. Towers shall meet the setbacks of the underlying zoning district except for industrial zoning districts, where the tower may encroach into the rear setback area, provided that the rear property line abuts another industrial zoning district, and the tower does not encroach upon any easements.
- B. A tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the City Council, to allow the integration of the structure into an existing or proposed structure, such as a light standard, power line support device, or similar structure.

29.06 ACCESSORY AND SECONDARY USE ANTENNAS

The following standards shall apply to all accessory and secondary use antennas including radio and television receiving antennas, satellite dishes, TVROs three and one-half (3.5) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, federally licensed amateur radio stations and television receivers.

- A. Accessory or secondary use antennas shall not be erected in any required yard (except a rear yard) or within public or private utility and drainage easements and shall be set back a minimum of five (5) feet from all lot lines.
- B. Guy wires or guy wire anchors shall not be erected within public or private utility and drainage easements and shall be set back a minimum of five (5) feet from all lot lines.
- C. Accessory or secondary use antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district, except support structures and antennas used in the amateur radio service may extend a maximum of seventy (70) feet for the affected zoning district.

- D. Installing more than one (1) support structure per property shall require approval of a conditional use permit.

29.07 PERSONAL WIRELESS SERVICE ANTENNAS

A. Agricultural and Residential District Standards:

1. Antennas Located Upon Public Structures or Existing Tower: Personal wireless service antenna located upon public structures or existing towers shall require the processing of an administrative permit and shall comply with the following standards:
 - a. The applicant shall demonstrate by providing a coverage/interference analysis and capacity analysis prepared by a certified engineer that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the personal wireless system and to provide adequate portable personal wireless service coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district.
 - b. Transmitting, receiving, and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving, and switching equipment, it shall be situated in the rear yard of the principal use and shall be screened from view by landscaping where appropriate.
 - c. An administrative permit is issued in compliance with Section 6 of this Ordinance.
2. Antennas Not Located Upon A Public Structure or Existing Tower: Personal wireless service antenna not located upon a public structure or existing tower shall require the processing of a conditional use permit and shall comply with the following standards:
 - a. The applicant shall demonstrate by providing a coverage/ interference analysis and capacity analysis prepared by a certified engineer that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the personal wireless service system and to provide adequate portable personal wireless service coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district.
 - b. If no existing, non-residential structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a monopole tower provided that:
 - i. The pole does not exceed seventy-five (75) feet in height.
 - ii. The setback of the pole from the nearest residential structure is not less than the height of the antenna. Exceptions to such setback may be granted if a qualified structural engineer specifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.
 - c. Transmitting, receiving, and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving, and switching equipment, it shall be situated in the rear yard of the principal use and shall be screened from view by landscaping where appropriate.

- d. At the City's discretion, a security fence not greater than eight (8) feet high with a maximum opacity of fifty (50) percent should be provided around the support structure.
- e. The conditional use permit provisions of Section 4 of this Ordinance are considered and determined to be satisfied.

B. Business and Institutional District Standards:

1. Antennas Located Upon an Existing Structure or Tower: wireless service antenna located upon an existing structure or co-located on an existing tower shall require the processing of an administrative permit and shall comply with the following standards:
 - a. Transmitting, receiving, and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving, and switching equipment, it shall be situated in the rear yard of the principal use and shall be screened from view by landscaping where appropriate.
 - b. Antennas mounted on public structures shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached.
 - c. Building-mounted antennas shall not extend more than fifteen (15) feet above the roof and shall be set back at least five (5) feet from the roof edge.
 - d. Wall or facade mounted antennas may not extend more than five (5) feet above the cornice line and must be constructed of a material or color matching the building's exterior.
 - e. An administrative permit is issued in compliance with Section 6 of this Ordinance.
2. Antennas Not Located Upon an Existing Structure or Existing Tower: Personal wireless service antennas not located upon an existing structure or tower shall require the processing of a conditional use permit and shall comply with the following standards:
 - a. The applicant shall demonstrate by providing a coverage/interference analysis and capacity analysis prepared by a certified engineer that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the personal wireless service system and to provide adequate portable personal wireless service coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district.
 - b. If no existing structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a monopole tower provided that:
 - i. The pole does not exceed seventy-five (75) feet in height.
 - ii. The setback of the pole from the nearest residential structure is not less than the height of the antenna. Exceptions to such setback may be granted if a qualified structural engineer specifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.
 - c. Transmitting, receiving, and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary

for transmitting, receiving, and switching equipment, it shall be situated in the rear yard of the principal use and shall be screened from view by landscaping where appropriate.

- d. At the City's discretion, a security fence not greater than eight (8) feet high with a maximum opacity of fifty (50) percent shall be provided around the support structure.
- e. The conditional use permit provisions of Section 4 of this Ordinance are considered and determined to be satisfied.

C. Industrial District Standards:

1. Antennas Located Upon an Existing Structure or Existing Tower: Personal wireless service antennas located upon an existing structure or co-located on an existing tower structure shall require the processing of an administrative permit and shall comply with the following standards:
 - a. Building-mounted antennas shall not exceed more than fifteen (15) feet above the roof and shall be set back at least five (5) feet from the roof edge.
 - b. Wall or facade mounted antennas may not extend more than five (5) feet above the cornice line and must be constructed of a material or color matching the building's exterior.
 - c. An administrative permit is issued in compliance with Section 3.01 of this Ordinance.
2. Antennas Not Located Upon An Existing Structure or Existing Tower: Personal wireless service antennas not located upon an existing structure or tower shall require the processing of an administrative permit and shall comply with the following standards:
 - a. If no existing structure which meets the height requirements for mounting the antennas, the antennas may be mounted upon a monopole tower not exceeding one hundred fifty (150) feet in height. The tower shall be located on a parcel having a dimension equal to the height of the tower measured between the base of the tower located nearest the property line and said property line, unless a structural engineer specifies in writing that the collapse of the tower will occur within a lesser distance under all foreseeable circumstances.
 - b. An administrative permit is issued in compliance with Section 3.01 of this Ordinance.
3. Temporary Mobile Towers: Personal wireless service antennas located upon a temporary mobile tower used on an interim basis until a permanent site is constructed shall require the processing of an administrative permit and shall comply with the following standards:
 - a. Temporary mobile towers are exempt from co-location and permanent tower structure design standards contained in Sections 29.03 and 29.04 of this Ordinance.
 - b. The termination date of the permit shall not exceed one hundred twenty (120) days. Temporary mobile towers located on a site longer than one hundred twenty (120) days shall require the processing of an interim use permit subject to the standards contained in Section 3.01 of this Ordinance.

- c. Guyed towers are prohibited.
- d. Mobile units shall have a minimum tower design wind load of eighty (80) miles per hour or be set back from all structures a distance equal to the height of the tower.
- e. All towers shall be protected against unauthorized climbing.
- f. The height of the tower shall not exceed ninety (90) feet.

29.08 SATELLITE DISHES

- A. Agricultural and Residential District Standards: Single satellite dish TVROs greater than two (2) meters in diameter may be allowed as a conditional use within the agricultural and residential zoning districts of the City and shall comply with the following standards:
 - 1. All accessory and secondary use provisions of Sections 29.02 and 29.03 of this Ordinance are satisfactorily met.
 - 2. The lot on which the satellite dish antenna is located shall be of sufficient size to assure that an obstruction-free receive window can be maintained within the limits of the property ownership.
 - 3. Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the satellite dish antenna in a way growth of the landscape elements will not interfere with the receive window.
 - 4. The satellite dish antenna is not greater than three and one-half (3.5) meters in diameter.
 - 5. The conditional use permit provisions of Section 4 of this Ordinance are considered and determined to be satisfied.
- B. Business District Standards: Satellite dish antennas within the business zoning districts of the City shall be limited to those listed as permitted accessory and secondary uses in the applicable zoning district subject to the provisions of Subd. 29.02 and Subd. 29.03 of this Ordinance.
- C. Industrial District Standards Commercial, private, and public satellite dish transmitting or receiving antenna more than three and one-half (3.5) meters may be allowed as a conditional use within industrial districts of the City and shall comply with the following standards:
 - 1. All accessory and secondary use provisions of Sections 29.02 and 29.03 of this Ordinance are satisfactorily met.
 - 2. The lot on which the satellite dish antenna is located shall be of sufficient size to assure that an obstruction free transmit-receive window or windows can be maintained within the limits of the property ownership.
 - 3. Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the satellite dish antenna in a way growth of the landscape elements will not interfere with the transmit-receive window.

The conditional use permit provisions of Section 4 of this Ordinance are considered and determined to be satisfied.

29.09 COMMERCIAL AND PUBLIC RADIO AND TELEVISION TRANSMITTING ANTENNAS AND PUBLIC UTILITY MICROWAVE ANTENNAS

Commercial and public radio and television transmitting and public utility microwave antennas shall comply with the following standards:

- A. Such antenna shall be considered allowed conditional use within the I-1 District of the City and shall be subject to the regulations and requirements of Section 4 of this Ordinance.
- B. The antennas, transmitting towers, or array of towers shall be located on a continuous parcel having a dimension equal to the height of the antenna, transmitting tower, or array of towers measured between the base of the antenna or tower located nearest a property line and said property line, unless a registered structural engineer specifies in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances.
- C. Unless the antenna is mounted on an existing structure, at the discretion of the City, a fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure and other equipment.

Section 30 - Wind Energy Conversion Systems (WECS)

Subdivision

- 30.01 Purpose
- 30.02 Application
- 30.03 Declaration of Conditions
- 30.04 Site Plan Drawing
- 30.05 Compliance with State Building Code
- 30.06 Compliance with National Electrical Code
- 30.07 Manufacturer Warranty
- 30.08 Design Standards
- 30.09 Ornamental Wind Devices
- 30.10 Building Permit Required
- 30.11 Inspection
- 30.12 Abandonment

30.01 PURPOSE

The purpose of this Section is to establish standards and procedures by which the installation and operation of WECS shall be governed within the City.

30.02 APPLICATION

Wind conversion systems may be allowed as an accessory or conditional use within any zoning district of the City, subject to the regulations and requirements of this Section, and provided the property upon which the system is to be located is agricultural, commercial, or industrial or is constructed and maintained on any parcel of land of at least five (5) acres in size.

30.03 DECLARATION OF CONDITIONS

The City Council may impose such conditions on the granting of WECS conditional use permit as may be necessary to carry out the purpose and provisions of this Section and to maintain compatibility.

30.04 SITE PLAN DRAWING

All applications for WECS conditional use permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the following information:

- A. Lot lines and dimensions.
- B. Location and height of all buildings, structures, above ground utilities, and trees on the lot, including both existing and proposed structures and guy wires anchors.
- C. Locations and height of all adjacent buildings, structures, above ground utilities and trees located within three hundred (350) feet of the exterior boundaries of the property in question.
- D. Existing and proposed setbacks of all structures located on the property in question.

- E. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to structures on adjacent lots.

30.05 COMPLIANCE WITH STATE BUILDING CODE

Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with the engineering data and calculations to demonstrate compliance with the structural design provisions of the State Building Code especially with regards to wind and icing loads. Drawings and engineering calculations shall be certified by a registered engineer.

30.06 COMPLIANCE WITH NATIONAL ELECTRICAL CODE

WECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the City.

30.07 MANUFACTURER WARRANTY

The applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions like the conditions within the City. The WECS shall be warranted against any system failures expected in severe weather operation conditions.

30.08 DESIGN STANDARDS

- A. Height: The permitted maximum height of a WECS shall be determined in one of two ways. In determining the height of the WECS, the system's total height shall be included. System height shall be measured from the tower base to the highest possible rotor extension.
 - 1. A ratio of one (1) foot to one (1) foot between the distance of the closest property line to the base of WECS to the system's height.
 - 2. A maximum system height of one hundred fifty (150) feet.

The shortest height of the two above-mentioned methods shall be used in determining the maximum allowable height of a WECS system. The height of a WECS must also comply with FAA Regulation Part 77 "Objects Affecting Navigable Air Space" and/or MnDOT Rule 14, MCAR 1.3015 "Criteria for Determining Obstruction to Air Navigation."

- B. Setbacks: No part of a WECS (including guy wire anchors) shall be located within or above any required front, side or rear yard setback and no part of the system shall be within ten (10) feet of any property line, whichever is greater. WECS towers shall be setback from the closest property line one foot for every one foot of system height. WECS shall not be located within fifty (50) feet of an above ground utility line.
- C. Rotor Size: All WECS rotors shall not have rotor dimensions greater than twenty-six (26) feet.
- D. Rotor Clearance: Blade-arcs created by the WECS shall have at least thirty (30) feet of clearance over any structure or tree within a two hundred (200)-foot radius.
- E. Rotor Design: The blade design and materials are to be designed and constructed to ensure safe operation in an urban/rural area.

- F. Rotor Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping WECS operation in high wind (40 MPH or greater) or in conditions of imbalance.
- G. Lightning Protection: Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City.
- H. Component Compatibility: The Wind turbine and wind turbine tower are to be designed and constructed to be compatible.
- I. Tower Access: To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
 - 1. Tower climbing apparatus shall not be within twelve (12) feet of the ground.
 - 2. A locked anti-climb device shall be installed on the tower.
 - 3. Tower capable of being climbed shall be enclosed by a locked, protective fence at least eight (8) feet high.
- J. Signs: WECS shall have one sign, not to exceed two (2) square feet at the base of the tower and said sign shall contain the following information:
 - 1. Warning high voltage.
 - 2. Manufacturer's name.
 - 3. Emergency phone number.
 - 4. Emergency shutdown procedures.
- K. Lighting: WECS shall not have affixed or attached any lights, reflectors, flashers, or any other illumination, except for illumination devices required by FAA Regulations Part 77 "Objectives Affecting Navigable Air Space" and Lighting."
- L. Electromagnetic Interference: WECS shall be designed and constructed so as not to cause radio and television interference.
- M. Noise Emissions: Noises emanating from the operation of WECS shall follow and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NPC 1 and 2, as amended.
- N. Utility Company Interconnection: No WECS shall be interconnected with the local electrical utility company until the utility company and the City Engineer have commented upon such proposal. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the City.

30.09 ORNAMENTAL WIND DEVICES

Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section and shall conform to other applicable provisions of this Ordinance and any other applicable City regulations.

30.10 BUILDING PERMIT REQUIRED

A building permit shall be required for installing a WECS in the City.

30.11 INSPECTION

The City hereby reserves the right upon issuing any WECS conditional use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall, upon written notice from the City, take expeditious action to correct the situation.

30.12 ABANDONMENT

Any WECS or tower not used for twelve (12) successive months shall be deemed abandoned and dismantled and removed from the property at the expense of the property owner or upon approval of an extension by the Zoning Administrator.

Section 31 - Sign Regulations

Subdivision

- 31.01 General
- 31.02 Permits
- 31.03 General Requirements
- 31.04 Freestanding Signs
- 31.05 Window Signs
- 31.06 Driveway Signs
- 31.07 Sidewalk Signs
- 31.08 Drive-Through Signs
- 31.09 Sign Setbacks and Dimensions
- 31.10 Dynamic Signs
- 31.11 Temporary Signs
- 31.12 Master Sign Plans
- 31.13 Nonconforming Signs

31.01 GENERAL

- A. Findings:. In conjunction with the adoption of the sign regulations of this article, the city council finds as follows:
 - 1. Exterior signs have a substantial impact on community appearance and quality of the environment.
 - 2. Signs provide an important medium through which individuals may convey a variety of messages.
 - 3. Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.
 - 4. The regulation of the physical characteristics of signs within the city has positively impacted traffic safety and the community's appearance.
- B. Purpose:
 - 1. Allow a wide variety of sign types in mixed-use zones, and a more limited variety of signs in other zones, subject to the standards set forth in this article.
 - 2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with this article's requirements.
 - 3. Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and when communication can be accomplished by means having a lesser impact on the environment and the public health, safety, and welfare.
 - 4. Provide for the enforcement of this article's provisions.
- C. Scope and Applicability: All signs on private property are subject to the sign regulations of this article and all other applicable provisions of this code. Official signs are not subject to the regulations of this article.

31.02 DEFINITIONS

See Subsection 2.02 DEFINITIONS under letter “S” for definitions.

31.03 PERMITS

- A. Required: Except as expressly stated in paragraph C below, no sign may be erected, altered, reconstructed, maintained, or moved without first securing a permit from the city. Permit applications must be submitted to the City Administrator and include at least the following:
 - 1. The applicable application/permit fee;
 - 2. Name and address of the applicant, and the owners of the sign and the subject lot;
 - 3. The address at which any signs are to be erected;
 - 4. The lot, block, and addition at which the signs are to be erected and the street on which they are to front;
 - 5. A complete set of plans showing the necessary elevations, distances, size, and details to represent the construction and placement of the sign fully and clearly;
 - 6. The cost of the sign;
 - 7. Type of sign (i.e., wall sign, monument sign, etc.);
 - 8. Certification by the applicant indicating the application complies with all requirements of this article; and
 - 9. If the proposed sign is along a state trunk highway or interstate highway, the application must be accompanied by proof that the applicant has obtained a permit from the state.
- B. Exemptions: The following signs do not require a permit. These exemptions, however, are not to be construed as relieving the owner of the sign from the responsibility of compliance with the provisions of this article or any other law or ordinance regulating signs in the city.
 - 1. The changing of the display surface on a painted or printed sign. This exemption applies only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
 - 2. Signs 6 square feet or less in size.
- C. Prohibited Signs: The following signs are prohibited in all zones:
 - 1. Any sign, signal, marking or device that purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signs, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal;
 - 2. Signs over 700 square feet in area;
 - 3. Flashing signs;
 - 4. Inflatable signs;
 - 5. Roof signs;
 - 6. Rotating signs;
 - 7. Shimmering signs;
 - 8. Signs painted on, attached to or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, transit shelters, benches, or similar public structures, except for signs erected by government entities; and

9. Signs containing content classified as "obscene" as defined by Minnesota statutes, section 617.241.

31.04 GENERAL REQUIREMENTS

- A. Noncommercial Speech Signs: Notwithstanding any other provisions of this article to the contrary, all signs of any size containing noncommercial speech may be posted in any zone from August 1 in any general election year until 10 days following the general election and 13 weeks before any special election until 10 days following the special election.
- B. Illumination: A permanent sign may be illuminated by either internal or external light sources. A Temporary Sign shall not be illuminated.

A light source that illuminates a sign shall have a constant color and intensity except to dim or brighten in response to changes in ambient light. Glare must be prevented through fully shielded fixtures, shields, baffles, mounting height, appropriate luminosity, aiming angle, and placement of the light source. Sign illumination shall not project light that exceeds .01-foot candles above the ambient light at a lot line bordering a residential district.

External illumination for signs must be constructed and maintained so that the source of light is directed at the sign and is not visible from the public right-of-way or property used or zoned for residential purposes.

- C. Electric Signs: Electric signs must be installed in accordance with the current electrical code, and a separate permit from the building official must be obtained before placement.
- D. Vertical Clearance: All signs mounted above sidewalks and other pedestrian walking surfaces must be mounted to ensure at least 8 feet vertical clearance above the walking surface directly below.
- E. Sign Placement: Signs mounted on buildings may not block or obstruct design details, windows, or cornices of the building to which they are attached.

31.05 FREESTANDING SIGNS

- A. Number: A maximum of one on-premises freestanding sign per road frontage is allowed per lot.
- B. Area: Freestanding signs are subject to the total site sign area limitations of Table 2. Each side of a sign face is counted in the total site sign area and each sign may have no more than two sign faces (front and back).
- C. Illumination: Freestanding signs, if illuminated, may use only indirect light, with the light source fully diffused and aimed toward the ground.

- D. Off-Premises Signs (Billboards): Off-premises signs are considered freestanding signs for the purposes of this Article. Lots with more than 500 feet of road frontage are allowed one off-premises freestanding sign subject to the following conditions:
1. The sign must follow MINN. STAT. Chapter 173
 2. The sign must meet the size requirements of Section 31.10.
 3. Off-premises signs must be located at least 500 feet from any other off-premises sign.

31.06 WINDOW SIGNS

Temporary or permanent window signs must be on the inside of the window. Temporary or permanent window signs are limited to 33% of the surface area of the window to which they are affixed, except that signs that are printed on see-through vision film may be permitted to occupy 100% of the surface area of the window. Such signs are not counted against the maximum limits established in Table 2.

31.07 DRIVEWAY SIGNS

- A. Entrances and Exits: One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or multi-unit residential building. Such signs must be within 10 feet of the driveway intersection and the street right-of-way. Driveway signs may be illuminated but may not exceed 4 square feet in area or 3 feet in height.
- B. Internal: Off-street parking areas with a capacity of more than 4 vehicles, multi-tenant developments and uses on lots exceeding 50,000 square feet in area may display internal site driveway signs. Such signs must be within 10 feet of an internal site driveway or drive aisle and may not exceed 8 square feet in area or 6 feet in height.

31.08 SIDEWALK SIGNS

- A. General: Sidewalk signs are allowed in commercial zones without a sign permit. Such signs are not counted against the maximum limits established in Table 2.
- B. Regulations: Sidewalk signs are subject to the following regulations:
1. Signs shall be limited to 2 feet in width and 3.5 feet in height, including support members.
 2. No sign shall have more than 2 faces.
 3. Signs may not limit the normal pedestrian use of the sidewalk, and a minimum passable contiguous space of 3 feet must be maintained.
 4. One sign is permitted for each building adjacent to the public right of way. For buildings with multiple occupants, additional sidewalk signs are allowed only if such signs are spaced at least 30 feet apart.
 5. All sidewalk signs must be removed from the sidewalk at the end of each business day.
 6. No sidewalk may be internally or externally illuminated.

31.09 DRIVE-THROUGH SIGNS

Drive-through signs are permitted along with drive-through uses, according to the following regulations.

- A. Location: Drive-through signs must be located within 10 feet of a drive-through lane.

- B. Number and Dimensions:
1. One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive- through signs per lot.
 2. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.
- C. C. Residential Separation: Drive-through signs must be set back at least 50 feet from Residential zoning districts.
- D. Visibility: Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.

31.10 SIGN SETBACKS AND DIMENSIONS

- A. Setbacks: Freestanding signs must be setback at least ten (10) feet from all lot lines.
- B. Sign Height:
1. Wall signs: The top of any wall sign, including any superstructure, may not extend higher than the roof line of the building to which the sign is attached.
 2. Freestanding Signs: Freestanding signs may not exceed the maximum height limits stated in Table 1. Table 1.

Zones	Maximum Height (Feet)
A-1, R-R, R-1, R-2	6 feet
B-1, B-2, I-1, INS	50 feet

- C. Total Site Signage: The area of all sign faces of signs requiring permits may not exceed the maximum limits established in Table 2.

Zones	Single Sign Maximum Area Per Sign Face (Subject To Also Complying With Total Site Sign Area)	Total Site Sign Area (Square Feet)- Cumulative Of All Signs Requiring A Permit
R-R, R-1, R-2, A-1	6 square feet	12 square feet
B-1, B-2, I-1, INS	Adjacent to I-94: One up to 700 square feet off-premises sign and one up to 300 square feet on-premises freestanding sign without a CUP Adjacent to State Highway 15: One up to 600 square foot off- premises sign and one up to 200 square foot on-premises square freestanding sign For any wall, not more than 20% of the wall may be covered by a sign.	3 square feet per lineal foot of parcel frontage adjacent to a public street that is not I-94 and 4 square feet per lineal foot of parcel frontage adjacent to I-94. For properties with more than one street frontage, every frontage may be counted.

31.11 DYNAMIC SIGNS

All dynamic signs are subject to all regulations of this section.

- A. Business Zones: Dynamic signs may be approved in Business or Industrial zones provided that such signs will be located along a principal arterial or major collector road as designated in the comprehensive plan, Dynamic Signs may not be permitted in Residential zones.
- B. Orientation: Dynamic signs must be positioned to limit their impact on adjacent residential uses. At a minimum, such signs must be positioned perpendicular to the adjacent public right-of-way.
- C. Type of Sign: Dynamic signs are limited to freestanding signs only.
- D. Text Size and Legibility: The following minimum text size requirements apply to all dynamic signs. If a sign is on a corner with differing speed limits, the minimum required text size is based on the standard for the higher speed limit to ensure maximum legibility.

Speed Limit Of Abutting Street (Mph)	Minimum Text Size (Inches)
25-34	7
35-44	9
45-54	11
55 or higher	15

- E. Mode: Dynamic signs may only operate in static mode. Animation, motion, or video displays are prohibited. Any change from one static display to another must be instantaneous and may not include any distracting effects, such as dissolving, spinning or fading. The images and messages displayed must be complete in and of themselves, without continuation in content to the next image or message or to any other sign.
- F. Size and Number of Displays: Each parcel can have only one dynamic sign, and such dynamic signs may include only one dynamic display.
- G. Minimum Display Time: The images and messages displayed on a dynamic sign must have a minimum dwell time of at least 6 seconds, except for time, date, and temperature signs. Time, date, and temperature information must have a dwell time of at least 2 seconds, provided that the display of this information remains for at least 6 seconds before changing to another display.
- H. Brightness: Dynamic signs may not exceed a maximum illumination of 6,000 nits during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. All dynamic sign applications shall include certification from the sign manufacturer that the sign has been preset to conform to the luminance levels noted above and these settings are protected from end users' manipulation by password protected software.

- I. Color: Dynamic signs may use multiple colors within the display, but the use of color must not create distraction or a hazard to the public health, safety, or welfare. No portion of the display may change in color or color intensity in any manner. Each line of text in any direction must be uniform in color.
- J. Operation: All dynamic signs must be equipped with a means to immediately discontinue the display if it malfunctions. The owner of a dynamic sign must immediately cease operation when notified by the city that it fails to comply with this article's regulations. The dynamic sign must remain inoperable until the owner demonstrates to the city that the device is in satisfactory working condition and conforms to this article's regulations. The city's decision regarding the operation of a dynamic sign may be appealed in accordance with the appeal procedures of Section 8.
- K. Application to Existing Signs: The dynamic sign standards of this article apply to all existing and future dynamic signs, unless otherwise determined by the city that an existing sign qualifies as a nonconforming use under state statute or this development code. Any existing dynamic sign that cannot meet the minimum text size as required by the speed limit must use the largest size possible for one line of copy to fit in the available display space.

31.12 TEMPORARY SIGNS

- A. Permits: Applications for temporary sign permits are subject to the sign permit provisions of 31.03. Temporary signs are not counted against the total site signage limits established in Table 2.
- B. Number and Duration of Permit: Each property is allowed a maximum of one temporary sign at any one time. Permits for temporary signs may be issued a maximum of 6 times per year for no more than 14 days per permit. Permits may run consecutively.
- C. Location: Temporary signs are allowed only in any commercial or industrial zoning district.
- D. Type, Size, and Placement: Temporary signs may not exceed 32 square feet in area and may not be placed in such a way as to affect public safety or necessary ingress or egress of a building.

31.13 MASTER SIGN PLANS

- A. Purpose: The purpose of the Master Sign Plan is to establish fair and equitable criteria for complex signage situations that accommodate the need for a well- maintained, safe, and attractive community, and the need for effective communications including business identification.
- B. Effect of Master Sign Plan: Upon approval of a Master Sign Plan, all future signs shall conform to the Master Sign Plan. Modifications to the provisions of the Master Sign Plan may be granted only with the approval of a new Master Sign Plan:
 - 1. Required: A Master Sign Plan is required for:
 - a. Building complexes

- b. Multi-tenant structures
 - c. Covered mall buildings, shopping centers or strip malls
 - d. Planned unit developments
 - e. Subdivision entrance signage
2. Criteria: The following criteria should be used when developing a Master Sign Plan.
- a. Guideline. If possible, the underlying zoning district regulations
 - b. should be used as a guideline with minimum variations as needed to meet the intent of this Section.
 - c. Location. No freestanding sign shall be located closer than ten feet to a property line, roadway easement, or other public easement. No freestanding sign shall be erected that, by position, shape, or color, would interfere with the proper functioning or purpose of a traffic sign or signal. All freestanding signs shall comply with Section 15.08 related to traffic visibility. No freestanding sign shall impede/impair traffic.
 - d. Quality. All signage shall improve the aesthetics or functional use of the site. All freestanding signs shall include materials that complement the architectural design/existing building materials, including but not limited to face brick, natural or cut stone, integrally colored concrete masonry units/rock faced block, glass, pre-finished metal stucco or similar cementation coating, and/or factory finished metal panels. Landscaping may be integrated into any freestanding sign.
 - e. Number. The number of freestanding signs shall be related to the number of access points to public streets and/or the number of tenants within a multi-tenant structure.
3. Approval Process: Submittal of a Master Sign Plan application, appropriate/applicable information, and fee is required with the City Administrator. The City Administrator shall decide on Master Sign Plan approvals and modifications.

31.14 NONCONFORMING SIGNS

It is recognized that signs exist within the city that were lawful before these sign regulations were adopted but are prohibited under the regulations of this article. Such nonconforming signs are allowed to continue as nonconforming signs provided that such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed. Nonconforming signs are subject to compliance with the following provisions:

- A. Nonconforming signs may not be enlarged or altered in a way that increases the sign's nonconformity.
- B. If the use of the nonconforming sign or sign structure is discontinued for a period of one year, the sign or sign structure may not be reconstructed or used except in compliance with the provisions of this article.
- C. Should a nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50% of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was

damaged, it may not be reconstructed or used except in compliance with the provisions of this article.

- D. If a nonconforming sign or sign structure is moved for any reason for any distance, it must thereafter comply with this article's regulations.
- E. All advertising copy must be removed from abandoned signs.

Section 32 - Solar Energy System

Subdivision

32.01 Building-Integrated and Building-Mounted Solar Energy Systems

32.02 Ground-Mounted Solar Energy Systems

32.03 Roof-Mounted Community Solar Energy Systems

32.04 Ground-Mounted Community Solar Energy System

32.01 BUILDING-INTEGRATED AND BUILDING-MOUNTED SOLAR ENERGY SYSTEMS

In those districts that permit building-integrated solar energy systems as an accessory use, the solar energy system shall be installed in a manner that follows all terms of this Ordinance including height and setback restrictions of the zoning district in which it is proposed to be located. Notwithstanding the height limitations of the zoning district, Building-mounted Solar Energy Systems shall not extend higher than three (3) feet above the ridge level of a roof on a structure with a gable, hip or gambrel roof and shall not extend higher than ten (10) feet at maximum tilt above the surface of the roof when installed on a flat or shed roof if the solar energy system is visible from a public right-of-way. All solar energy systems shall meet the standards of the Minnesota Building Code, and a building permit shall be received prior to installation

32.02 GROUND-MOUNTED SOLAR ENERGY SYSTEMS

In those districts that permit ground-mounted solar energy systems as an accessory use, the ground-mounted solar energy system shall be installed in compliance with the following requirements:

- A. Parcel Size: When permitted as an accessory use in any Residential District, ground-mounted solar energy systems may only be permitted on parcels of not less than five (5) gross acres. There is no parcel size limitation in other districts.
- B. Size: Ground mounted solar energy systems are considered accessory structures. The size of the system based on the square feet of the solar panels will be calculated as part of the maximum combined number and size of accessory structures allowed by lot size.
- C. Setbacks: Ground-mounted solar energy systems including any appurtenant equipment shall comply with the accessory structure setback requirement and placement limitations for the district in which it is installed when oriented in any position. Ground-mounted solar energy systems are not permitted in front or side yards.
- D. Height: The height of ground-mounted solar energy systems shall not exceed ten (10) feet in height when oriented at maximum tilt.
- E. Glare: The panels of ground-mounted solar energy systems shall be placed and arranged such that reflected solar radiation, or glare shall not be directed onto roadways or residential buildings. Prior to the issuance of a permit for a ground-mounted solar energy system, the permit applicant must provide an analysis or technical documentation from the manufacturer of

the ground-mounted solar energy system demonstrating that the ground-mounted system will not impact roadways or residential buildings due to glare.

- F. Feeder Lines: The electrical collection system shall be placed underground within the interior of each property.
- G. Easements: The solar energy system shall not encroach on public easements.
- H. Utility Notification: No grid inter-tie solar energy system shall be installed until evidence has been given to the city that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned solar energy system. Off-grid systems are exempt from this requirement.
- I. Abandonment: If the solar energy system remains nonfunctional or inoperative for a continuous period of 12 months, the system shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense within 90 days. Removal includes the entire structure including transmission equipment, structures and foundations, and the restoration of soil and vegetation.

32.03 ROOF-MOUNTED COMMUNITY SOLAR ENERGY SYSTEMS

In those districts that permit Roof-Mounted Community Solar Energy Systems as an interim use, the roof-mounted community solar energy system shall be installed in compliance with the following requirements:

- A. Rooftop Installation: Community Solar Energy Systems shall be installed on a rooftop. The owner or contractor shall receive a building permit and/or mechanical permit before installing a rooftop community solar energy system. All rooftop systems shall meet the standards of the Minnesota Building Code.
- B. Placement: A rooftop community solar energy system shall be placed on the roof to limit visibility from the ground-level or adjacent residential parcels or public right-of-way and to blend into the roof design, provided that minimizing visibility still allows the owner to capture solar energy. Rooftop systems shall not exceed the maximum height in any zoning district.
- C. Pitched Roofs: On pitched roofs with a slope greater than 15%, solar panels shall be flush-mounted and shall not exceed above the peak of the roof.
- D. Glare: All solar energy systems shall minimize glare that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, selective orientation of the panels, or rooftop screening. All proposed projects shall conduct and submit a glare study to identify potential impacts and mitigation strategies. To complete this glare study, the applicant can use the Solar Glare Hazard Analysis Tool (SGHAT). Once installed, if the solar energy system creates glare onto neighboring properties and/or streets and highways and the City determines that such glare constitutes a nuisance, the City shall require a more detailed glare study - prepared by a third-party consultant mutually acceptable to the City and applicant -

to identify additional actions and/or screening that may be required to substantially eliminate or block the glare from entering the neighboring property and/or street and highway.

32.04 GROUND-MOUNTED COMMUNITY SOLAR ENERGY SYSTEM

- A. Use: A ground mounted community solar system, as an accessory or a principal use, shall be allowed under an Interim Use Permit (IUP) in applicable zoning districts.
- B. Prohibitions: Ground mounted community solar energy systems are prohibited in the following areas:
 - 1. Areas that are not guided on the Future Land Use Map as Agricultural or are located in Sections 1 or 7 through 18. Ground-mounted community solar energy systems will only be permitted in areas planned to be Agricultural on the Future Land Use Map and located in Sections 19 through 36.
 - 2. Shoreland and Floodplain Districts as designated by the Minnesota Department of Natural Resources (DNR) and the Zoning Ordinance.
 - 3. Within 600 feet of any property designated or protected from development by Federal, State or County agencies as wildlife habitat and wildlife management areas. Property designated as public parkland or park reserve shall not be subject to this setback requirement.
 - 4. Within delineated wetlands.
 - 5. Within any recorded easement - such as utility, ditch, conservation, or storm water - unless authorized in writing by the easement holder.
 - 6. Within one (1) mile of a Community Solar Energy System defined under this Chapter, it is either existing, permitted, or proposed under a pending application under review. Separation will be measured from the parcel boundary of the existing, permitted, or proposed community solar garden to the nearest parcel boundary of the proposed community solar garden.
- C. Performance Standards:
 - 1. Maximum Size and Capacity: No more than one (1) Community Solar Garden System per parcel shall be permitted, and the one (1) System or co-location of Systems shall have a maximum power capacity of one (1) megawatt AC and shall be no greater than ten (10) acres in size.
 - 2. Site Access: Any driveway or site access off a state, county or local road shall meet the requirements of this Ordinance.
 - 3. Signage; No advertising signage is allowed. Manufacturer and equipment information, warning, security, or indication of ownership signage on the site shall comply with Section 31 of the Zoning Ordinance.
 - 4. Power and Communication Lines: All on-site power and communication lines running between banks of solar panels and buildings, and all off-site lines running between the solar energy system to electric substations or interconnections, shall be buried underground. Exemptions may be granted at the sole discretion of the City Council in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

5. Waste Disposal: Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal regulations.
6. Stormwater Management and Erosion Control: Systems shall meet the requirements for stormwater management and erosion and sediment control as per city ordinances.
7. Interconnection: The owner, developer or operator of the Community Solar Energy System must submit an executed interconnection agreement with the electric utility in whose service territory the system is located prior to the City issuing any building permits associated with the System. Off-grid systems are exempt from this requirement. The interconnections shall require no more than two (2) utility poles and a ground utility cabinet or three (3) utility poles total.
8. Decommissioning Plan: A decommissioning plan shall be required to ensure that facilities are removed after their useful life and that the site is properly restored. Decommissioning of solar panels must occur if they are not in use for twelve consecutive months. The plan shall include provisions for removal of all structures and foundations, removal of all wire and all foreign material, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The city will require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning, equal to 125% of the estimated amount of the cost to decommission and restore the site.
9. Noise: All Community Solar Energy Systems shall comply with Minnesota Rules 7030 governing noise.
10. Electrical Codes and Standards: All Community Solar Energy Systems and accessory equipment shall comply with the National Electrical Code and other applicable standards. Photovoltaic solar energy system components must have an Underwriters Laboratory (UL) listing or other third-party certification provided by an American National Standards Institute accredited organization.
11. Minnesota State Building Code: All Community Solar Energy System structures shall comply with the International Building Code as adopted by the State of Minnesota Building Code.
12. Maximum Height: Ground mounted systems shall not exceed fifteen (15) feet in height at maximum design tilt.
13. Glare: All solar energy systems shall minimize glare that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, selective orientation of the panels, or site screening, berming, or buffering. All proposed projects shall conduct and submit a glare study to identify potential impacts and mitigation strategies. To complete this glare study, the applicant can use the Solar Glare Hazard Analysis Tool (SGHAT). Once installed, if the solar energy system creates glare onto neighboring properties and/or streets and highways and the City determines that such glare constitutes a nuisance, the City shall require a more detailed glare study - prepared by a third-party consultant mutually acceptable to the City and applicant - to identify additional actions and/or screening that may be required to substantially

eliminate or block the glare from entering the neighboring property and/or street and highway.

14. Setbacks: All equipment and structures shall meet the front, side, and rear yard setbacks for principal structures for the zoning district in which the system is located.
15. Security Fencing: All boundary line fencing shall be located entirely upon the property of the System. Fences shall consist of open fencing such as chain link or barbed wire. Fences shall not exceed eight (8) feet in height, which includes barbed wire toppings.
16. Screening: A berm (2:1 maximum slope with supplemental plant materials including trees, shrubs, and groundcovers) and/or a continuous evergreen vegetative buffer shall be provided and maintained at all times around the perimeter of the fencing that faces (a.) public road right-of-way, b.) an existing home not on the subject parcel, or c.) residentially zoned or platted property. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at time of planting shall be a minimum of four (4) feet in height and which shall be maintained at maturity at a height of eight (8) feet in height to screen the fence.

D. Submittal Requirements:

1. The names of project applicants.
2. The name of the project owner.
3. The legal description and address of the project.
4. Documentation of land ownership or legal control of the property.
5. A description of the project including ownership or lease arrangement, the proposed installed maximum capacity, in kilowatts, for the site, proposed type of mounting and racking systems, along with manufacturer's specification or engineering designs for mounting and racking the method of connecting the system to the electric load; the types of panels that will be installed.
6. Site Plan, drawn to scale, including:
 - a. Existing and proposed structures;
 - b. Property lines;
 - c. Existing and proposed fencing;
 - d. Surface water drainage patterns;
 - e. The location of public and private tile drainage systems;
 - f. Floodplains;
 - g. Wetlands;
 - h. Shore land zones;
 - i. Topography at two (two) foot intervals, and bluffs;
 - j. The location, size and spacing of solar panels;
 - k. The location of existing and proposed access roads;
 - l. The location of underground or overhead electric line connections;
 - m. Existing easements on the property;
 - n. In-use wells and sewage treatment systems;
 - o. Abandoned wells, sewage treatment sites and dumpsites; and,
 - p. All other characteristics requested by the City.

7. Existing vegetation (list type and percentage of coverage) and soils information for the proposed site.
8. Landscape and Screening Plan prepared by a licensed landscape architect and include a narrative describing the overarching landscape architecture elements and how the design and placement of plant types and materials will complement the form and function of the developed site and blend into the surrounding environment.
9. Erosion/Sediment Control Plan or Resource Management Plan, if required. Include details on any proposed native grasses or plantings on the site.
10. Glare Study, if required.
11. Copy of the interconnection agreement with the local electric utility.
12. Decommissioning Plan.

Section 33 - Mining and Extractive Uses

Subdivision

33.01: Purpose

33.02: Scope

33.03 Administration

33.04 Application Requirements

33.05 Performance Standards

33.06 Land Reclamation

33.01 PURPOSE

The purpose of this Section is to control mining operations to minimize conflicts with adjacent land uses and to ensure that the mining area is reclaimed with a use compatible with the Comprehensive Land Use Plan and completely restored at the completion of the mining operation.

33.02 SCOPE

- A. The operations covered by this Section shall be the mining, crushing, washing, refining, or processing of sand, gravel, rock, black dirt, peat, and soil and the removal thereof from the site.
- B. For the purposes of this Section, mining shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved grading plans, plats, utility or highway construction, agricultural improvements within the property, sod removal and minor wetland impacts under 20,000 square feet of cumulative impacts (previous and proposed) that have received an approved "no loss" or "exemption" determination from the local government unit administering the Wetland Conservation Act, excavations of less than 100 square feet in area or one foot in depth, and excavations of 5,000 cubic yards of material or less.
- C. For mining operations that will last only one season, such as for road projects, the City may issue a temporary mining permit. Such a permit may include the placement of a bituminous hot mix plant and other accessory equipment. Said permits shall only apply if the mining site is to be opened, closed and reclaimed within one year. The Zoning Administrator may waive some of the information required by division D. below in the case of a temporary mining permit. A temporary mining permit shall be administered as an interim use permit, and the Council may elect to not require certain performance standards required in this Section as conditions due to the temporary nature of the operations.

33.03 ADMINISTRATION

- A. Permit Review: An interim use permit shall be required for all mining operations. The City Council may also require a financial guarantee in a form acceptable to the City from the landowner to ensure that the conditions in this Section are met.
- B. Portable asphalt and concrete mixing/batching plants are not allowed as an accessory use to a mining operation.
- C. Asphalt and concrete recycling facilities may be allowed under a separate Interim Use Permit subject to conditions including, but not limited to, the following:

As approved November 12, 2024 and amended through September 2026

1. The Interim Use Permit for asphalt and concrete recycling facilities may only be issued as an accessory use to an Interim Use Permit for mining operations.
2. A financial surety in a form acceptable to the City is established to ensure the removal of stockpiled recycled material. The amount of the financial surety shall be established by the City based on the volume of material approved in the IUP to be stored on-site.
3. Processing of recycled material shall be done in compliance with paragraph D of this Section.
4. The maximum volume of material that either has been or will be recycled on the site shall not exceed 50,000 cubic yards at any one time.
5. The mine site shall have direct access to a County Road if an IUP for asphalt and concrete recycling is granted. For these types of operations, no haul routes shall use City roads.
 - a. Annual Certificate of Permit Compliance. As a condition of any mining interim use permit, the property owner and/or applicant shall annually submit graphic and/or narrative information on the mining operation demonstrating compliance with the approved interim use permit, progress on reclamation plans, and related conditions. Said compliance information shall be submitted by February 28th of each year. The Zoning Administrator shall review the compliance information and conduct a field inspection to certify that the mining operation is in compliance with the approved interim use permit and the financial surety are adequate to complete the restoration. The certification shall be completed before mining begins. Failure to submit the annual compliance information or violations of the interim use permit may be grounds for revocation of the interim use permit.

33.04 APPLICATION REQUIREMENTS

- A. The following information shall be provided by the person or agency requesting the interim use permit. All plans shall be prepared and signed by a licensed professional engineer.
 1. Name and address of all applicants, operator, and landowners. All these persons or entities must also sign the application form.
 2. The legal property description and acreage of area to be mined.
 3. The following plans of the entire site and including all areas within three hundred fifty (350) feet of the site. All plans shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below.

Plan A - Existing conditions to include:

 - a. Contour map (two (2) foot intervals).
 - b. Existing vegetation.
 - c. Wetland delineation or no loss determination.
 - d. Existing surface water drainage patterns.
 - e. Existing structures.
 - f. Existing wells.
 - g. Observed or estimated groundwater elevation in reference to a permanent benchmark established in an area within the proposed site but not disturbed by the mining operation.
 - h. Legal property boundary.

Plan B - Proposed Operations to include:

- a. Structures to be erected.
- b. Location of sites to be mined showing depth of proposed excavation.
- c. Location of machinery to be used in the mining operation.
- d. Location of storage of mined materials, showing maximum height of storage deposits.
- e. Location of vehicle parking, access roads and local routes to truck routes.
- f. Mine staging/sequencing plan to show progression of excavation.

Plan C - End Use Plan to include:

- a. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
 - b. Location and species of vegetation to be replanted.
 - c. Reclamation staging plan.
 - d. Proposed land use and development plan.
4. A plan for dust and noise control.
 5. A narrative of the proposed mine operations including a complete description of the proposed operation to include the type of material to be excavated, mode of operation and processing, site dewatering, operational hours/days/months, estimate of the annual total volume of material to be removed, estimated site life or mine reserves in years, anticipated types of equipment to be used on site, mode of transportation of product, an estimate of the daily and peak daily number of vehicles accessing the facility, estimate of duration of the mining operation, phasing, and approximate acreage of each phase, a time schedule for reclamation and any other pertinent information to explain the request in detail.
 6. A description of haul routes to be utilized in the operation of the facility including a map showing access routes between the property and the nearest arterial road.
 7. Hydrology report, unless waived by the city.
 8. A plan for groundwater quality protection shall be submitted with the application. The plan shall include a minimum of 3 borings showing depth to groundwater. If ground water is not encountered at a depth of 10 feet below the bottom of the pit floor, the applicant need not extend the boring any further.
 9. A description of site screening, landscaping, and security fencing.
 10. Written, signed and notarized agreement allowing the City and/or its assigns to enter the land at any time for the purpose of (1) determining compliance with all applicable conditions imposed on the operation, (2) carrying out activities covered by performance bond/other financial guarantees in the event the property owner/applicant does not comply with standards herein providing the City has sent a written warning to the property owner/applicant at the address included in the permit application or (3) providing emergency assistance.
 11. Any other information requested by the city.

33.05 PERFORMANCE STANDARDS

A. For mining operations approved or amended after the date of adoption of this Ordinance:

1. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a neat appearance and to minimize seeding on adjacent property.
2. Mining and extraction operations shall be constructed, maintained, and operated to minimize, as far as practical, noise, dust, odor, and vibrations adversely affecting the surrounding property.
3. The mining operation shall be conducted and ended to minimize interference with the surface water drainage outside of the mining operation's boundaries.
4. Safety fencing may be required around all or portions of the mining operation at the City's discretion.
5. Haul Roads: Haul roads shall have direct access to public 10-ton roads. The location of the intersection of haul roads with any public roads shall be selected such that traffic on the haul roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety as determined by the City Engineer. All haul roads from mining operations to public highways, roads or streets shall be paved or otherwise maintained to control dust. The intersection of mining access roads and public rights-of-way shall always remain free of mining/extractive debris, sand, dirt, gravel, etc.
6. Haul Routes: Haul routes on city roads shall be identified and shall be in a manner that provides the closest proximity from a haul road to the nearest county or state road. The city road designated as the haul route must be constructed as 10-ton roads. If a road does not meet these requirements, the project proposer shall upgrade the roads at their sole expense.
7. Screening Barrier: To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be required between the mining site and adjacent properties. A screening barrier shall also be required between the mining site and any public road located within five hundred (500) feet of any mining, stockpiling, or processing operation. A viewshed analysis shall be submitted with the application including the development of a model of site-specific conditions such as topography, vegetation, equipment, stockpiles, and proposed site structures. Key view areas shall be represented through drawings, photos, cross-sections, or other imaging methods. The screening barrier shall consist of berms of heights documented through the viewshed analysis to provide screening. In addition, vegetative screening may also be used to supplement the screening, which if used shall be planted with a species of fast-growing trees. The tree species must be approved by the Zoning Administrator.
8. Operators shall utilize all practical means to reduce the amount of dust caused by the operation. In no case shall the amount of dust or other particulate matter exceed the standards established by the Minnesota Pollution Control Agency.
9. Setback:
 - a. Processing of minerals including recycled materials shall not be conducted closer than two hundred fifty (250) feet to the property line, nor closer than five

- hundred (500) feet to any residential or commercial structures on adjacent properties.
- b. Mining operations shall not be conducted closer than two hundred (200) feet to the property lines shared with any residence or residential zoning district boundary existing on the approval date of the mining interim use permit.
 - c. Mining operations shall not be conducted closer than one hundred (100) feet to any property line, or within one hundred feet (100) feet of the right-of-way line of any existing or platted street, road or highway, except that the City Council may permit excavating to be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway engineering plans. Side slopes of the mining operation shall conform with the site plan.
 - d. The installation of berms and landscaping are permitted within these setbacks.
10. Appearance: All buildings, structures and equipment shall be maintained in such a manner as is practical and according to acceptable industrial practice to assure that such buildings, structures, and equipment will not become dilapidated.
11. Hours of Operation: All mining operations shall only be conducted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays or 7:00 a.m. and 2:00 p.m. on Saturdays, unless additional operating hours are granted by the City Council at their discretion in the IUP. Hours and days of operation may further be restricted via conditions of approval on an individual project basis.
12. Mining Operations Within the Shoreland District: Mining and processing operations shall not be in the shoreland district.
13. Mining Operations Within the Floodplain or Floodway: Mining and processing operations shall not be in the floodplain or floodway.
14. Mining Operations Near Water Table: No less than ten (10) feet of separation shall be maintained between the lowest grade mining at which mining is permitted and the water table. The exception to this is that up to 20% of the site may be mined within the water table and at less than 10 feet separation if this is approved as part of the Interim Use Permit and follows the approved reclamation plan for the site.
15. Blasting/Explosives: Blasting is prohibited.
16. Noise: The operator shall exercise its best efforts to control noise to minimum practical levels. Backup horns, bells, strobe lights, and other warning devices shall be adjusted to the minimum level required by law. Operator shall use broadband or white noise backup alarms on all its mobile equipment.
17. Term of Permit: The IUP shall be issued for a term not to exceed 10 years. The operator may apply for a new IUP not more than eighteen (18) months prior to the expiration of the original IUP and shall supply all information required for a new IUP for mining as required by the ordinances in effect at the time that the extension is requested. The operator may, however, apply at any time for an amendment to an existing IUP in relation to any plan or condition modification except for the expiration date of the IUP.

33.06 LAND RECLAMATION

A. All mining sites shall be reclaimed immediately after mining operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

1. Within a period of three (3) months after the final termination of a mining operation, or within three (3) months after the abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. An extension may be granted for those buildings, structures, machinery, and plants required to process previously mined materials stored on the site. Security acceptable to the City shall be required. Such an extension may apply for only one (1) year, after which said buildings, structures, machinery, and plants shall be removed.
2. No part of the reclamation area planned for uses other than open space shall be at an elevation lower than the minimum required for gravity connection to sanitary and storm sewer. Provision for surface water run-off shall be made. All property shall be graded to properly drain. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed twenty (20) percent grade.
3. Reclamation shall begin after the mining of twenty-five percent (25%) of the total area to be mined or twenty (20) acres, whichever is less. Alternatively, a different phasing to reclamation may be proposed in the application which if approved by the City Council will be incorporated into the IUP. Once these areas are depleted of the aggregate deposit, they shall be sloped and seeded in compliance with the end use plan.
4. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded, or planted. Such planting shall adequately retard soil erosion.
5. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and shall be consistent with the end use plan.

Section 34 – Short Term Rental

Subdivision

34.01: Duration

34.02 Performance Standards

34.03 License Requirement

34.01 DURATION

- A. No stay at a Vacation/Short-Term Rental may be longer than 30 days.

34.02 PERFORMANCE STANDARDS

- A. A Vacation/Short Term Rental shall be subject to the administrative requirements of Section 3.02 (LAND USE AND AMENDMENT PROCESSES AND PROCEDURES) of this and the following performance standards:
 - 1. Submittal of an application signed by the property owner and including the following:
 - 2. Current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria;
 - 3. A compliance inspection of the existing sub-surface sewage treatment system;
 - 4. A to-scale drawing of the location and dimensions of the structure intended for licensing and all associated accessory structures, parking areas, shore recreation facilities, and sewage treatment systems; surveillance cameras;
 - 5. Documentation from the local fire department that the property can be served in the event of an emergency;
 - 6. Documentation that the property lines have been staked by a land surveyor currently licensed in the State of Minnesota;
- B. The overnight occupancy of a Vacation/Short Term Rental shall be limited to no more than what Stearns County Lodging Ordinance Number 661 allows per bedroom plus two additional persons per building; or no more than one (1) person for every seventy-five (75) gallons of water per day that the building's sub-surface sewage treatment system is designed to handle, whichever is less. For this Section, overnight shall mean ten (10) pm to seven (7) am, central time.
- C. The daytime occupancy of a Vacation/Short Term Rental shall be limited to one and a half (1 ½) times the overnight capacity or parking capacity of three people per vehicle, whichever is less. For purposes of this Section, daytime shall mean seven (7) am to ten (10) pm central time.
- D. Parking shall meet the requirements of Section 20 of this Ordinance. Designated parking areas shall be off-street parking.
- E. The Vacation/Short Term Rental shall be connected to an approved subsurface sewage treatment system certified at each permit/registration cycle unless there is a valid certificate of compliance. The sub-surface sewage treatment system shall be designed and constructed with a design flow of seventy-five (75) gallons of water per person per day to handle the maximum number of guests for which the facility is permitted. The subsurface sewage treatment system shall include a flow measurement device. Flow measurement readings and monitoring of the sub-surface sewage treatment system shall be recorded monthly, and records shall be made available to the Department upon request. Holding tanks for Vacation/Short Term Rental units shall be prohibited.
- F. Rental of recreational vehicles shall not be allowed.

- G. The Planning Commissioner or City Council may impose conditions that will reduce the impact of the proposed use on neighboring properties and nearby water bodies. Said conditions may include a fence or vegetative screening along a property line or a native buffer along the shoreline.
- H. The owners or designated emergency contact of Vacation/Short-Term Rentals shall ensure that Minnesota Rules, chapter 7030, noise standards are met.
- I. The owners of Vacation/Short Term Rentals shall, at a minimum, comply with Minnesota Statutes, chapter 504B and make available to all tenants the Minnesota Attorney General's annual statement summarizing the significant legal rights and obligations of landlords and residential tenants, as described in Minnesota Statutes, section 504B.275.
- J. The licensee shall keep a report detailing the use of the home by recording, at a minimum, the name, address, phone number, and vehicle license number of all guests using the property. A copy of the report shall be provided to the Department upon request.
- K. No more than two vacation/Short-term Rentals will be allowed on a parcel.
- L. Vacation/Short Term Rentals advertising without a permit/registration pursuant to this Ordinance shall be deemed a violation and is subject to the Enforcement provisions of Section 12 of this Ordinance.
- M. Vacation/Short-Term Rentals meeting all ordinance provisions will be considered based on the following cycles, provided there are no documented violations. Vacation/Short-Term Rentals initially permitted prior to 1/1/2023 will be given credit for the years operated regardless of the number of requests made, provided there are no documented violations.
 - 1. Initial request: two (2) years from issuance of lodging license
 - 2. Second request: three (3) years from issuance of lodging license
 - 3. Third and subsequent requests: five (5) years from issuance of lodging license
- N. The city will notify the owner if a violation of the permit/registration or Ordinance is documented. One written warning per permit/registration cycle will be issued before the revocation process outlined in Section 3.09 of this Ordinance.
- O. The owner or emergency contact of Vacation/Short-Term Rentals must enforce quiet hours from ten (10) p.m. to seven (7) a.m.
- P. An emergency contact shall be available twenty-four (24) hours a day, seven (7) days a week, and respond within thirty (30) minutes. Property contact information shall be accessible on the Stearns County website.
- Q. A minimum of two outdoor cameras equipped with high-definition video and sound must be installed in locations determined by the Department. Data must be stored for at least 30 days and provided to the Department upon request.
- R. Post a sign in letters no less than four inches in height stating, "SWIM AT YOUR OWN RISK." At the water edge or on a dock, one (1) United States Coast Guard-approved Type IV throwable personal flotation device shall be conspicuously displayed on a booth/stall and available for emergency response. The flotation device shall be serviced and maintained in accordance with the manufacturer's recommendations.

34.03 LICENSE REQUIRED

The city shall license a Vacation/Private Home Rental and shall meet the requirements of Stearns County Lodging Ordinance Number 661

SECTION 35-43. Reserved

Section 44 - General Zoning District Provisions

Subdivision

44.01 Establishment of Districts

44.02 Zoning District Boundaries

44.03 Zoning Map

44.04 Table of Uses

44.05 Uses Not Listed in the Table of Uses

44.01 ESTABLISHMENT OF DISTRICTS

In order to classify, regulate, and restrict the location of trade and industry and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards, recreation and open space within and surrounding such buildings, St. Augusta is hereby divided into the following zoning districts.

- A. Rural Character Districts:
 - 1. A-1, General Agricultural District.
 - 2. R-R, Rural Residential District
- B. Residential Districts:
 - 1. R-1, Single Family Residential District
 - 2. R-2, Medium Density Residential District
- C. Commercial Districts:
 - 1. B-1, Neighborhood Commercial District
 - 2. B-2, Highway Commercial District
- D. Industrial Districts:
 - 1. I-1, Industrial District
- E. Special Districts
 - 1. P/I, Public/Institutional District
 - 2. PUD, Planned Unit Development District
 - 3. S, Shoreland Overlay District

44.02 ZONING DISTRICT BOUNDARIES

Zoning district boundary lines established by this Ordinance generally follow lot lines, the centerlines of railroad right-of-way lines, street rights-of-way, water courses, or the corporate limit lines, all as they exist upon the effective date of this Ordinance.

- A. Appeals concerning the exact location of a zoning district boundary line shall be heard by the City Council serving as the Board of Adjustment and Appeals pursuant to Section 8 of this Ordinance.

- B. Whenever any street, alley, or other public way is vacated by official action of the City, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- C. All streets, alleys, public ways, and railroad rights-of-way, if not specifically designated, shall be deemed in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, streets, public ways, or railroad rights-of-way. Where the center line of a street, alley, public way, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.
- D. All areas within the corporate limits of the City that are underwater and not shown as included within any zone shall be subject to all zone regulations that immediately adjoin such water area. If such water area adjoins two or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the halfway point and/or to the corporation limits.

44.03 ZONING MAP

The location and boundaries of the districts established by this text are hereby set forth on the Zoning Map entitled "Zoning Map of St. Augusta." Said map shall be on file with the Zoning Administrator and hereinafter referred to as the "Zoning Map." Said map and all the notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

44.04 TABLE OF USES

The following permitted, conditional, and not permitted uses in St. Augusta are hereby set forth in the table below, organized by land use district. Said table and all the notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

Key P = Permitted IUP : = Interim Use Permit AP : = Administrative Permit C = Conditional Use Permit "- " = Not Permitted ¹	Residential			Commercial		Agriculture	Industrial	Public /Institutional
	R-R	R-1	R-2	B-1	B-2	AG-1	I-1	INS
Residential								
Accessory Dwelling Unit	P	P	P	-	-	-	-	-
Home Occupation	P	P	P	-	-	P	-	-
Home Extended Business	IUP	IUP	IUP			IUP		

¹ *Any uses not listed that are similar to uses contained in this table will be processed in the manner deemed most fitting by the Zoning Official.

Key P = Permitted IUP: = Interim Use Permit AP: = Administrative Permit C = Conditional Use Permit “-” = Not Permitted ¹								
	Residential			Commercial		Agriculture	Industrial	Public /Institutional
Use Type	R-R	R-1	R-2	B-1	B-2	AG-1	I-1	INS
In-home daycare (serving up to 12 persons)	P	P	P	-	-	P	-	-
Manufactured Home Parks	-	C	C	-	-		-	-
Multi-family attached (5+ Units)	-	-	P	-	-	-	-	-
Mixed-use building, including residential uses not on the main floor	-	-	C	C	C	-	-	-
Mobile Homes	-	-	-	-	-	IUP	-	-
Model Homes	AP	AP	AP	-	-	-	-	-
Residential facilities (<6 persons)	P	P	P			P	-	-
Residential facilities (>6 person)	-	-	C	-	-	-	-	-
Short-Term Rentals	P	P	P	-	-	P	-	-
Single Family, Attached Duplex, Triplex and Quadplex	-	C	P	-	-	-	-	-
Single Family, Detached	P	P	P	-	-	P	-	-
Accessory Uses								
Accessory Structure	P	P	P	P	P	P	P	P
Commercial Accessory Structure	-	-	-	C	C	-	C	-
Ground Mounted Solar energy systems and structures.	-	-	-	C	C	IUP	-	-
Off-street parking	P	P	P	P	P	P	P	P
Outdoor storage of equipment and materials, Industrial					C		C	
Outdoor Storage, Private	C			C	C	P	P	P
Personal wireless service towers not attached to a building	C	C	C	C	C	C	C	C
Private recreational vehicles and equipment.	P	P	P	-	-	P	-	-
Private accessory recreational facilities	P	P	P	-	-	P	-	-
Roof Mounted, Building Mounted Solar Energy System	P	P	P	P	P	P	P	P
Temporary Outdoor Storage Containers	P	-	-	-	IUP	P	-	-
Telecommunication towers	-	-	-	C	C	-	C	-
Agricultural Uses								
Agrotourism						C		
Agricultural building	-	-	-	-	-	P	-	-
Commercial riding stables	-	-	-	-	-	C	-	-
Cropland and pasture (>10 acres)	-	-	-	-	-	P	-	-

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Key P = Permitted IUP: = Interim Use Permit AP: = Administrative Permit C = Conditional Use Permit “-” = Not Permitted ¹								
	Residential			Commercial		Agriculture	Industrial	Public /Institutional
Use Type	R-R	R-1	R-2	B-1	B-2	AG-1	I-1	INS
Farms/Farm animals when a lot is greater than 5 acres in area	IUP	IUP	IUP	-	-	P	-	-
Feedlots	-	-	-	-	-	C	-	-
Forestry/Tree Farms	-	-	-	-	-	P	-	-
Game Farms/Refuges	-	-	-	-	-	P	-	-
Greenhouses (for growing, landscape gardening)	-	-	-	-	-	P	-	-
Hobby Farms	-	-	-	-	-	P	-	-
Mining / Extractive use	-	-	-	-	-	IUP	-	-
Wildlife Areas	-	-	-	-	-	P	-	-
Commercial Uses								
Animal hospitals, veterinary clinics,	-	-	-	P	P	C	P	-
Kennels						C	C	
Automobile Accessory Store (not including Service)	-	-	-	P	P	-	-	-
Automobile washes (drive-through, mechanical, and self-service),	-	-	-	-	C	-	-	-
Banks, other financial institutions, including drive-up tellers	-	-	-	P	P	-	-	-
Building supply sales within the principal structure	-	-	-	P	P	-	-	-
Cabinet and carpentry shops	-	-	-	-	P	-	-	-
Cannabis Cultivator	-	-	-	-	-	-	IUP	-
Cannabis Delivery Service	-	-	-	IUP	IUP	-	IUP	-
Cannabis Event	-	-	-	IUP	IUP	-	IUP	-
Cannabis Manufacturer	-	-	-	-	-	-	IUP	-
Cannabis Mezzobusiness	-	-	-	-	-	-	IUP	-
Cannabis Microbusiness	-	-	-	-	-	-	IUP	-
Cannabis Retailer	-	-	-	IUP	IUP	-	IUP	-
Cannabis Testing Facility	-	-	-	-	-	-	IUP	-
Cannabis Transporter	-	-	-	-	-	-	IUP	-
Cannabis Wholesaler	-	-	-	-	-	-	IUP	-
Commercial daycare facilities	-	-	-	C	C	-	-	P
Commercial laundry facilities	-	-	-	-	P	-	-	-
Commercial storage facilities	-	-	-	-	P	-	P	-
Contractor offices	-	-	-	C	P	IUP	P	-
Convenience Stores with gas, gas stations	-	-	-	C	C	-	-	-

As approved November 12, 2024 and amended through September 2026

Key P = Permitted IUP: = Interim Use Permit AP: = Administrative Permit C = Conditional Use Permit “-” = Not Permitted ¹								
	Residential			Commercial		Agriculture	Industrial	Public /Institutional
Use Type	R-R	R-1	R-2	B-1	B-2	AG-1	I-1	INS
Entertainment Venue (indoor/outdoor)	-	-	-	P	P	C	-	C
Funeral homes, mortuaries	-	-	-	P	P	-	-	C
Grocery stores, Supermarkets, and convenience stores without gas	-	-	-	P	P	-	-	-
Hotels or motels	-	-	-	C	P	-	-	-
Liquor, on and off-sale.	-	-	-	C	p	-	-	-
Light Manufacturing, Lower-Potency Hemp Edible	-	-	-	-	-	-	IUP	-
Lower-Potency Hemp Manufacturer	-	-	-	-	-	-	IUP	-
Medical, dental, and chiropractic offices and clinics	-	-	-	P	P	-	-	C
Motor vehicle, farm implements, and recreation equipment sales, services, and repair	-	-	-	C	C	C	-	-
Nurseries, greenhouses (commercial)	-	-	-	P	P	P	-	-
Offices, commercial and professional.	-	-	-	P	P	-	-	-
Restaurants (including the drive-in, convenience, or drive-through type), cafes, on and off-sale liquor.	-	-	-	C	P	-	-	-
Retail Stores/Services				P	P			
Sexually oriented use.	-	-	-			-	C	-
Temporary roadside stands	-	-	-	P	P	P	-	-
Industrial Uses								
Automobile and truck repair – major and minor (including body shops)	-	-	-	P	P	C	P	-
Bakeries, wholesale	-	-	-	-	-	-	P	-
Heavy manufacturing and assembly.	-	-	-	-	C	-	P	.-
Light manufacturing and Assembly	-	-	-	-	C	-	P	-
Outdoor service, sales, and rentals	-	-	-	-	C	-	C	
Outdoor storage	-	-	-		C	-	C	-
Radio and television studios	-	-	-	-	C	-	C	-
Research and development laboratories	-	-	-	-	C	-	P	-

Key P = Permitted IUP: = Interim Use Permit AP: = Administrative Permit C = Conditional Use Permit “-” = Not Permitted ¹								
	Residential			Commercial		Agriculture	Industrial	Public /Institutional
Use Type	R-R	R-1	R-2	B-1	B-2	AG-1	I-1	INS
Storage, utilization, or manufacture of materials that could decompose by detonation.	-	-	-	-	-	-	C	-
Trade Schools				C	C		P	-
Truck terminal, shop, and yard	-	-	-	C	C	-	P	-
Wholesale showrooms /warehousing	-	-	-	C	C	-	P	-
Waste facilities	-	-	-	-	-	-	C	-
Public/Institutional Uses								
Cemetery	-	-	-	-	-	C	-	C
Church or Places of worship & related buildings	C	-	C	-	-	-	-	P
Community centers	-	-	-	C	C	-	-	C
Correctional facilities and shelters	-	-	-	-	-	-	-	C
Essential Services	P	P	-	P	P	P	-	P
Government & public buildings (including utility buildings and structures)	C	C	C	C	C	C	C	P
Hospitals and similar institutions	-	-	-	-	-	-	-	C
Parks and historic sites	P	P	P	-	-	P	-	P
Social services or other non-directly related worship-type activities	-	-	-	-	-	-	-	C
Schools, Colleges, seminaries, and other institutions of education	-			C	C	-	-	P

44.05 USES NOT LISTED IN THE TABLE OF USES

Whenever in any zoning district, a use is neither specifically permitted nor denied, the use shall be subject to the judgment of the city administrator.

Section 45 - A-1, General Agriculture District

Subdivision

45.01 Purpose

45.02 A-1 General Agriculture District Dimensional Standards

45.01 PURPOSE

The A-1 General Agriculture District is established to preserve, promote, maintain, and enhance the use of land for commercial agricultural purposes, prevent scattered and leap-frog urbanization and non-farm growth, protect, and preserve natural resource areas, and stabilize increases in public expenditures for such public services as streets and street maintenance, police and fire protection, and schools. The A-1 District is further intended to govern and implement the Agricultural Preservation District established by the Comprehensive Plan.

45.02 A-1 DISTRICT DIMENSIONAL STANDARDS

The following requirements shall be observed in an A-1 District, subject to additional requirements, exceptions, and modifications set forth in this Ordinance.

	Lot Requirement	A-1 District	
A	Minimum area:	1.0 acre	
	Maximum area:	No limit	
B	Width:	Not less than one hundred fifty (150) feet	
	Depth:	Not less than one hundred fifty (150) feet	
C	Maximum Density:	Four (4) dwellings per forty (40) acres.	
D	Front Yard Setback*:	Distance from Right of Way Line	Street Class
		35 feet	State/Federal Highway
		35 feet	County Road
		35 feet	Local Street
		35 feet	Cul-De-Sac
	Side Yard:	Ten (10) feet.	
	Rear Yard:	Fifty (50) feet.	
E	Maximum Height:	Thirty-five (35) feet	
F	Accessory Structures	Regulated by Section 15.04 of this Ordinance.	
* Where a lot is located at the intersection of two (2) or more streets or highways that bound two (2) or more sides of the lot, no building shall project beyond the front yard setback line.			

Section 46 - R-R, Rural Residential District

Subdivision

46.01 Purpose

46.02 R-R District Dimensional Standards

46.01 PURPOSE

The purpose of the R-R Rural Residential District is to provide very low-density single-family detached dwelling units and directly related, complementary uses in areas outside of the areas planned for urban growth and shown in the Comprehensive Plan. The R-R district is also applied to areas that have already been developed as residential homes on large lots,

46.02 R-R DISTRICT DIMENSIONAL STANDARDS

The following minimum requirements shall be observed in the R-R District subject to additional requirements, exceptions, and modifications outlined in this Ordinance.

	Lot Requirement	R-R District	
A	Minimum area:	1.0 acre	
	Maximum area:	Ten (10) acres	
B	Width:	Not less than one hundred fifty (150) feet	
	Depth:	Not less than one hundred (100) feet	
C	Maximum Density:	One (1) dwelling unit per two-and-one-half acre	
D	Front Yard Setback*:	Distance from Right of Way Line	Street Class
		35 feet	State/Federal Highway
		35 feet	County Road
		35 feet	Local Street
		35 feet	Cul-De-Sac
	Side Yard:	Ten (10) feet.	
	Rear Yard:	Twenty (20) feet.	
E	Maximum Height:	Thirty-five (35) feet	
F	Impermeable Surface Maximum:	Thirty Percent (30%) unless within the shoreland overlay	
G	Accessory Structure Height and Setbacks:	Regulated by Section 15.04 of this Ordinance.	
		*Where a lot is located at the intersection of two (2) or more streets or highways that bound two (2) or more sides of the lot, no building shall project beyond the front yard setback line.	

Section 47 - R-1, Urban Residential District

Subdivision

47.01 Purpose

47.02 R-1 District Dimensional Standards

47.03 Water and Sewer Service

47.01 PURPOSE

The purpose of the R-1, Single Family Residential District, is to provide for single-family and two-family dwelling units and directly related, complementary uses at a relatively dense urban scale upon the availability of public sanitary sewer service.

47.02 R-1 DISTRICT DIMENSIONAL STANDARDS

The following minimum requirements shall be observed in the R-1 District subject to additional requirements, exceptions, and modifications outlined in this Ordinance.

	Lot Requirement	R-1 District	
A	Minimum area:	Fifteen thousand (15,000) square feet.	
	Maximum area:	1.0 acre	
B	Width:	Not less than seventy-five (75) feet.	
	Depth:	Not less than one hundred (100) feet	
C	Maximum Density:		
E	Front Yard Setback*:	Distance from Right of Way Line	Street Class
		35 feet	State/Federal Highway
		35 feet	County Road
		35 feet	Local Street
		35 feet	Cul-De-Sac
	Side Yard:	Ten (10) feet.	
	Rear Yard:	Twenty (20) feet.	
F	Buffer Yard:	The side or rear yard setback shall be: Thirty-five (35) feet if abutting an existing business district. Fifty (50) feet if abutting an existing industrial district.	
G	Maximum Height:	Thirty-five (35) feet	
H	Impermeable Surface Maximum:	Thirty Percent (30%) unless within the shoreland overlay	
I	Accessory Structure Height and Setbacks:	Regulated by Section 15.04 of this Ordinance.	
		*Where a lot is located at the intersection of two (2) or more streets or highways that bound two (2) or more sides of the lot, no building shall project beyond the front yard setback line.	

47.03 WATER AND SEWER SERVICE

Each parcel shall be connected to public water and sanitary sewer systems.

Section 48 - R-2, Medium Density Residential District

Subdivision

48.01 Purpose

48.02 Lot Area and Setback Requirements

48.03 Schedule of Allowances

48.01 PURPOSE

The purpose of the R-2 Medium Density Residential District is to provide moderate housing density through the mixture of dwellings and directly related complementary uses. The allowance for such uses and the establishment of the district depend upon the availability of publicly controlled sanitary sewer service and are only within portions of the city planned for urban growth as shown in the Comprehensive Plan.

48.02 LOT AREA AND SETBACK REQUIREMENTS

Lot Requirement		R-2 District	
A	Minimum area:	Single Family:	Minimum Lot Area: Nine thousand (9,000) square feet
		Two Family:	Minimum Lot Area Per Dwelling Unit: Seven thousand five hundred (7,500) square feet. Minimum Total Lot Area: Fourteen thousand (14,000) square feet.
		Townhouses, Quadrominiums, Manor Homes:	Minimum Lot Area Per Dwelling Unit: Five thousand (5,000) square feet Minimum Total Lot Area: Twenty thousand (20,000) square feet
		Multiple Family Dwellings:	Minimum Lot Area Per Dwelling Unit: Two thousand five hundred (2,500) square feet. Minimum Total Lot Area: Twenty thousand (20,000) square feet.
		Multiple Family Dwelling-Elderly Housing:	Minimum Lot Area Per Dwelling Unit: One thousand (1,000) square feet per unit. Minimum Total Lot Area: Forty thousand (40,000) square feet.
B	Width:	Single Family:	Minimum Lot Width: Sixty (60) feet.
	Depth:	Single Family:	Minimum Lot Depth: One hundred (100) feet.
C	Maximum Density:		
E	Front Yard Setback*:	Distance from Right of Way Line	Street Class
		35 feet	State/Federal Highway
		35 feet	County Road
		35 feet	Local Street
		35 feet	Cul-De-Sac
	Side Yard:	Ten (10) feet.	
	Rear Yard:	Twenty (20) feet.	
F	Buffer Yard:	The side or rear yard setback shall be: Thirty-five (35) feet if abutting an existing business district.	

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		Fifty (50) feet if abutting an existing industrial district.
G	Maximum Height:	Thirty-five (35) feet
H	Impermeable Surface Maximum:	Thirty Percent (30%) unless within the shoreland overlay
I	Accessory Structure Height and Setbacks:	Regulated by Section 15.04 of this Ordinance.
		*Where a lot is located at the intersection of two (2) or more streets or highways that bound two (2) or more sides of the lot, no building shall project beyond the front yard setback line.

48.03 SCHEDULE OF ALLOWANCES

Except for elderly housing, the lot areas per multiple-family dwelling units prescribed above shall be further subject to the following schedule of allowances, which shall be added to or subtracted from the minimum lot area per dwelling unit as prescribed, thereby relating density requirements to the location, use and access provided the property.

- A. For each parking space provided under the living area of a building or underground, subtract three hundred (300) square feet of minimum lot area per dwelling unit.
- B. If an adjacent site is zoned A-1, R-R, R-1, or R-2, Residential use, add three hundred (300) square feet of minimum lot area per unit for that portion of any building within two hundred (200) feet of said district.
- C. If an adjacent site is zoned for commercial, industrial, or institutional use, subtract three hundred (300) square feet of minimum lot area per unit for that portion of any building within two hundred (200) feet of said district.
- D. Add three hundred (300) square feet of minimum lot area to each unit containing bedrooms larger than two (2).
- E. The maximum allowance that may be subtracted under Section 52.08. A and C of this Ordinance shall be five hundred (500) square feet per unit.

Section 49 - B-1, Neighborhood Commercial District

Subdivision

49.01 Purpose

49.02 B-1 District Dimensional Standards

49.01 PURPOSE

The B-1 Neighborhood Commercial District aims to establish integrated neighborhood centers for convenient, limited office, retail, or service outlets that deal directly with the customer for whom the goods or services are furnished. The district is further intended to provide a transition between residential and commercial development.

49.02 B-1 District Dimensional Standards

	Lot Requirement	B-1 District Neighborhood Commercial		
A	Minimum area:	One (1) Acre		
	Maximum area:	N/A		
B	Width:	Not less than One Hundred twenty-five (125) feet		
C	Front Yard Setback*:	Setbacks From Centerline	Setbacks From Right-of -Way Lines	Street Class
		130 feet	65 feet	State/Federal Highway
		130 feet	65 feet	County Road
		65 feet	35 feet	Local Street
	Side Yard:	Fifteen (15) feet.		
	Rear Yard:	Twenty-five (25) feet.		
D	Buffer Yard:	The side or rear yard setback shall be: Thirty-five (35) feet if abutting an existing residential district.		
E	Maximum Height:	Thirty-five (35) feet		
F	Accessory Structure Height and Setbacks:	Regulated by Section 15.04 of this Ordinance.		
		*Where a lot is located at the intersection of two (2) or more streets or highways that bound two (2) or more sides of the lot, no building shall project beyond the front yard setback line.		

Section 50 - B-2, Highway Commercial District

Subdivision

50.01 Purpose

50.02 B-2 District Dimensional Standards

50.01 PURPOSE

The purpose of the B-2, Highway Commercial District is to provide for and limit the establishment of motor vehicle-oriented or dependent high-intensity commercial and service activities. Additionally, it is to establish wholesale and retail trade of large volume or bulk commercial items, as well as storage and warehousing. It is intended to be transitional. Thus, industrial uses allowed within this District shall be limited to those compatible with commercial and lower-intensity activities.

50.02 B-2 District Dimensional Standards

	Lot Requirement	B-2 District Highway Commercial		
A	Minimum area:	One (1) Acre		
	Maximum area:	N/A		
B	Width:	Two hundred (200) feet.		
C	Front Yard Setback*:	Setbacks From Centerline	Setbacks From Right-of -Way Lines	Street Class
		130 feet	65 feet	State/Federal Highway
		130 feet	65 feet	County Road
		65 feet	35 feet	Local Street
	Side Yard:	Twenty (20) feet		
	Rear Yard:	Twenty (20) feet		
D	Buffer Yard:	The side or rear yard setback shall be: Thirty-five (35) feet if abutting an existing residential district.		
E	Maximum Height:	Thirty-five (35) feet		
F	Accessory Structure Height and Setbacks:	Regulated by Section 15.04 of this Ordinance.		
		*Where a lot is located at the intersection of two (2) or more streets or highways that bound two (2) or more sides of the lot, no building shall project beyond the front yard setback line.		

Section 51 - I-1, Industrial District

Subdivision

51.01 Purpose

51.02 Lot Area Requirements and Setbacks

51.01 PURPOSE

The I-1 Industrial District intends to provide for the establishment of industrial development that can compatibly exist adjacent to lower-intensity businesses. The location of such industrial uses provides areas suitable for general industrial activities, which have adequate and convenient access to major streets and provide effective controls for “nuisance” and pollution characteristics. Further, this District intends to encourage industrial development in a compact and orderly manner consistent with the general locations shown in the Comprehensive Plan.

51.02 I-1 DISTRICT DIMENSIONAL STANDARDS

	Lot Requirement	I-1 District	
A	Minimum area:	One (1) Acre	
	Maximum area:	N/A	
B	Width:	Two hundred (200) feet.	
C	Front Yard Setback*:	Setbacks From Right-of -Way Lines	Street Class
		65 feet	State/Federal Highway
		65 feet	County Road
		35 feet	Local Street
	Side Yard:	Ten (10) feet	
	Rear Yard:	Twenty (20) feet.	
D	Buffer Yard:	The side yard or rear yard setback shall be fifty (50) feet if abutting a residential district.	
E	Maximum Height:	Thirty-five (35) feet	
F	Accessory Structure Height and Setbacks:	Regulated by Section 15.04 of this Ordinance.	
G	Maximum Site Coverage	Building and Structure: Thirty (30) percent Hard surface, including buildings and parking/driveway areas: Eighty-five (85) percent	
		*Where a lot is located at the intersection of two (2) or more streets or highways that bound two (2) or more sides of the lot, no building shall project beyond the front yard setback line.	

Section 52 - P/I – Public/Institutional District

Subdivision

52.01 Purpose

52.02 Public/Institutional District Dimensional Standards

52.01 PURPOSE

The Public/Institutional District is intended to provide a specific zoning district for facilities that serve the public. It is unique in that the primary objective of uses within this district is the provision of services, frequently on a non-profit basis, rather than selling goods or services. It is intended that uses within such a district will be compatible with adjoining developments, normally located on an arterial street or thoroughfare.

52.02 DISTRICT DIMENSIONAL STANDARDS

The following minimum requirements shall be observed in an INS District subject to additional requirements, exceptions, and modifications set forth in this Ordinance:

	Lot Requirement	B-2 District	
A	Minimum area:	Five (5) acres unless otherwise specified or reduced by conditional use permit.	
		Religious institutions	Three (3) acres
		Elementary schools	Fifteen (15) acres.
		Junior high schools	Thirty (30) acres.
		Senior high schools	Fifty (50) acres.
		Hospitals	Ten (10) acres
		Community centers	Three (3) acres
B	Front Yard Setback*:	Setbacks From Right-of -Way Lines	Street Class
		65 feet	State/Federal Highway
		65 feet	County Road
		35 feet	Local Street
		Schools, Hospitals, and Public Works Facilities	All Other Institutional Uses:
	Side Yard:	One hundred (100) feet	Fifty (50) feet.
	Rear Yard:	One hundred (100) feet	Fifty (50) feet.
D	Buffer Yard:	The side or rear yard setback shall be: Thirty-five (35) feet if abutting an existing residential district.	
E	Maximum Height:	Thirty-five (35) feet	
F	Accessory Structure Height and Setbacks:	Regulated by Section 15.04 of this Ordinance.	
		*Where a lot is located at the intersection of two (2) or more streets or highways that bound two (2) or more sides of the lot, no building shall project beyond the front yard setback line.	

Section 53 - Transition Overlay District

Subdivision

53.01 Purpose

53.02 Process

53.01 PURPOSE

The purpose of the Transition Overlay District is to identify areas that will likely be served by public water supply and waste water services. The goal is to limit development and guide any development that does occur in a manner that would allow the extension and construction of future urban services in an efficient and least disruptive manner.

53.02 USES

All permitted, permitted accessory, conditional uses, interim uses, and uses by administrative permit in the A-1 General Agricultural District.

53.03 CONDITIONS

Transition Overlay District is an interim holding zone that will regulate land uses within those portions of the city where public wastewater and water supply services will need to go to support planned development in accordance with the comprehensive plan. The future zoning classification for areas within the Transition Overlay District and the timing for any zoning map amendments to rezone property in this district will be determined by the city council upon the extension of public sanitary sewer and water services into these areas. In the meantime, agricultural and new residential development that does not exceed a maximum density of 4 units per 40 acres will be allowed in addition to other uses that are consistent with the A-1 zoning district.

Any residential development or subdivision would require going through the Planned Unit Development process, described in Section 63 to cluster homes and retain as much land as possible for natural resources, continued agricultural purposes or future development.

Section 54-62. Reserved

Section 63 - PUD, Planned Unit Development

Subdivision

63.01 Purpose

63.02 Uses

63.03 Requirements, Conditions and Standards for Approving a PUD

63.04 Development Standards

63.05 Sketch Plan

63.06 General Plan

63.07 Final Plan

63.08 PUD Evaluation

63.09 Plan Modification/Amendment of a PUD

63.10 General Requirements

63.01 PURPOSE

The purpose of the PUD, Planned Unit Development District is to provide comprehensive procedures and standards intended to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications and/or a mixture of uses. The PUD process is intended to encourage:

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
- B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects and engineers.
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography, wetlands, woodlands, and geologic features and the prevention of soil erosion which are over and above minimum standards and expectations.
- E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
- F. An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering development costs, long term maintenance expenses, and public investments.
- G. A development pattern in harmony with the objectives of the St. Augusta Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application of zoning and subdivision regulations of the City.

63.02 USES

All permitted, permitted accessory, conditional uses, interim uses, and uses by administrative permit contained in Sections 44 through 52 of this Ordinance which are consistent with the Comprehensive Plan shall be treated as potentially allowable uses within a PUD District.

63.03 REQUIREMENTS, CONDITIONS AND STANDARDS FOR APPROVING A PUD

A. General Standards:

1. Comprehensive Plan Consistency: The proposed PUD shall be consistent with the City Comprehensive Plan.
2. Common Open Space: Common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents/occupants of the PUD may be provided within the area of the PUD development.
3. Operating and Maintenance Requirements for PUD Common Open Space Facilities: Whenever common private or public open space or service facilities are provided within the PUD, the PUD shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the City Council:
 - a. Dedicated to the public, where a community-wide use is anticipated and the City Council agrees to accept the dedication.
 - b. Landlord control, where only use by tenants is anticipated.
 - c. Property owners association, provided all of the following conditions are met:
 - i. Prior to the use, occupancy, sale or the execution of contracts for sale of individual buildings, units, lots, parcels, tracts or common areas, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Minnesota Statutes 515, Article 2 and a set of floor plans such as specified by Minnesota Statutes 515, Article 2-110 shall be filed with St. Augusta. Said filing with the City is to be made prior to the filings of said declaration or document or floor plans with the recording officers of Stearns County.
 - ii. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases, or documents of conveyance affecting buildings, units, lots, parcels, or tracts shall subject said properties to the terms of said declaration.
 - iii. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to

- protect the property values of the individual owner through establishing adequate private control.
- iv. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of St. Augusta or fails to pay taxes or assessments on properties as they become due and in the event St. Augusta City incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its prorated share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.
 - v. Membership must be mandatory for each owner, and any successive buyer.
 - vi. The open space restrictions must be permanent and not for a limited period of years, unless specifically approved by the City.
- 4. Staging of Public and Common Open Space: When a PUD provides for common private or public open space, and is planned for a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
 - 5. Density: The maximum allowable density in a PUD Zoning District shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases, the negotiated standards shall be consistent with the development policies as contained in the St. Augusta Comprehensive Plan.
 - 6. Principal Buildings: No more than one (1) principal building may be constructed on each platted lot within a PUD.
 - 7. Land Use/Housing Type: A PUD which involves only one (1) land use or housing type may be allowed, provided that it is otherwise consistent with the stated purposes and objectives of this section and the Comprehensive Plan.
 - 8. Ordinance Modifications: The uniqueness of each PUD requires that specifications and standards for streets, utilities, public facilities, and the approval of land subdivisions may be subject to modifications from the City ordinances generally governing them. The City Council may therefore approve streets, utilities, public facilities, and land subdivisions which are not in strict compliance with usual specifications or ordinance requirements where it is found that such are not required in the interests of the City.
 - 9. Utilities: In any PUD, all utility installations and connections including telephone, electricity, gas, telecable, public sewer and water, private septic systems and wells shall conform to the applicable provisions of the St. Augusta Subdivision Ordinance, unless otherwise approved by the City Council.
 - 10. Streets: All streets shall conform to the design standards contained in the St. Augusta Subdivision Ordinance unless otherwise approved by the City Council.

11. Fencing/Screening/Landscaping: In any PUD, fencing, screening, and landscaping shall conform to the applicable provisions of Section 15.07 of this Ordinance.

- B. Benefit: The proposed PUD shall accomplish one or more of the objectives stated in Section 63.01 and shall not simply be for the enhanced economic gain of the applicant. It shall be the applicant's responsibility to demonstrate compliance with this requirement.

63.04 DEVELOPMENT STANDARDS

- A. Purpose: The purpose of this section is to establish standards for residential, non-residential, and mixed-use residential and non-residential PUD Zoning Districts, in addition to those standards contained elsewhere in this Ordinance for all PUD projects. All PUD projects shall be developed in accordance with the following residential area standards:
1. There shall be no minimum area requirement for a proposed PUD Zoning District.
 2. There shall be no minimum frontage on a public street required for a proposed PUD.
 3. The proposed PUD shall have municipal water and sewer available to it or shall provide approved well locations and comply with City and/or County septic system requirements.
 4. For PUD Zoning District projects, the performance standards, area requirements, and construction limitations of generally comparable conventional zoning districts shall apply to the project, except those standards to be modified, as determined by the City Council and as provided above in Section 63.03, Subd. A.1 and A.3.
 5. Off-street parking and loading facilities for a residential PUD shall be provided in accordance with Sections 20 and 21 of this Ordinance.
 - 6.

In addition to the above standards, the City Council may impose such other requirements for individual PUD Districts as are reasonable and as the City Council deems necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

63.05 SKETCH PLAN

- A. Application Procedures and Information Requirements: Prior to the filing of a formal application, the applicant shall be required to submit a sketch plan of the project to the Zoning Administrator. Such plan shall be processed according to the information requirements, standards, and procedures for preliminary site plans as established by Section 10.03.B of this Ordinance.
- B. Exemptions: At the applicant's request and upon the approval of the Zoning Administrator, minor PUD projects or projects of a noncontroversial nature may be exempt from the sketch plan process and may proceed to the general plan, as regulated by Section 63.06 of this Section.

63.06 GENERAL PLAN

- A. Application Procedure: PUD zoning applications shall be processed according to the evaluation criteria and procedures outlined in Section 10.03.C of this Ordinance.
- B. Information Requirement:

1. The information required for all PUD general plan applications shall be as specified in Section 10.06 of this Ordinance.
 2. The Zoning Administrator, Planning Commission, and/or City Council may excuse an applicant from submitting any specific item of information or document required by this section which it finds to be unnecessary to the consideration of the specific PUD being considered.
- C. Zoning Enactment: The formal establishment of the PUD District shall take place in conjunction with City Council approval of the general plan.

63.07 FINAL PLAN

After approval of a sketch plan for the PUD and approval of a general plan for all or a portion of the proposed PUD, the applicant shall submit the following material for review by the Zoning Administrator prior to issuance of a building permit(s).

- A. Proof of recording any easements and restrictive covenants prior to sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
- B. All certificates, seals and signatures required for the dedication of land and recording of documents.
- C. Final architectural working drawings of all structures.
- D. Any other plans, agreements, or specifications necessary for the Zoning Administrator to review the proposed construction. All work must be in conformance with the Minnesota State Building Code.

63.08 PUD EVALUATION

If periodic review of a PUD is included as a condition to the approval of a PUD, such a project shall be reviewed by the City Council. At such times, the City Council, at its discretion, may take additional testimony on the PUD.

63.09 PLAN MODIFICATION/AMENDMENT OF A PUD

- A. Minor Modifications/Amendment: Plan modifications/amendments qualifying as minor as defined by Section 10.07.A of this Ordinance may be processed and approved pursuant to that section.
- B. Major Modification/Amendment: The same review procedure shall be followed for a major/modification/amendment of a PUD as was followed with respect to the applicant's general plan, outlined in Section 63.06 and pursuant to Section 10.07.B of this Ordinance.

63.10 GENERAL REQUIREMENTS

- A. Records: The Zoning Administrator shall maintain a record of all PUD zones approved by the City, including information on a project's allowed uses, all pertinent project plans, any conditions imposed on a project by the City Council, and such other information as the Zoning Administrator may deem appropriate.
- B. Withdrawal of an Application: Any application under this section may be withdrawn by an applicant without prejudice at any time prior to final City Council action thereon.
- C. Platting of a PUD: In the event that a PUD is to be subdivided into lots or parcels for the purpose of separate ownership, such PUD shall be platted under the platting procedures and according to standards contained in the St. Augusta Subdivision Ordinance and the related requirements of Stearns County. The preliminary plat shall be processed in conjunction with the general plan as outlined in Section 63.06. A separate action on the final plat shall be processed before the City Council prior to the final stage of the PUD.
- D. Conveyance of Property Within a PUD: In the event that any real property within an approved PUD is conveyed in total or in part, the buyer(s) thereof shall be bound by all provisions of the PUD and the general plan for that project. However, nothing in this Ordinance shall be construed as to make such conveyed property non-conforming with regard to normal zoning standards as long as the conveyed property conforms with the approved PUD and the general plan for a project.
- E. Development Agreement: Prior to the approval of the general plan, the applicant shall enter into a development agreement as may be required for site improvements by the Subdivision Ordinance or this Ordinance for the project in question. Once approved, the development agreement shall be recorded with Stearns County and documentation of such action shall be provided to the Zoning Administrator.
- F. Issuance of Building Permits: Following approval by the City Council of a PUD general plan and recording of the PUD development contract with Stearns County, the Building Official may issue a building permit for such structures in compliance with this Ordinance.

Section 64 - Shoreland Management Overlay District

Subdivision

- 64.01: Purpose
- 64.02 District Application
- 64.03 Shoreland Classification System
- 64.04 Permitted and Conditional Uses64.05 Permitted Accessory Uses And Structures
- 64.06 Residential Density Requirements
- 64.07 Subdivision Requirements
- 64.08 Commercial And Industrial Subdivision Requirement
- 64.09 Suitable Lot Area Determination
- 64.10 Placement, Design, And Height Of Structures
- 64.11 Special Provisions
- 64.12 Vegetative Alterations
- 64.13topographic Alterations/Grading And Filling And Retaining Walls
- 64.14 Abatement Orders
- 64.15placement And Design Of Roads, Driveways, And Parking Areas
- 64.16 Stormwater Management
- 64.17 Standards For Commercial, Industrial, Public And Semipublic Uses
- 64.18 Agriculture Use Standards
- 64.19 Forest Management Standards
- 64.20 Extractive Use Standards
- 64.21 Residential Shoreland Planned Unit And Open Space Development Standards
- 64.22 Shoreland Nonconformities
- 64.23 Compliance Inspections
- 64.24 Notifications To The Department Of Natural Resources
- 64.25 Administration And Enforcement

64.01 PURPOSE

The purpose of the Shoreland Overlay District is to protect and enhance the quality of surface waters by promoting the wise utilization of public waters and related land resources. All land within Shoreland in St. Augusta is hereby designated as Shoreland Overlay District. The standards set forth in this Section shall regulate development and other activities within the Shoreland Overlay District.

64.02 DISTRICT APPLICATION

The Shoreland Overlay District shall be an overlay district. It shall be superimposed on all zoning districts, and the Shoreland Overlay District shall be the shoreland of the public water bodies as classified in Section 64.03 of this Ordinance. The standards contained in the Shoreland Overlay District shall be in addition to any other requirements set forth in this Ordinance. If the district standards are conflicting, the more restrictive standards shall apply. The boundaries of the Shoreland Overlay District are defined as follows:

- A. One thousand (1,000) feet from the ordinary high-water level of the classified lakes in Section 64.03 of this Ordinance.

- B. Three hundred (300) feet from the ordinary high-water level or the lateral extent of the floodplain when the floodplain extends beyond three hundred (300) feet from the ordinary high-water level of the classified rivers and streams in Section 64.03 of this Ordinance.

64.03 SHORELAND CLASSIFICATION SYSTEM

The public waters and public waters wetlands of St. Augusta have been classified below consistent with the criteria found in Minnesota Rules, part 6120.3000. The surface waters affected by this Ordinance and which require controlled development of their shoreland (Shoreland District) shall be shown on the official Zoning Map established by Subd. 44.03 of this Ordinance. Surface waters generally greater than ten (10) acres and given an identification number by the State of Minnesota are defined and listed below. The shoreland area for the waterbodies in defined and listed below shall be subject to the standards of the Shoreland Overlay District.

A. Classified Lakes:

1. Natural Environment: In St. Augusta, most of the lakes are classified as Natural Environmental lakes. Natural environmental lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrocks, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

No.	Name	Section(s) TWP 123, R28	Classification	Public Water Category
73-024	Unnamed	7, 18	Natural Environment	Public Water Wetland
73-025	Unnamed	16	Natural Environment	Public Water Wetland
73-026	Unnamed	32	Natural Environment	Public Water Wetland
73-027	Unnamed	34	Natural Environment	Public Water Wetland
73-028	Unnamed	35	Natural Environment	Public Water Wetland
73-492	Unnamed	19	Natural Environment	Public Water Wetland
73-530	Unnamed	25	Natural Environment	Public Water Wetland
73-529	Unnamed	29	Natural Environment	Public Water Wetland
73-482	Unnamed	30	Natural Environment	Public Water Wetland

2. Recreation Development: Recreational development lakes are generally medium sized lakes of varying depths and shapes with a variety of land form, soil, and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally orient commercial uses. Many of these have capacities for accommodating additional development and use.

No.	Name	Section(s)	Classification	Public Water Category
73-023	Beaver Lake	6, Twp 122, R28 31, Twp 123 R28	Recreation Development	Public Water Basin

- B. Tributary Streams: All tributary streams in St. Augusta are Designated Trout Streams because they are either a Designated Trout stream or feed into a Designated Trout Stream.

Watercourse Name	Kittle Number	From (T-R-S)	To (T-R-S)
Luxemburg Creek	M-073-002	123-28-30	123-28-22
Unnamed to Luxemburg Creek	M-073-002-001	123-28-29	123-28-21
Unnamed Stream (Meyers Creek)	M-073-003	123-28-33	123-28-27
Johnson Creek	M-073	122-28-8	123-27-7
Plum Creek	M-072	122-28-1	123-27-31
unnamed to Robinson Hill Creek	M-073-001-000.3	123-28-10	123-28-10
unnamed to Luxemburg Creek	M-073-002-004	123-28-30	123-28-30
unnamed to Luxemburg Creek	M-073-002-003	123-28-20	123-28-20
unnamed to Robinson Hill Creek	M-073-001-000.4	123-28-9	123-28-9
unnamed to unnamed	M-073-002-002-001	123-28-19	123-28-19
unnamed to Luxemburg Creek	M-073-002-002	123-28-19	123-28-17
unnamed to Johnson Creek	M-073-001.2	123-28-22	123-28-15
Robinson Hill Creek	M-073-001	123-28-9	123-28-15

64.04 PERMITTED AND CONDITIONAL USES

The only permitted or conditional uses allowed in the Shoreland Overlay District shall be those uses allowed as permitted or conditional in the primary zoning district.

64.05 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures in the Shoreland Overlay District shall be the same as those accessory uses and structures allowed in the primary zoning district.

64.06 RESIDENTIAL DENSITY REQUIREMENTS

The total number of single-family residential dwelling units that may be permitted on a parcel or lot shall not exceed the total number permitted under the residential density requirements of the primary zoning district or as provided in Section 64.07 of this Ordinance, whichever is more restrictive.

64.07 SUBDIVISION REQUIREMENTS

Lots in the Shoreland Overlay District shall comply with the following minimum lot area (sq.ft) and width (ft) requirements:

A. Unsewered

	Type	Area (sq.ft.)	Width (ft.)
1. Natural Environmental Lakes	Single	80,000	200
	Duplex	120,000	300

	Triplex	160,000	400
	Quad	200,000	500
2. Recreation Development Lakes	Single	40,000	150
	Duplex	80,000	225
	Triplex	120,000	300
	Quad	160,000	375
3. Tributary	Single	40,000	150
	Duplex	60,000	225
	Triplex	90,000	300
	Quad	110,000	375

4. Scenic River District: The minimum lot area and width shall be as provided in Section 67 of this Ordinance.

B. Sewered

	Type	Area (sq.ft.)	Width (ft.)
1. Natural Environmental Lakes	Single	40,000	125
	Duplex	70,000	225
	Triplex	100,000	325
	Quad	130,000	425
2. Recreation Development	Single	20,000	75
	Duplex	35,000	135
	Triplex	50,000	195
	Quad	65,000	255
3. Tributary	Single	20,000	75
	Duplex	30,000	115
	Triplex	40,000	150
	Quad	60,000	190

64.08 COMMERCIAL AND INDUSTRIAL SUBDIVISION REQUIREMENTS

The minimum lot size and width requirements for commercial and industrial uses shall be the lot size and width requirements for the primary zoning district, but in no case shall the lot area and width be less than the single-family lot area and width requirement for the applicable lake or river classification.

64.09 SUITABLE LOT AREA DETERMINATION

Only land area above the ordinary high water level shall be used to meet the minimum lot area and width requirements. Lot width standards shall be met at the water and building lines.

64.10 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES

A. Placement of Structures on Lots

1. Setback (in feet) from Ordinary High Water Level

Classification	Structure Setback (ft.)
a. Lakes – Natural Environment	200
b. Lakes – Recreational Development	100
c. Rivers and Streams - Tributary	200

2. **Established Building Line for Principal Structures:** In locations where a principal structure exists on both sides of a proposed building site and a building line can be reasonably established, the Zoning Administrator may issue a permit for a lesser distance from the ordinary high water level than those required in Section 64.10 A of this Ordinance. Structures located wholly or partly within the shore impact zone shall not be used to establish a building line. The landward extension of the shore impact zone and its intersection with the adjacent property line shall be used as the point of reference to establish a building line in instances where a principal structure is located partially or wholly within the shore impact zone or in a bluff impact zone. For new residential dwellings, the building line shall be established by calculating the average building line setback for the dwelling located on either side of the proposed residential dwelling and by establishing the building line by using the sight line method. The most restrictive building line setback shall apply, except that in no case shall the calculated setback be greater than the building line setback established for the applicable lake classification. For additions, the building line may be established by using a string line between the corner of the dwelling for which the addition is being sought and the lakeward corner closest to the dwelling nearest the proposed addition, by using a sight line, by calculating the average setback of the dwellings located on either side of the proposed addition, or by other reasonable methods which may be employed. In no case shall any principal structures be permitted closer than the following distances:
 - a. On Recreation Development Lakes, no closer than one hundred (50) feet.
 - b. On Natural Environment Lakes, no closer than one hundred (100) feet.
 - c. On Transition Rivers; no closer than seventy-five (75) feet.
 - d. On Agriculture, Urban, and Tributary Rivers, no closer than fifty (50) feet.
 - e. Within twenty (20) feet of the top of a bluff.
 - f. On Designated Trout Streams, no closer than one hundred (100) feet.
3. **Decks:** Decks that cannot be constructed in accordance with Section 64.10 A (1) or Section 64.10 A (2) of this Ordinance shall be subject to the following standards:
 - a. The principal structure or dwelling unit to which a deck is being attached must have been in existence on June 26, 1972, and further provided that there have been no structural additions or alterations on the waterward side of said structure or dwelling unit since June 26, 1972; and
 - 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 and Deck encroachment toward the ordinary high water level shall not exceed fifteen (15) percent of the existing setback of the dwelling unit or principal structure to which it is being attached or shall not result in a setback of less than thirty (30) feet from the ordinary high water level, whichever is more restrictive; and
 - c. The deck shall be constructed of wood, plastic, or other rot-resistant material and painted or stained in colors compatible with the neighborhood's character.
 - d. The deck shall not be screened in, enclosed, or roofed; and

e. Decks constructed under the provisions of Section 64.10 A (3) of this Ordinance shall not be used as the basis for establishing any future building line.

4. Additional Structure Setbacks: The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From	Structure Setback (in feet)
a. Top of bluff	30
b. Unplatted cemetery	50

5. Bluff Impact Zones: Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

B. Design Criteria For Structures

1. High Water Elevations: Structures shall be placed in accordance with Section 66 of this Ordinance, if applicable to the site. If Section 66 of this Ordinance does not apply to the site, the elevation to which the lowest floor, including the basement, is placed or flood-proofed shall be determined as follows:
 - a. For lakes, placing the lowest floor at a level no lower than the regulatory flood protection elevation or at least three (3) feet above the highest known water level or at least three (3) feet above the ordinary high water level, whichever is higher. When upon inspection, the Zoning Administrator determines, with the use of a hand level or similar method, that the bottom floor elevation of a proposed residential dwelling or addition to a residential dwelling will be six (6) feet or less above either the highest known water level, ordinary high water mark or regulatory flood protection elevation, whichever is applicable, the owner of a riparian lot shall be required to submit a certification by a registered engineer, registered architect or registered land surveyor that the lowest floor elevation of any dwelling unit or addition to it, including basement, is placed at least three (3) feet above the ordinary high water level, or no lower than the regulatory flood protection elevation.
 - b. For rivers and streams, if data is available, by placing the lowest floor at least three (3) feet above the flood of record. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level or by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200, governing the management of floodplain areas, shall do technical evaluations. If more than one approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities.
 - c. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in *this section* if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation, and if long-duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

2. Water-Oriented Accessory Structures: Each lot, except for land within the Scenic River District, may have one (1) water-oriented accessory structure not meeting the normal structure setback requirements contained in Section 64.10 A of this Ordinance if the water-oriented accessory structure complies with the following provisions:
- a. The structure or facility shall not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than one hundred fifty (150) square feet. Detached decks, exclusive of safety rails, shall not exceed eight (8) feet above grade at any point;
 - b. The setback of the structure or facility from the ordinary high water level shall be at least ten (10) feet; except that on Natural Environment Lakes, the setback shall be at least twenty-five (25) feet;
 - c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions;
 - d. The roof may be used as a deck with safety rails but shall not be enclosed or used as a storage area;
 - e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities;
 - f. The structure or facility shall not be on or within the bluff or bluff impact zone.
 - g. Stairways, Lifts, and Landings: Stairways, lifts, and landings are the preferred alternatives to major topographic alterations for access up and down bluffs and steep slopes to shore areas. A shoreland alteration permit shall be required for constructing impervious surfaces to achieve access to shore areas on slopes exceeding 18% if stairways, lifts, and landings constructed above ground are not used. Stairways, lifts, and landings shall meet the following design requirements:
 - i. Stairways and lifts shall not exceed four (4) feet in width on residential lots. Stairways and lifts shall not exceed six (6) feet in width for commercial properties, public open- space recreational properties and residential open space or conservation design developments in shoreland;
 - ii. Landings for stairways and lifts on residential lots shall not exceed thirty two (32) square feet in area. Landings for stairways and lifts shall not exceed forty eight (48) square feet for commercial properties, public open-space recreational properties and residential open space or conservation design developments in shoreland;
 - iii. Canopies or roofs are not allowed on stairways, lifts, or landings;
 - iv. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - v. Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of the lot, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

- vi. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (a) to(e) are complied with, in addition to the requirements of Minnesota Rules, chapter 1341.
- 3. Significant Historic Sites: No structures 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.
- 4. Steep Slopes: The Zoning Administrator shall evaluate soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions shall 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.
- C. Height of Structures: Within the Shoreland Overlay District, the maximum structural height is twenty-five (25) feet, except that water-oriented accessory structures shall comply with the height requirements contained in Section 64.10 B (2) of this Ordinance, and further that guest cottages shall comply with the height requirements contained in Section 10.2.12 B (2) of this Ordinance.
- D. Fences: The construction of fences is allowed if fences are:
 - 1. No higher than six feet
 - 2. Not located within the shore impact zone or bluff impact zone, except for farm fences
 - 3. Not located within the regulatory floodplain, expect for farm fences
- E. Boathouses: Boathouses and additions or alterations thereto are prohibited, except for railings.
- F. Accessory Buildings: The total number of accessory buildings and the total cumulative area that accessory buildings may occupy shall be in accordance with the performance standards for accessory buildings contained in Section 15.04 of this Ordinance.

64.11 SPECIAL PROVISIONS

- A. Duplexes, Triplexes and Quads: Subdivisions involving duplexes, triplexes and quads shall also meet all of the following standards:
 - 1. Each building shall have common sewage treatment and water systems in one location and serve all dwelling units in the building; and
 - 2. Watercraft docking facilities for each lot shall be centralized in one location and service all dwelling units in the building; and
 - 3. No more than twenty five (25) percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- B. Guest Cottages: One (1) guest cottage may be allowed on a lot meeting or exceeding the duplex lot area and width requirements set forth in Section 64.07 of this Ordinance, provided all of the following standards are met:

1. For a lot exceeding the minimum lot dimensions of a duplex lot, the guest cottage shall be located within the smallest duplex- sized lot that could be created including the principal dwelling unit; and
 2. A guest cottage shall not cover more than seven hundred (700) square feet of land surface and shall not exceed fifteen (15) feet in height; and
 3. A guest cottage shall be located or designed to reduce its visibility as viewed from public waters and adjacent wetlands by vegetation, topography, increased setbacks, color, or other means acceptable to the County, assuming summer leaf-on conditions; and
 4. The performance standards for guest cottages contained in Section 15.02 of this Ordinance shall be met.
- C. Controlled Accesses: Lots intended to be used for common docking facilities or to provide common or controlled access to public waters shall not be a permitted use in any zoning district. This provision shall not apply to Department of Natural Resources public accesses. A controlled access lot may be allowed as part of a subdivision approval if outlined in the Subdivision Agreement for a residential subdivision. The controlled access lot is to be used solely by the lot owners of that subdivision. Further, the access lot shall only be used for low impact activities such as walking trails, shore fishing and picnic areas. One dock/fishing pier shall be allowed. No mooring is allowed. One structure may be allowed not to exceed 150 sq ft. If a lot is intended as a controlled access to public waters or recreation areas for use by owners of lots within subdivisions, the lot must meet or exceed the following standard:
1. The lot must meet the width and size for a residential lot and be suitable for the intended uses of the controlled access lot.
 2. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.
 3. 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 non-motorized launching of watercraft. 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 nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked 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.

64.12 VEGETATIVE ALTERATIONS

- A. Vegetation alteration necessary for the construction of structures, sewage treatment systems and the construction of roads and parking areas regulated by Section 64.15 of this Ordinance are exempt from the vegetation alteration standards in Section 64.12 of this Ordinance, provided that a plan for the activities has been submitted to and approved by the Zoning Administrator.

- B. Except for agricultural and forest management uses as regulated in Sections 64.18 and 64.19 of this Ordinance, respectively, removal or alteration of vegetation may only be allowed, subject to the following standards:
1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed, except as described in *this Section*. Intensive vegetation clearing for forest land conversion to another use outside of the shore and bluff impact zones and on steep slopes may be allowed as a conditional use if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District.
 2. Planned Unit, open space and conservation design developments are subject to the standards of Sections 7.6 and Sections 63 and 64.12 of this Ordinance.
 3. Vegetative alterations may be allowed on riparian lots, in shore or bluff impact zones or on steep slopes in accordance with the following standards:
 - a. Prior to vegetative removal regulated by *this Section* or prior to establishing a view corridor on a riparian lot, the property owner shall contact the Zoning Administrator to arrange for a site visit and complete an application for vegetative alteration; and
 - b. The Zoning Administrator may require that the property owner clearly mark any proposed view corridor and/or any vegetation to be removed from a riparian lot. Additionally, the Department may require the property owner to supply information on slope, soil type, property line locations, location of easements and any other information that may be needed in order for the Zoning Administrator to act on a request; and
 - c. In considering a request for vegetative alterations, including the establishment of a view corridor, the Zoning Administrator may take into account the predevelopment vegetation, natural openings, surrounding vegetation patterns and density, previous vegetative alterations, slope, soil type, the locations and extent of adjacent view corridors, the adjacent body of water and other information it deems necessary and pertinent to the request; and
 - d. The total cumulative view corridor shall not exceed twenty five (25) feet or one-half (1/2) the lot width, whichever is less; and
 - e. The view corridor shall extend from the most waterward side of the principal residence and continue to the ordinary high water level of a public water body; and
 - f. Up to one hundred (100) percent removal of trees and shrubs within a twenty five (25) foot corridor may be authorized by a Vegetative Alteration Permit. The corridor shall serve as the access and view corridor. Vegetation outside of the corridor shall not be disturbed or removed with the exception of limited tree pruning. Areas considered bluff or steep slopes shall be allowed up to twenty five (25) percent removal within the twenty five (25) foot corridor; and From the ordinary high water level, extending through the shore impact zone and extending to the building setback, exclusive of the view corridor, no vegetative alterations are allowed, however planting of trees, shrubs and other vegetation is encouraged; and

- g. Except Boxelder and Chinese Elm, the removal of exotic species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash is permitted; and
 - h. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, shall not be substantially reduced; and
 - i. The existing shading of water surfaces along the shoreline shall be preserved during summer, leaf-on periods of the year.
- C. The removal of exotic species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash shall not be considered to constitute an alteration of the vegetation.
 - D. Naturally dead or diseased trees may be removed regardless of their location on the property.
 - E. Application of fertilizer and pesticides in shoreland must be done in such a way as to minimize runoff into the shore impact zone or public water. The use of phosphorous containing fertilizer is prohibited within the shore impact zone.
 - F. Burning of yard waste is prohibited within the shore and bluff impact zones or on steep slopes.
 - G. Planting of trees, shrubs, establishing vegetated buffers and maintaining vegetated shorelines is encouraged on all riparian lots within St. Augusta as a method to minimize and mitigate the impacts of stormwater runoff, erosion and nutrient enrichment on the County's water resources.

64.13 TOPOGRAPHIC ALTERATIONS/GRADING AND FILLING AND RETAINING WALLS

- A. Exclusions:
 - 1. Construction permitted structures. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems and driveways under validly issued construction permits for these facilities, provided that grading, filling and excavation is limited to within twenty (20) feet of the footprint or foundation of a structure, and control measures are met consistent with the provisions of Section 1523.07 of this Ordinance.
 - 2. If the management of spoils from a project in a public waters or public waters wetland which has received Department of Natural Resources approval is described in the Department of Natural Resources permit, the project is exempt from the shoreland permit requirements of *this Ordinance*.
 - 3. Topographic alterations involving the removal of annual ice ridges. Ice ridges may be removed within one (1) year of formation without a permit if total material does not exceed 10 cubic yards.
 - 4. Topographic alterations involving the movement of fifty (50) cubic yards or less of material that is not on steep slopes or within shore or bluff impact zones.
 - 5. Retaining walls located more than two (2) times the required structure setback pursuant to Section 64.10A(1) of this Ordinance and not located in the bluff impact zone unless a permit is otherwise required by Section 64.13 B of this Ordinance.

6. The grading, filling and topographic alterations necessary for the initial establishment of roads and stormwater management facilities in a plat with an approved stormwater management plan. Said improvements cannot be constructed until the final plat is on record in the Office of the St. Augusta Recorder.
 7. Projects that are subject to prepare and implement a stormwater management plan pursuant to Section 15.09 of this Ordinance.
 8. SWCD, NRCS or Watershed District projects that include less than 50 cubic yards of topographic alteration.
- B. Shoreland Alteration Permits: A shoreland alteration permit may authorize the following activities.
1. Topographic alterations in which the total amount of fill being deposited, removed, or graded on site is less than one hundred (100) cubic yards.
 - a. A permit shall be required for any topographic alteration in the shore or bluff impact zones. If no vegetation buffer exists between the project area and the water body, one must be established as part of the project. If an existing vegetation buffer adjacent to the water body will be eliminated or disturbed by the project, restoration of the buffer, with dimensions determined by the Zoning Administrator, shall be a condition of permit approval.
 2. Topographic alterations located more than two (2) times the required structure setback pursuant to Section 64.10 of this Ordinance.
 3. Projects in which rock riprap is being used to control erosion.
 4. DNR, SWCD, NRCS or Watershed District projects. Projects that are part of an approved Department of Natural Resources project, or that are funded by and overseen by the Soil and Water Conservation District, Natural Resource Conservation Service or Watershed District require a shoreland alteration permit.
 5. Emergency Stabilization. Emergency stabilization measures, generally temporary in nature and normally requiring a shoreland alteration permit, to prevent imminent erosion or property damage after the failure of an erosion control device. Permanent repair or replacement of erosion control devices may still require a permit.
 6. If the Zoning Administrator determines that a project has the potential for an adverse environmental impact, including but not limited to erosion, sedimentation, stormwater impacts or pollution of surface waters, the Zoning Administrator can require an applicant to apply for a shoreland alteration permit. An example includes but is not limited to alterations occurring on the direct slope to the waterbody.
- C. Information for Shoreland Alteration Permit: A permit application checklist, identifying the minimum information required for the application, shall be provided by the Zoning Administrator.
- D. Shoreland Alteration Permit Conditions: Shoreland alteration permits shall be subject to the following conditions:

1. Alterations shall only be allowed if they are necessary to a permitted, accessory or conditional use and do not adversely affect adjacent or nearby properties or the water body.
2. Alterations necessary to correct existing erosion problems may be allowed.
3. Rock riprap placement shall only be allowed where deemed appropriate by the Zoning Administrator or SWCD to prevent active erosion. Riprap is not allowed for aesthetic reasons. If riprap is not authorized, bioengineered solutions such as the use of natural vegetation, slope stabilization, or other bioengineered means shall be the method used to prevent erosion. Bioengineered solutions do not require a permit from the Zoning Administrator unless required due to topographic alteration activity. Riprap used for ornamental purposes or for terracing natural slopes shall meet the retaining wall standards set forth in Section 64.13G of this Ordinance. For purposes of this Section, rock riprap shall mean coarse stones randomly and loosely placed along the shoreline. Rock riprap is permitted as a shoreland alteration permit provided the following standards are met:
 - a. The finished slope does not exceed three (3) feet horizontal to one (1) foot vertical.
 - b. The landward extent of the riprap is within ten (10) feet of the OHWL.
 - c. The height of the riprap above the OHWL does not exceed three (3) feet. Alterations shall be designed and constructed in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible. Alterations on steep slopes or bluffs are highly discouraged.
4. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible.
5. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used.
6. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local Soil and Water Conservation District or Natural Resource Conservation Service.
7. Fill or excavated material shall not be placed in a manner that creates an unstable slope.
8. Plans to place fill or excavated material on steep slopes shall be designed by a qualified professional such as an architect or engineer.
9. The Zoning Administrator may request review and comments on the design from the Soil and Water Conservation District or Natural Resource Conservation Service. The project shall not create finished slopes of 30 percent or greater.
10. The Zoning Administrator, City Council or Planning Commission may require plans prepared by a qualified professional such as an architect or engineer.

11. Financial guarantee in the form of a letter of credit, cash escrow or bond in favor of the City of St. Augusta equal to one hundred twenty-five percent (125%) of site grading and erosion/sediment control costs may be required. This guarantee is necessary to ensure the satisfactory installation, completion and maintenance of the measures as required in the shoreland alteration permit. The guarantee shall be accompanied by a 'Work and Materials List' outlining the type and amount of materials and is required prior to final permit approval.
 12. The Zoning Administrator may, when determined necessary, attach conditions to permits including, but not limited to, the following: requiring setback or distance separations, requiring methods for limiting erosion or minimizing stormwater flow into public waters or adjacent properties, preserving or restoring vegetation and by adding appropriate native plantings.
 13. A pre-application site assessment evaluating vegetation on riparian properties shall be conducted by the Zoning Administrator with the applicant and/or licensed shoreland contractor. Properties that do not meet minimum vegetation standards shall include mitigation as part of the shoreland alteration permit application.
- E. Permit Evaluation: The Zoning Administrator, City Council or Planning Commission shall evaluate shoreland alteration permit applications for conformance with Section 64.13D F of this Ordinance and may attach additional conditions to further assure that the shoreland alterations will not have an adverse impact on adjacent properties or the water body. The City Council shall issue findings of fact for approval, denial, or modification of the application, consistent with Section 3 of this Ordinance.
1. Professional Design and Installation. The City of St. Augusta encourages applicants to submit designs completed by professional trained consultants or engineers and discourages self-installation by the applicant. Applications that include a design by a licensed or certified professional and that will be installed by a licensed contractor are subject to inspection at the Zoning Administrator's discretion.
 2. Non- Professional Design or installation. Applications submitted without professional designs or that are being installed by the applicant rather than a licensed contractor will require interim inspections. The City Council or the Zoning Administrator will include a schedule for interim inspections to be conducted. The schedule may include, but is not limited to, inspection upon completion of the following installation phases:
 - a. Grading or excavation;
 - b. Vegetation removal;
 - c. Installation of stormwater management devices;
 - d. Installation of temporary or permanent erosion devices; and
 - e. Upon project completion.

3. Before issuing a shoreland alteration permit the Zoning Administrator shall consider, but not be limited to, the following issues:
 - a. The compatibility of the proposed alteration with adjacent land uses;
 - b. The effect on fish and wildlife habitat; and
 - c. The effect of the proposal on surface water.
- F. Connections to public waters: Excavations, where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors, shall be permitted only after issuance of a shoreland permit. Permission for excavations may be given only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters.
- G. Retaining Walls: The construction of retaining walls is subject to the requirements in Section 64.10 of this Ordinance and shall only be authorized by a shoreland alteration permit. Wall height as it pertains to this Section is measured from the ground surface to the top of the wall. Wall components below grade shall not be included in wall height determination. Cumulative height means the combined height of any wall or series of walls require to retain a single slope.
 1. Shoreland Alteration Permit. A Shoreland Alteration Permit can authorize retaining walls meeting any of the following conditions:
 - a. Retaining walls four (4) feet in cumulative height or less when a documented erosion problem exists; or
 - b. Retaining walls that are not visible from the shore by virtue of topography or vegetation during leaf-on, daylight conditions; or
 - c. Replacement of existing retaining walls; or
 - d. Retaining walls four (4) feet in cumulative height or less used for ornamental purposes or for terracing natural slopes where a documented erosion problem does not exist is limited to one area not to exceed 25% of the lot width as measured at the Ordinary High Water Level. Maximum width shall not exceed 75 feet.
 - e. Retaining walls that are located outside of the setback area for the applicable lake or river class. Retaining walls proposed on bluffs or on steep slopes within the shore impact zone may only be authorized by a shoreland alteration permit when the following apply:
 - i. Retaining walls may be allowed where there is a demonstrated need, the design is consistent with the existing uses in the area, and there is not an aesthetic intrusion upon the land or the shoreline.
 - ii. No wall(s) shall exceed four (4) feet in height without a plan signed by a Minnesota licensed professional engineer.
 - f. Retaining walls meeting any of the following conditions outside of the bluff impact zone or shore impact zone when steep slopes are present:
 - i. Retaining walls more than four (4) feet in cumulative height when a documented erosion problem exists.
 - ii. Replacement retaining walls greater than four (4) feet in cumulative height not pursuant to Section 14.04 of this Ordinance.

- iii. Retaining walls more than four (4) feet in cumulative height used for ornamental purposes or for terracing natural slopes where a documented erosion problem does not exist when the request exceeds more than one area, more than 25% of the lot width as measured from the Ordinary High Water Level or more than 75 feet in total width.
- H. Sand Blankets: The placement of sand within the shore impact zone and above the ordinary high water level shall only be authorized by a shoreland alteration permit as follows unless a variance is granted in accordance with Section 3 of this Ordinance. Sand blankets are not allowed in floodway area of floodplains.
 - 1. Sand blanket placement with excavation:
 - a. Only clean, washed sand, free of organic or toxic materials shall be used.
 - b. The sand blanket may be up to twelve (12) inches in depth, up to twenty five (25) feet in width along the shoreline or one-half (1/2) the lot width, whichever is less; and may not extend more than ten (10) feet landward of the ordinary high water level.
 - c. An earthen berm shall be constructed on the landward side of the sand blanket to divert surface water runoff around the sand area. The berm shall be planted with vegetation such as grass to aid in the assimilation of surface water runoff.
 - i. Replacement or maintenance sand blankets may not exceed the same amount and dimensions of the original sand blanket
 - ii. Sand may only be placed in an area where the natural drainage of the property will not result in the sand being washed into the water body. Sand blankets are not permitted on steep slopes as defined in Section 2.02 of this Ordinance.
- I. Impervious Surfaces: The maximum amount of impervious surface allowed in the shore impact zone is 250 square feet, including a water oriented accessory structure and excluding structures that are not water oriented stairways, lifts, and landings. Addition of impervious surface in the shore impact zone requires a shoreland alteration permit. A buffer of native vegetation at least 20 feet wide shall exist between the impervious surface and the water body. Concentrated flows of water runoff from the impervious surface shall not be directed toward an adjacent property or the water body.

64.14 ABATEMENT ORDERS

The Zoning Administrator may issue an abatement order when the Zoning Administrator or the City Council refuses to issue a permit for a shoreland alteration project that was started or completed prior to consideration of an application or issuance of a permit. An abatement order may also be issued by the Zoning Administrator to correct or abate any violation of any provision of *this Ordinance*. The abatement order shall be delivered personally or by certified mail to the owner of record of the property on which the violation exists and shall specify the following:

- A. A date by which the landowner shall complete abatement and obtain a letter of satisfaction from the Zoning Administrator.
- B. The action on the part of the property owner to eliminate or resolve the violation.
- C. Advise the property owner that failure to comply with the abatement order is a violation of this Ordinance.
- D. Advise the property owner of their right to appeal the abatement order to the Board of Adjustment within ten (10) business days of receipt of the abatement order.

64.15 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, AND PARKING AREAS

- A. For plats, new development roads shall not be constructed unless the final plat is on record in the Office of the Stearns County Recorder.
- B. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Plans and specifications shall be provided by a qualified individual, such as a registered professional engineer, architect, or surveyor, showing that all roads and parking areas are designed and will be 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.
- C. Public and private roads, driveways, and parking areas shall meet structure setbacks from the ordinary high water level or the top of a bluff for the applicable lake or river classification, and shall not be placed within bluff or shore impact zones when avoidance is an option. A Shoreland Alteration Permit shall be required if the road, driveway, or parking area is private and cannot meet the applicable structural setback.
- D. 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 provisions of this Ordinance are met. For private watercraft access ramps, approach roads, driveways and parking areas that are located within the setback area for the applicable lake or river class or on steep slopes, the grading, filling, and permit provisions of Section 64.13 of this Ordinance shall be met. For driveways and parking areas that are located outside the setback area for the applicable lake or river class and not on steep slopes, the provisions of 64.13 D of this Ordinance shall be met.

64.16 STORMWATER MANAGEMENT

In the Shoreland Overlay District, the following general and specific standards in addition to the stormwater management standards in Section 15.09 of this Ordinance shall apply:

- A. General Standards:
 - 1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces shall be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
 - 2. Development shall 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 shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

3. When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle 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 shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

B. Specific Standards:

1. Impervious surface coverage of a lot shall not exceed twenty-five (25) percent of the lot area.
2. When constructed facilities are used for stormwater management, documentation shall be provided by a qualified individual that the facilities are designed and installed consistent with the field office technical guide of the local Soil and Water Conservation District or the Minnesota Stormwater Manual, as applicable.
3. New constructed stormwater outfalls to public waters shall be consistent with Minnesota Rules, part 6115.0231, Subp. 3.

64.17 STANDARDS FOR COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMIPUBLIC USES

- A. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs shall meet the following standards:
1. In addition to meeting impervious coverage limits, setbacks and other zoning standards in this Ordinance, the uses shall be designed to incorporate topographic and vegetative screening of parking areas and structures;
 2. Uses that require short-term watercraft mooring for patrons shall centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public subject to the following general standards:
 - a. Signs subject to Section 31 of this Ordinance; and
 - b. Lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- B. Uses without water-oriented needs shall be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, shall either be setback double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

64.18 AGRICULTURE USE STANDARDS

- A. General cultivation, farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes, shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local Soil and

Water Conservation District or the Natural Resource Conservation Service or as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.

- B. Animal feedlots shall meet the Animal Feedlot standards as set forth in Section 23.07 of this Ordinance.

64.19 FOREST MANAGEMENT STANDARDS

The harvesting of timber and associated reforestation shall be conducted consistent with the provisions of *Water Quality in Forest Management "Best Management Practices in Minnesota,"* which is hereby incorporated by reference, a copy of which is on file in the Stearns County Environmental Services Department, St. Cloud, Minnesota, and is not subject to frequent change.

64.20 EXTRACTIVE USE STANDARDS

An extractive use site development and restoration plan shall be developed, approved, and followed over the course of operation of the site according to Sections 33 and 64.20 of this Ordinance.

- A. Site Development and Restoration Plan Requirements: The plan shall address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It shall also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and shall clearly explain how the site will be rehabilitated after extractive activities end.
- B. Setbacks for Processing Machinery: Processing machinery shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

64.21 RESIDENTIAL SHORELAND PLANNED UNIT AND OPEN SPACE DEVELOPMENT STANDARDS

- A. Design Standards: The following design standards shall apply to all residential open space developments in shoreland:
 - 1. Centralized boat docking facilities for watercraft shall be provided.
 - 2. The shore impact zone, based on normal structure setbacks, shall be included as protected conservation area. At least fifty (50) percent of the shore impact zone of existing open space developments, or at least seventy (70) percent of the shore impact zone of new open space developments, shall be preserved in its natural or existing state. Additionally, a minimum of fifty (50) percent of the total lot area shall be dedicated as open space.
 - 3. Residential open space developments in shoreland shall be connected to publicly owned water supply and sewer systems, if available. On-site water supply and subsurface sewage treatment systems shall be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Pollution Control Agency and St. Augusta. Subsurface sewage treatment systems shall be located on the most suitable areas of the development, and sufficient lawn area, free of limiting factors, shall be provided for a replacement soil treatment system for each subsurface sewage treatment system.
 - 4. Dwelling units or sites shall be sited into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the applicable lake or river classification:
 - a. Setback from the ordinary high water level;

- b. Elevation above the ordinary high water level; and
 - c. Height restrictions.
 - 5. Shore recreation facilities, including but not limited to, swimming areas, docks, watercraft mooring areas and launching ramps shall be centralized and located in areas suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft shall not exceed one (1) for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
 - 6. Structures, parking areas and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color, or other means acceptable to the City of St. Augusta, assuming summer, leaf-on conditions. Vegetation and topographic screening shall be preserved, if existing, or may be required to be provided.
 - 7. Accessory structures and facilities, except water oriented accessory structures, shall meet the required structure setback and shall be centralized.
 - 8. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 64.10 B(2) of this Ordinance and are centralized.
 - 9. Residential planned unit developments are further subject to the design and administrative requirements of Minnesota Rules, part 6120.3800.
- B. Review, approval, density: Residential open space developments in shoreland are typically owner occupied residences. Single family dwellings, attached single family dwellings, townhouses and residential condominiums are examples of residential open space developments.
- 1. Open Space Development Consideration Process:
 - a. An open space development shall be considered in the same manner as a subdivision plat and shall also be subject to the review and approval procedures of Section 10 of this Ordinance.
 - b. A preliminary subdivision plat shall be filed and processed in accordance with the procedures for processing a subdivision plat established in Section 10 of this Ordinance.
 - c. The approved preliminary plat shall be the site plan for the open space development whenever there is modification or variation from the standards of the primary zoning district or any applicable overlay district.
 - d. Any request for a change to a site plan for an open space development shall be administered in the same manner as to that required for a new open space development.
 - e. Modifications to an open space development shall be considered in the same manner as for approval pursuant to Section 64.21B(1) of this Ordinance.
 - 2. Criteria for Review. The Planning Commission and City Council shall include in their review the following criteria in considering an open space development:

- a. The degree to which the open space development design meets the standards of this Ordinance.
 - b. The degree to which the open space development supports the goals and policies of the St. Augusta Comprehensive Plan.
 - c. The degree to which the open space development better maintains the rural character of the area when compared to a conventional development of the same density.
 - d. The degree to which the open space development will result in greater amenity and efficiency in the use of the land for the benefit of its residents and users and those in the surrounding area than would be possible under conventional development.
3. Residential Density Requirements. Residential open space developments shall be subject to the following residential density requirements:
- a. The maximum number of residential dwelling units allowed in a proposed new or expansion to an existing shoreland open space development shall be determined by use of the more restrictive of the following two methods:
 - i. Method I
 - (a) The project parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward according to the following table:

Shoreland Tier Dimensions	Feet
Natural environment lakes	400
All river classes	300
 - (b) The suitable area within each tier shall be calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters.
 - (c) The suitable area shall then be divided by the single residential lot size requirement of the applicable lake or river classification and the quotient will be the total number of single family residential dwellings that may be allowed on the parcel. Fractions shall be reduced to the next whole number.
 - ii. Method II: Residential density shall be calculated using the residential density requirements section of the applicable primary zoning district.
 - iii. The cumulative number of permitted units or sites determined under Method I shall be compared with the results from Method II and the lowest number shall be used.
 - b. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but shall not be transferred to any other tier closer.
 - c. Density Increase Multipliers. Increases of fifty (50) percent to the unit or site density previously determined for a Residential open space development in shoreland may be allowed if the dimensional standards in Section 64.10 of this Ordinance are met or

exceeded and the design criteria contained in Section 64.21 of this Ordinance are satisfied. Density increases shall only be allowed if structure or site setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum ordinary high water level setback of the applicable lake or river classification, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography or additional means acceptable to the Planning Commission and City Council, and the setback from the ordinary high water level of the applicable lake or river classification is at least 25 percent greater than the minimum setback.

64.22 SHORELAND NONCONFORMITIES

Nonconforming uses, structures and lots within the Shoreland Overlay District shall be managed in accordance with Section 14 of this Ordinance.

64.23 COMPLIANCE INSPECTIONS

A compliance inspection for existing subsurface sewage treatment systems shall be conducted prior to the issuance of any permit or granting or denying of any variance for property located in shoreland. Subsurface sewage treatment systems found to be in non-compliance must be upgraded as required to meet the design standards of Minnesota Rules, chapters 7080 to 7083.

64.24: NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES

- A. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls shall be submitted to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative at least ten days before the hearings. Subdivisions/plans shall include copies of the subdivision/plat.
- B. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls shall be sent to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative and within ten days of final action.

64.25 ADMINISTRATION AND ENFORCEMENT

The provisions of this subdivision shall be administered by the St. Augusta Zoning Administrator and enforced by the Zoning Administrator in accordance with Section 12 of this ordinance.

Section 65 - Wetlands

Subdivision

- 65.01: Purpose
- 65.02: Scope
- 65.03: Permitted Uses
- 65.04: Conditional Uses
- 65.05: Exemption Determinations
- 65.06: No-Loss Determinations
- 65.07: Replacement Plan Determinations
- 65.08: Technical Evaluation Panel and Procedures
- 65.09: Appeal of City of St. Augusta Decisions
- 65.10: Compensation
- 65.11: Enforcement Procedures
- 65.12: Mining
- 65.13: Standards and Procedures for Evaluating Wetland Replacement Plans
- 65.14: Standards and Criteria for State Wetland Banking
- 65.15: Calcareous Fens

65.01: PURPOSE

The purpose and intent of this Section is to ensure that the wetland resources within the City of St. Augusta are protected and conserved. Wetland resources serve to provide food, shelter and habitat for fish and wildlife, store surface runoff and reduce flooding damages, replenish subsurface water supplies, provide outdoor recreation areas and enhance the natural beauty and biodiversity of landscapes within the City. This section incorporates by reference the Wetland Conservation Act of 1991, Laws of Minnesota 1991, chapter 354, as amended by Laws 1993, chapter 175 and the accompanying rules of the Minnesota Board of Water and Soil Resources (Minnesota Rules Chapter 8420, as amended) whose purpose is to:

- A. Achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;
- B. Increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;
- C. Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and
- D. Replace wetland values where avoidance of activity is not feasible and prudent. These purposes being consistent with the City's desire to preserve areas containing low lands, marshes, wetlands, drainage areas, water bodies and waterways which are essential to the health, safety, and general welfare of the City's residents.

65.02: SCOPE

Wetlands must not be drained or filled wholly or partially unless replaced by restoring or creating wetland areas of at least equal public value. This Section, along with the above mentioned references, shall be utilized by the City to ensure the protection of the City's wetland resources.

In addition to the provisions of this Section, City decisions on draining and filling of wetlands are subject to Minnesota Statutes, chapters 116B and 116D, which provide that an action which is likely to have material adverse effects on natural resources must not be allowed if there is a feasible and prudent alternative consistent with the requirements of the public health, safety and welfare and the state's paramount concern for the protection of its natural resources. Economic considerations alone do not justify adversely effective actions.

65.03: PERMITTED USES

Permitted uses within a wetland, and as described in this Section, are subject to guidelines established by the Minnesota Department of Natural Resources and the United States Army Corps of Engineers. Uses within a wetland which are not prohibited by this Section are:

- A. The use of the bed of the wetlands for pasture or cropland during dry period if dikes, ditches, tile lines, or buildings are not constructed and the agricultural use does not result in the drainage of the wetlands.
- B. The filling of a wetland to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage.
- C. The control of noxious weeds if the control does not drain or fill the wetland.
- D. Excavation in wetlands if done in a manner such that the wetlands are not drained or filled.

65.04: CONDITIONAL USES

Subject to other more restrictive limitations which may be imposed by this Section, the uses listed in part B may be allowed in wetlands by conditional use permit subject to the following:

- A. A wetland may not be drained or filled, wholly or partially, unless either the activity meets the exemption criteria stated in part B or unless it is replaced under an approved replacement plan meeting the criteria of Subd. 65.13.C. A wetland activity will be considered exempt if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption.

These exemptions do not apply to calcareous fens as identified by the commissioner of the Department of Natural Resources.

No exemptions apply to wetlands that have been previously restored or created as a result of an approved replacement plan. All such wetlands are subject to replacement on subsequent drainage or filling.

Nonexempt wetlands cannot be partially drained or filled in order to claim an exemption or no-loss determination on the remainder. Therefore, no exemptions or no-loss determinations can be applied to the remaining wetland that would not have been applicable before the impact.

Present and future owners of wetlands drained or filled without replacement under an exemption in part B, subparts 1, 2, 4, 7, 8 and 23, can make no use of the wetland area after it is drained or filled, other than as agricultural land, for ten years after the draining or filling, unless it is first replaced under the requirements of Minnesota Statutes, section 103G.222, paragraph (g). Also, for ten years the wetland may not be restored for replacement credit. At the time of draining or filling, the landowner shall record a notice of these restrictions in the office of the Stearns County Recorder. At a minimum, the recorded document must contain the name or names of the landowners, a legal description of the property to which the restrictions apply, a statement of the restrictions, the date on which the ten-year period expires, the City of St. Augusta as the local government which certified the exemption, if such occurred, the signatures of all owners, and an acknowledgment.

A person conducting an activity in a wetland under an exemption in part B shall ensure that:

1. Appropriate erosion control measures are taken to prevent sedimentation of the water;
2. The activity does not block fish activity in a watercourse; and
3. The activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under Minnesota Statutes, chapter 103H.

- B. A request for an exemption shall be required of a perspective applicant on a form provided by the City of St. Augusta. Exemptions which qualify for City of St. Augusta review are as follows:
1. Activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991.

Documentation, such as Agricultural Stabilization and Conservation Service aerial photographs, Agricultural Stabilization and Conservation Service form 578 or equivalent, United States Department of Agriculture records, or affidavit of landowner is required to accompany the application for exemption and be furnished by the applicant. Set aside land used for this exemption must be wetland Types 1 and 2.

2. Activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States code, title 16, section 3831, that:
 - a. Was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and
 - b. Has not been restored with assistance from a public or private wetland restoration program.

Federal documentation that the wetland is or has been enrolled in the federal conservation reserve program is required to accompany the application for exemption and be furnished by the applicant, landowner must also meet the same requirements of subpart 2 for the exemption stated in Minnesota Statutes, section 103G.2241, subdivision 1, clause (1), except that the years required are at least six of the ten years preceding the year of enrollment in the conservation reserve program. The landowner must also state in writing that the wetland was not restored with assistance from a public or private wetland restoration fund, or that the restoration was done under a contract or easement providing the landowner with the right to drain the restored wetland.

3. Activities necessary to repair and maintain existing public or private drainage systems as long as wetlands that have been in existence for more than 20 years are not drained. This exemption allows maintenance which fills wetlands that have been in existence for more than 20 years when the wetlands are located within the right-of-way acreage of the ditch or within a one rod width on either side of the top of the ditch, whichever is greater, and the filling is limited to the side casting of spoil materials resulting from the maintenance and the spoil deposition area is permanently seeded into grass after maintenance activities are completed.

The owner must provide documentation that the wetlands which will be partially or completely drained by the maintenance have not existed for more than 20 years.

Aerial photographs from two years of normal or wetter than normal water level conditions showing no wetlands are one form of acceptable documentation. If aerial photographs are unavailable, a sworn affidavit may be submitted. Otherwise, the landowner must show that the maintenance will not reduce the wetland from what it was 20 years ago or more.

This exemption includes lowering the elevation of previously placed tile when made necessary by land subsidence provided the lowering does not drain wetlands.

4. Activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county agricultural stabilization and conservation service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985.

The wetland landowner must provide Agricultural Stabilization and Conservation Service documents confirming that the county agricultural stabilization and conservation service office determined before September 19, 1988, that drainage had begun before December 23, 1985 and that the determination has not been overturned by subsequent appeal or review and is not currently under administrative review.

5. Activities exempted from federal regulation under United States Code, title

As approved November 12, 2024 and amended through September 2026

33, section 1344(f).

The City of St. Augusta shall certify the exemption only if the landowner furnishes proof of qualification for one of the exemptions from the United States Army Corps of Engineers.

This exemption does not apply to a project with the purpose of converting a wetland to a non wetland, either immediately or gradually, or converting the wetland to another use, or when the fill will result in significant discernible change to the flow or circulation of water in the wetland, or partly draining it, or reducing the wetland area.

6. Activities authorized under, and conducted in accordance with, an applicable general permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, except the nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a), clause (14), limited to when a new street crosses a wetland, and all of clause (26).

This exemption is for nationwide permits 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23 and 25 issued under Code of Federal Regulations, title 33, section 330.5. The City of St. Augusta shall certify such an exemption only if the applicant furnishes proof of qualification for one of these nationwide permits from the United States Army Corps of Engineers. Nationwide permit 14 for a new street does not qualify for this exemption, nor do nationwide permits under numbers not listed in this exemption.

To qualify for a nationwide permit, the applicant for a United States Army Corps of Engineers permit must meet any regional conditions imposed by the United States Army Corps of Engineers, and must obtain from the Minnesota Pollution Control Agency an individual section 401 certification when required.

7. Activities in a type 1 wetland on agricultural land, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition) except for bottomland hardwood type 1 wetlands.

The wetland landowner must provide the same proofs required by the first paragraph of exemption 1, for lands abutting at least 50 percent of the wetland's boundary. The City of St. Augusta may seek the advice of the technical panel as to whether the wetland is a type 1 wetland not of the bottomland hardwood type.

The type of the wetland will be determined according to United States Fish and Wildlife Service Circular No. 39 (1971 edition). Alternatively, the type of the wetland can be determined from the Cowardin (et al. 1979) classification system: PEM1A, PEMA, PEMJ, and PEM1J may be considered to be a type 1 wetland.

This exemption applies if the wetland is all type 1 wetland, or is a combination of types 1 and 2 wetlands, on agricultural land, and the type 2 wetland area is less than two acres.

8. Activities in a type 2 wetland that is two acres in size or less located on agricultural land.

The wetland landowner must provide the same material as required from the landowner by exemption 7. The City of St. Augusta may seek the advice of the technical panel as to whether the wetland is a type 2 wetland, two acres or less in size.

The wetland size is the area within its boundary. The boundary must be determined according to the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands (January 1989). The type of the wetland must be determined according to United State Fish and Wildlife Service Circular No. 39 (1971 edition). Alternatively, type can be determined from the Cowardin (et al. 1979) classification system: PEM1B and PEMB may be considered to be a type 2 wetland.

This exemption applies if the wetland is a type 2 wetland, or is a combination of types 1 and 2 wetlands, on agricultural land, and the type 2 wetland area is less than two acres.

9. Activities in a wetland restored for conservation purposes under a contract or easement providing the landowner with the right to drain the restored wetland.

The wetland landowner must provide a contract or easement conveyance or affidavit demonstrating that the landowner or a predecessor restored the wetland for conservation purposes but retained the right to subsequently drain the restored wetland.

10. Activities in a wetland created solely as a result of:
 - a. Beaver dam construction;
 - b. Blockage of culverts through roadways maintained by a public or private entity;
 - c. Actions by public entities that were taken for a purpose other than creating the wetland; or
 - d. Any combination of a. to c.

Wetland areas created by beaver activities may be drained by removing those materials placed by beaver. Drainage is permitted by removing or moving materials blocking installed roadway culverts and drainage structures. Additional excavation or removal of other materials is not permitted unless it can be shown by aerial photographs that the proposed activity will not drain or fill wetland that was there before the beaver dam was built or the culvert became plugged.

Wetlands may be drained or filled if the landowner can show that the wetland was created solely by actions the purpose of which was not to create the wetland and were approved, permitted, funded, or overseen by a public entity.

Impoundments or excavations constructed in non wetlands solely for the purpose of effluent treatment, storm water retention, soil and water conservation practices, and water quality improvements, and not as part of a compensatory wetland mitigation process that may, over time, take on wetland characteristics, are also exempted.

11. Placement, maintenance, repair, enhancement, or replacement of utility or utility-type service, including the transmission, distribution, or furnishing, at wholesale or retail, or natural or manufactured gas, electricity, telephone, or radio service or communications if:
 - a. The impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and
 - b. The proposed project significantly modifies or alters less than one-half acre of wetlands.

For new placement and enhancement of existing facilities, the utility must demonstrate that the character and extent of the impacts of the proposed project on the wetlands have been minimized and that the entire project will, cumulatively, drain or fill less than one-half acre of wetland.

For maintenance, repair, and replacement, the City of St. Augusta may issue a seasonal or annual exemption certification or the utility may proceed without City of St. Augusta certification if it is carrying out the work according to best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the City of St. Augusta after the emergency work has been completed.

12. Activities associated with routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland.

This exemption is for maintenance, but not expansion, of the rights-of-way in which utilities are located. Spill remediation is not routine maintenance.

The City of St. Augusta may issue a seasonal or annual exemption certification or the utility may proceed if it is carrying out the work according to best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the City of St. Augusta after the emergency work has been completed.

13. Alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline within all existing or acquired interstate pipeline rights-of-way. This exemption includes construction activities.
14. Temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activities do not

result in the construction of dikes, drainage ditches, tile lines, or buildings; and the timber harvesting and other silvicultural practices do not result in the drainage of the wetland or public waters. This exemption is for temporary-use roads constructed for the primary purpose of providing access for the conduct of silvicultural activities.

15. Permanent access for forest roads across wetlands so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch or tile line; with filling avoided wherever possible; and there is no drainage of the wetland or public waters.

This exemption is the same as exemption 14 except that it is for permanent forest roads which are roads constructed for the primary purpose of providing access for the conduct of silvicultural activities.

16. Activities associated with routine maintenance or repair of existing public highways, roads, streets, and bridges, provided the activities do not result in additional intrusion into the wetland outside of the existing right-of-way.

This exemption does not prevent repairing washouts or adding material to the driving surface provided the road's occupancy of the wetland outside of the existing right-of-way does not increase.

17. Emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and do not result in the draining or filling, wholly or partially, of a wetland.

This exemption applies to public works other than roads, such as buildings and bridges.

18. Normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland.

This exemption applies to private structures, such as buildings and road crossings.

19. Duck blinds: This exemption allows floating duck blinds and blinds on poles or pilings. This exemption does not allow fill other than poles or pilings.

20. Aquiculture activities including pond excavation and associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including buildings.

21. Wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344. Documentation demonstrating that the exemption applies may include showing possession of a United States Army Corps of Engineers permit for the project.
22. Normal agricultural practices to control pests or weeds, defined by rule as either noxious or secondary weeds, in accordance with applicable requirements under state and federal law, including established best management practices.

This exemption does not allow diking, ditching, tiling, or filling, or other control practices that would result in the conversion of wetlands.

23. Activities in a wetland that is on agricultural land annually enrolled in the federal Food, Agricultural, Conservation, and Trade Act of 1990, United States Code, title 16, section 3821, subsection (a), clauses (1) to (3), as amended, and is subject to sections 1421 to 1424 of the federal act in effect on January 1, 1991, except that land enrolled in a federal farm program is eligible for easement participation for those acres not already compensated under a federal program.

Documentation such as a written statement from the local Agricultural Stabilization and Conservation Service office that the proposed activity would not result in loss of eligibility for benefits under the farm program may be used as evidence for this exemption. If the activity would result in loss of eligibility, the landowner cannot qualify for the exemption by withdrawing from the program.

24. Development projects and ditch improvement projects in the state that have received preliminary or final plat approval, or infrastructure that has been installed, or having local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before August 2004. Plat approval must be preliminary as approved by the City of St. Augusta.

Subdividers who obtained preliminary plat approval in the specified time period, and other project developers with one of the listed approvals timely obtained, provided approval has not expired and the project remains active, may drain and fill wetlands, to the extent documented by the approval, without replacement. Those elements of the project that can be carried out without changing the approved plan and without draining or filling must be done in that manner. If wetlands can be avoided within the terms of the approved plan, they must be avoided. For county, joint county, and watershed district ditch projects, this exemption applies to projects that received final approval in the specified time period.

25. Activities that result in the draining or filling of less than 400 square feet of wetlands. This exemption applies if the total wetland loss by draining and filling will be less than

400 square feet per year per landowner, and the cumulative impact by all persons on a wetland over time without replacement after January 1, 1992, does not exceed five percent of the wetland's area.

65.05: EXEMPTION DETERMINATIONS

A landowner intending to drain or fill a wetland without replacement, claiming exemption, must apply for a conditional use permit from the City of St. Augusta before beginning drainage or filling activities for determination whether or not the activity is exempt. A landowner who does not request a determination may be subject to the enforcement provisions contained herein and Minnesota Statutes, section 103G.2372. The City of St. Augusta will keep on file all documentation and findings of fact concerning exemption determinations for a period of ten years.

The City of St. Augusta will offer exemption certificates as part of the wetland program within their jurisdiction.

The landowner applying for exemption is responsible for submitting the proof necessary to show qualification for the particular exemption claimed.

The City of St. Augusta will place the decision authority for exemption applications with the City's Engineer.

The City Engineer's decision shall be based on the exemptions standards in Subd. 65.04. If the decision requires a finding of wetland size or type, the City's Engineer may seek the advice of the technical panel.

A landowner draining or filling a wetland under an exemption shall ensure that appropriate erosion control measures are taken to prevent sedimentation of the water, the drain or fill does not block fish passage, and the drain or fill is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under Minnesota Statutes, chapter 103H.

65.06: NO-LOSS DETERMINATIONS

A landowner unsure if proposed work will result in a loss of wetland may apply by conditional use permit application to the City of St. Augusta for a determination. A landowner who does not request a determination may be subject to the enforcement provisions contained herein and Minnesota Statutes, section 103G.2372. The City of St. Augusta will keep on file all documentation and findings of fact concerning no-loss determinations for a period of ten years. The landowner applying for a no-loss determination is responsible for submitting the proof necessary to show qualification for the claim. The City of St. Augusta will place the decision authority for no-loss applications with the City's Engineer. The City's Engineer shall issue a no-loss certificate if the landowner requests and if either:

- A. The work will not drain or fill a wetland;
- B. Water level management activities will not result in the conversion of a wetland to another land use;
- C. The activities are in a surface impoundment for containment of fossil fuel combustion waste or water retention, and are not part of a compensatory wetland mitigation program; or

- D. The activity is being conducted as part of an approved replacement plan or is conducted or authorized by public agencies for the purpose of wetland restoration and the activity is restricted to placing fill in a previously excavated drainage system to restore a wetland to its original condition.

65.07: REPLACEMENT PLAN DETERMINATIONS

A landowner intending to drain or fill a wetland who does not qualify for an exemption or no-loss determination shall obtain approval of a replacement plan from the City of St. Augusta before beginning draining or filling the wetland. A person who does not do so is subject to the enforcement provisions in Subd. 65.11 and Minnesota Statutes, section 103G.2372. An application for approval of a replacement plan may be obtained from the City of St. Augusta. The City of St. Augusta will, within ten days of receipt of the application, mail a copy of the application and an invitation to submit comments to:

- A. The Board of Water and Resources, who will subsequently publish the application in the Environmental Quality Board Monitor.
- B. Members of the public who have requested a copy.
- C. The Soil and Water Conservation District.
- D. The watershed district or water management organization if there is one.
- E. The Stearns County board of water and soil resources.
- F. Mayors of the cities within the watershed.
- G. The commissioners of agriculture and natural resources.

At the same time, the City of St. Augusta will publish notice of the application with an invitation to comment in a general circulation newspaper in the area affected. The City of St. Augusta will not make its decision before 30 days and not more than 60 days have elapsed from the mailing of notice, publication in the Environmental Quality Board Monitor, when required, or publication in the newspaper, whichever is later. The City of St. Augusta decision will not be effective until 30 days after a copy of the decision has been mailed to the Environmental Quality Board Monitor for publication, when required, and mailed to the same list specified above for notice of the application and to the applicant. The mailing to the applicant will be by registered mail and will advise that the decision is not effective for 30 days, and is stayed if it is appealed.

Publication in the Environmental Quality Board Monitor of replacement plan applications and decisions will be performed, except for the fill activities described in the next paragraph, when the City of St. Augusta will publish a general notice in the Environmental Quality Board Monitor that it will not be publishing notice of such individual activities, but will instead provide mailed notice of each project to anyone asking to be put on the City of St. Augusta's mailing list for such projects. This notice will be published not less often than once every year. The notice will advise how persons may submit their names and addresses to be put on the mailing list.

Projects eligible for this form of Environmental Quality Board Monitor notice are all those which will fill less than one-tenth acre of wetland; and all those which will fill less than one-quarter acre of wetland, and result from a private road fill or the construction or expansion of a single-family dwelling unit or a farm building when the project cannot be modified so as to avoid the fill.

The City of St. Augusta's decision shall be based on the replacement standards contained in this Section and on the technical determination of the technical evaluation panel concerning the public values, location, size, and type of the wetland being altered. The City of St. Augusta will consider the recommendation of the technical evaluation panel to approve, modify, or reject the proposed replacement plan.

For wetland replacement plans involving both the City of St. Augusta and one or more other local government units, approval of all local government units involved must be obtained before the project may proceed.

65.08: TECHNICAL EVALUATION PANEL AND PROCEDURES

The City of St. Augusta will form, by resolution, a technical evaluation panel consisting of three persons:

- A. A technical professional employee of the Board of Water and Soil Resources.
- B. A technical professional employee of the Stearns County Soil and Water Conservation District.
- C. A technical professional with expertise in water resources management appointed by the City of St. Augusta.

The member appointed by the City of St. Augusta will act as the contact person and coordinator for the panel. Two members of the technical review panel will be knowledgeable and trained in applying methodologies of the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" (January 1989), and evaluation of public values. The technical evaluation panel reserves the right to invite additional wetland experts to help the panel in its work.

The panel will make technical determinations on questions of public values, location, size, and type for replacement plans if requested to do so by the City of St. Augusta, the landowner, or a member of the technical evaluation panel. The panel may review replacement plans and recommend to the City of St. Augusta either approval, approval with changes or conditions, or rejection. The panel will make no determinations or recommendations without at least one member having made an on-site inspection. Panel determinations and recommendations must be endorsed by at least two of the three members.

The panel, or one of its members when so authorized by all of the members, may assist the City of St. Augusta in making wetland size and type determinations when asked to do so by the City of St. Augusta as part of making an exemption or no-loss determination.

If requested by the City of St. Augusta, the landowner, or a member of the technical evaluation panel, the panel will answer technical questions or participate in the monitoring of replacement wetlands and will similarly participate in the monitoring of banked wetlands.

65.09: APPEAL OF CITY OF ST. AUGUSTA DECISIONS

- A. Appeal of replacement plan decisions: The decision of the City of St. Augusta to approve, approve with conditions, or reject a replacement plan, becomes final if not appealed to the

Board of Water and Soils Resources within 30 days after the date on which the decision is mailed to those required to receive notice of the decision.

Appeal may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located.

Appeal is effective upon mailing of the notice of appeal to the Board of Water and Soils Resources with an affidavit that a copy of the notice of appeal has been mailed to the City of St. Augusta. The City of St. Augusta shall then mail a copy of the notice of the appeal to all those to whom it was required by this Section to mail a copy of the notice of decision.

- B. Appeal of exemption and no-loss determinations:
1. An exemption or no-loss determination may be appealed to the board by the landowner after first exhausting all City of St. Augusta administrative appeal options.
 2. Those required to receive notice of replacement plan decisions as provided for in Subd. 65.07 may petition the board to hear an appeal from an exemption or no-loss determination. The board will grant the petition unless it finds that the appeal is meritless, trivial, or brought solely for the purposes of delay. In determining whether to grant the appeal, the board will also give consideration to the size of the wetland, other factors in controversy, any patterns of similar acts by the City of St. Augusta or landowner or petitioner, and the consequences of the delay.
 3. The determination of the City of St. Augusta on the exemption or no-loss application is final unless an appeal or petition is mailed to the board within 30 days after the decision is mailed to the landowner. The appeal or petition must be accompanied by an affidavit that a copy has been sent to the City of St. Augusta and to the landowner if it is a petition.
- C. Board of Soil and Water Resources Procedures: The appeal will be decided by the board within 60 days after receiving the notice of appeal and affidavit or granting the petition. Parties to the appeal will be the appellant, the City of St. Augusta and in the case of replacement plan appeals, all those required to receive notice of the City of St. Augusta's decision.

Upon appeal, the City of St. Augusta will forward to the board the record on which it based its decision. The board will make its decision on the appeal after hearing. Thirty days' notice of the hearing will be given by the board to the parties. The parties may present written and oral argument. When the City of St. Augusta has made formal findings contemporaneously with its decision and there is an accurate verbatim transcript of the proceedings and the proceedings were fairly conducted, the board will base its review on the record. Otherwise, it may take additional evidence, or remand the matter.

The board will affirm the City of St. Augusta's decision if the City of St. Augusta's findings of fact are not clearly erroneous; if the City of St. Augusta correctly applied the law to the facts, including this Section; and if the City of St. Augusta made no procedural errors prejudicial to a

party. Otherwise, the board will reverse the decision, amend it, or remand it with instructions for further proceedings.

65.10: COMPENSATION

Replacement plan applicants who have completed the City of St. Augusta process and the Board of Water and Soil Resources appeal process and the plan has not been approved as submitted, may apply to the Board of Water and Soil Resources for compensation under Minnesota Statutes, section 103G.237.

65.11: ENFORCEMENT PROCEDURES

- A. Enforcing Authorities: The commissioner of the Department of Natural Resources, conservation officers, and other peace officers may issue cease and desist orders and restoration and replacement orders.
- B. Cease and Desist Orders: Site-specific cease and desist orders may be issued when the enforcement authority has probable cause that a drain or fill activity is being or has been conducted in a wetland and does not qualify for an exemption or a no-loss determination and is being or has been conducted without prior approval of a replacement plan by the City of St. Augusta.

A cease and desist order will not be issued if the landowner has a valid certificate of exemption or no loss from the City of St. Augusta or has evidence to support an exemption. Otherwise:

- 1. The enforcement authority may issue a cease-and-desist order upon discovery of the drain or fill activity;
- 2. The order may be withheld to give the landowner time to produce the evidence required by the City of St. Augusta to the enforcement authority of qualification for an exemption or no-loss determination or
- 3. A cease and desist order may be issued with an effective date three weeks from the date of issuance. The enforcement authority may exercise this option when it cannot readily determine the facts and circumstances to deny a landowner's claim of exemption or no-loss and continued drain or fill activity would not cause irreparable harm to the wetland.

The enforcement authority will advise the landowner that the landowner's application, if any, for an exemption or no-loss determination, should be made immediately to the City of St. Augusta and that whatever drain and fill work the landowner has done may require restoration according to a restoration plan designed by the soil and water conservation district, if the application for exemption or no-loss determination is denied.

The enforcement authority issuing a cease and desist order will submit copies to the soil and water conservation district, City of St. Augusta, and department.

If an application for an exemption or no-loss determination is triggered by a cease-and-desist order, the City of St. Augusta or the technical evaluation panel will make a decision within three weeks from the date of application. The City of St. Augusta or the technical evaluation panel will review evidence of exemption or no-loss produced by the landowner, inspect the site if necessary, and determine:

1. If the area in question is a wetland; and
2. If the activity qualifies for an exemption or no-loss determination.

In cases where the cease-and-desist order has been issued to the City of St. Augusta, the determination of exemption or no-loss will be made by the Board of Soil and Water Resources.

If the decision is that the activity is exempt or results in a no-loss determination, the decision maker will issue a certificate of exemption or no-loss, request that the enforcement authority rescind the cease-and-desist order, and notify the soil and water conservation district, the department, and the landowner.

If the application is denied, the decision-maker shall immediately notify the soil and water conservation district, the department, the enforcement authority, and the landowner.

- C. Restoration and replacement orders: The enforcement authority will issue a restoration order or replacement order when the drain or fill has already been completed when discovered, or after a cease and desist order has been issued. The landowner does not seek an exemption or no-loss determination within three weeks, or the City of St. Augusta denies the application.

Promptly upon being informed by the enforcement authority of the need, the soil and water conservation district staff person shall inspect the site and prepare a plan in consultation with the City of St. Augusta for restoring the site to its pre-altered condition, unless the soil and water conservation district person concludes that restoration is impossible. The soil and water conservation district shall incorporate its plan into a restoration or replacement order and send it to the enforcement authority for service in person or by certified mail to the landowner.

The restoration order will specify a date by which the landowner must either:

1. Restore the wetland according to the soil and water conservation district plan and obtain a certificate of satisfactory restoration from the soil and water conservation district; or
2. Submit a replacement plan to the City of St. Augusta.

The order will state that it will be canceled when the landowner obtains a certificate of exemption or no-loss from the City of St. Augusta or a certificate that restoration has been completed according to an approved restoration plan. Otherwise, the landowner must restore the wetland in the manner required by the restoration order.

If the soil and water conservation district determines that restoration will not restore all the loss caused by the drain or fill activity, the enforcement authority may order a combination of restoration and replacement, or may order replacement rather than restoration, as determined by the soil and water conservation district. The order will direct the landowner to obtain replacement plan approval from the City of St. Augusta. The order must specify that if replacement plan approval is not obtained, the landowner must restore the wetland in a manner determined by the soil and water conservation district.

Each cease and desist, restoration, and replacement order will tell the landowner that violation of the order is a misdemeanor.

If, as part of a misdemeanor proceeding, the court orders restoration or replacement, the soil and water conservation district will determine which is appropriate, and if it is restoration, the method of restoration. If the court orders replacement, the landowner must follow the replacement plan process in this Section unless the court orders otherwise.

65.12: MINING

Wetlands may not be drained or filled as part of a project for which a permit to mine is required by Minnesota Statutes, section 93.481 or by the City of St. Augusta City Code. Draining or filling of wetlands created by pits, stockpiles or tailing basins by actions whose purpose was not to create the wetland may be exempt. The landowner must contact the City of St. Augusta to verify this exemption.

65.13: STANDARDS AND PROCEDURES FOR EVALUATING WETLAND REPLACEMENT PLANS

A. Procedures:

1. General: No person shall drain or fill a wetland, wholly or partially, without first having a wetland value replacement plan approved by the City Council of the City of St. Augusta consistent with this Section and provided that the activity is not prohibited under the special considerations provisions in Subd. 65.13.D.9.
2. Preapplication conference and site visit: Before preparation of a wetland value replacement plan, the landowner must meet with the City of St. Augusta for a preapplication conference and site visit. A landowner may submit the sequencing information required in Subd. 65.13.B and request a determination of compliance with the sequencing requirements from the City of St. Augusta before preparing a replacement plan.
3. Evaluation: Technical questions concerning the public value, location, size, and type of wetland shall be submitted to the technical evaluation panel. Wetland boundaries must be determined using the methodologies in the federal Manual for Identifying and Delineating Jurisdictional Wetlands (January 1989).

Wetland type must be identified according to Cowardin, et al. 1979, Classification of Wetlands and Deepwater Habitats of the United States and according to United States Fish and Wildlife Service Circular No. 39 (1971 edition) "Wetlands of the United States." The technical evaluation panel will provide its determinations to the City of St. Augusta for consideration.

B. Sequencing:

1. Requirement: Except for wetlands located in cultivated fields that are subject to Subd. 65.13.B.8, and calcareous fens that are subject to Subd. 65.13.B.9, the City of St. Augusta will not consider or approve a wetland replacement plan unless the City of St. Augusta finds that the applicant has demonstrated that the activity impacting a wetland has complied with all of the following principles in descending order or priority:

- a. avoids direct or indirect impacts to the wetland that may destroy or diminish the wetland under the criteria in Subd. 65.13.B.3;
 - b. minimizes the impact to the wetland by limiting the degree or magnitude of the wetland activity and its implementation under the criteria in Subd. 65.13.B.4;
 - c. rectifies the impact by repairing, rehabilitating, or restoring the affected wetland under the criteria in Subd. 65.13.B.6;
 - d. reduces or eliminates the impact to the wetland over time by preservation and maintenance operations under the criteria in Subd. 65.13.B.6; and
 - e. replaces unavoidable impacts to the wetland by restoring or creating substitute wetland areas having equal or greater public value as provided for in this Section.
- 2. Application options: An applicant may either submit the information required for sequencing analysis as part of the application for replacement plan approval or apply for a preliminary sequencing determination from the City of St. Augusta before preparing a replacement plan. The City of St. Augusta may request additional information needed to make a determination. For projects impacting wetland areas less than 0.1 acres, the City of St. Augusta may provide an on-site sequencing determination without written documentation from the applicant.
- 3. Determination of impact avoidance:
 - a. Avoidance will be required when indicated by special considerations as stated in this Section.
 - b. Wetland dependence determination:
 - i. Based on information provided by the applicant, the City of St. Augusta will determine if the proposed project is wetland dependent. A project is wetland dependent if wetland features, functions, or values are essential to fulfill the basic purpose of the project. A wetland present at the site of a proposed project does not make that project wetland dependent.
 - ii. A project that has been determined by the City of St. Augusta to be wetland dependent is exempt from the analysis of avoidance alternatives in Subd. 65.13.B.3.c.
 - c. Alternative analysis:
 - i. The applicant shall provide the City of St. Augusta with documentation describing at least two alternatives in addition to the proposed project one of which may be the no-build alternative, that would avoid impacts to wetlands. The alternatives may include consideration of alternate sites or alternative project configurations on the proposed site. The alternatives must be judged by the City of St. Augusta as good faith efforts, or the City of St. Augusta will require the applicant to redraft them for reconsideration.
 - ii. The City of St. Augusta will determine whether any feasible and prudent alternatives are available that would avoid impacts to wetlands. An alternative will be considered feasible and prudent if it is capable of being done from an engineering point of view, is in accordance with

accepted engineering standards and practices, is consistent with reasonable requirements of the public health, safety, and welfare, is an environmentally preferable alternative based on a review of social, economic, and environmental impacts, and would create no truly unusual problems. The City of St. Augusta will consider the following in evaluating alternatives as applicable:

- (a) Whether the basic project purpose can be reasonably accomplished using one or more other sites in the same general area that would avoid wetland impacts. An alternate site will not be excluded from consideration only because it includes or requires an area not owned by the applicant that could reasonably be obtained, used, expanded, or managed to fulfill the basic purpose of the proposed project;
 - (b) The general suitability of alternate sites considered by the applicant;
 - (c) Whether reasonable modification of the size, scope configuration, or density of the project would avoid impacts to wetlands;
 - (d) Efforts by the applicant to accommodate or remove constraints on alternatives imposed by zoning standards or infrastructure, including request for conditional use permits, variances, or planned unit developments; and
 - (e) The physical, economic, and demographic requirements of the project. Economic considerations alone do not make an alternative not feasible and prudent.
- iii. If the City of St. Augusta determines that a feasible and prudent alternative exists that would avoid impacts to wetlands, it will deny the replacement plan. If no feasible and prudent alternative is available that would avoid impacts to wetlands, the City of St. Augusta will evaluate the replacement plan for compliance with Subd. 65.13.B.4 to Subd. 65.13.B.6.
- iv. Determination of impact minimization:
 - (a) The applicant shall demonstrate to the City of St. Augusta satisfaction that the activity will minimize impacts to wetlands. In reviewing the sufficiency of the applicant's efforts to minimize wetland impacts, the City of St. Augusta will consider:
 - i. the spatial requirements of the project;
 - ii. the location of existing structural or natural features that may dictate the placement or configuration of the project;
 - iii. the purpose of the project and how the purpose relates to placement, configuration, or density;

- iv. the sensitivity of the site design to the natural features of the site, including topography, hydrology, and existing vegetation;
 - v. the value, function, and spatial distribution of the wetlands on the site;
 - vi. individual and cumulative impacts; and
 - vii. an applicant's efforts to:
 - 1. modify the size, scope, configuration, or density of the project;
 - 2. remove or accommodate site constraints including zoning, infrastructure, access, or natural features; and
 - 3. otherwise minimize impacts.
- (b) If the City of St. Augusta finds that an applicant has not complied with the requirements to minimize wetland impacts, the City of St. Augusta will list, in writing, its objections to the project. If, within 30 days, the applicant does not withdraw the project proposal or indicate intent to submit an amended project proposal satisfying the City of St. Augusta's objections, the statement of objections shall constitute a denial.
- v. Determination of impact rectification: Temporary impacts to a wetland must be rectified by repairing, rehabilitating, or restoring the affected wetland:
- (a) Activities may qualify for a no-loss determination in Subd. 65.06 by meeting all of the following conditions:
 - i. the physical characteristics of the affected wetland, including ground elevations, contours, inlet dimensions, outlet dimensions, substrate, and hydrologic regime, are restored to pre-project conditions sufficient to ensure that all pre-project functions and values are restored;
 - ii. the activity is completed and the physical characteristics of the wetland are restored within six months of the start of the activity; and
 - iii. the party responsible for the activity provides a performance bond to the City of St. Augusta for an amount sufficient to cover the estimated cost to restore the wetland to pre-project conditions. The City of St. Augusta will return the performance bond to the responsible party upon a determination by the City of St. Augusta that the conditions in this item and item b. have been met.
 - (b) An applicant shall be granted a no-loss determination under the criteria in item a. once in a ten-year period for a particular site within a wetland, except that repairs to the original project shall

be allowed under the no-loss determination, if the City of St. Augusta determines the request to be necessary and reasonable.

(c) Wetland impacts that do not qualify for a no-loss determination according to the criteria in item a. are subject to replacement under the criteria in 65.13.C to I.

- vi. Determination of reduction or elimination of impacts over time. After an activity is completed, further wetland impacts from the draining or filling must be reduced or eliminated by maintaining, operating, and managing the project in a manner that preserves and maintains remaining wetland functions and values. The City of St. Augusta will require applicants to implement best management practices to protect wetland functions and values.
- vii. Unavoidable impacts: Unavoidable wetland impacts that remain after efforts to minimize, rectify, or reduce or eliminate them must be replaced according to 65.13.B to I.
- viii. Wetlands on cultivated fields: If the wetland is located on a cultivated field, replacement must be accomplished through restoration without regard to the priority order in 65.13.B.1. A wetland drained or filled under this provision must not be converted to nonagricultural land for ten years. The landowner must execute and record a notice of this requirement in the office of the county recorder for Wright County.
- ix. Calcareous fens: Calcareous fens, as identified by the commissioner, may not be filled, drained, or otherwise degraded, wholly, or partially, by any action, unless the commissioner, under an approved management plan, decides some alteration is necessary, as provided in this Section.

C. Replacement Plan Components: On an application form provided by the City of St. Augusta and with needed attachments supplied by the applicant, the following documentation must be provided, except that for replacement plans utilizing the wetland bank in Subd. 65.14, items 2 and 4 do not apply; instead the applicant shall submit the credit transfer form prescribed in Subd. 65.14.E.2.e:

- 1. Organizational information, including the following:
 - a. The post office address of the applicant;
 - b. For corporations, the principal officers of the corporation, any parent companies, owners, partners, and joint venturers, and a designated contact person
 - c. Managing agents, subsidiaries, or consultants that are or may be involved with the wetland draining or filling project;
- 2. Either an affidavit confirming that the wetland values will be replaced before or concurrent with the actual draining or filling of a wetland or an irrevocable bank letter of credit to guarantee the successful completion of the wetland value replacement;
- 3. For the impacted wetland:
 - a. A recent aerial photograph or accurate map of the impacted wetland area;

- b. the location of the wetland, including the county, watershed name or number, and public land survey coordinate of approximate wetland center;
 - c. the size of the wetland, in acres or square feet;
 - d. the type of wetland using United States Fish and Wildlife Service Circular No. 39 (1971 edition) and National Wetland Inventory mapping conventions (Cowardin et al., 1979);
 - e. a list of the dominant vegetation in the impacted wetland area, including common names of the vegetation exceeding 20 percent coverage and an estimate of coverage, for example, 50 percent willow, 20 percent cattails, and 30 percent sedge;
 - f. a soils map of the site showing soil type and substrate, where available;
 - g. the size of the watershed that drains surface water into the wetland as determined from a United States Government Survey topographical map or other suitable topographical survey;
 - h. the locations of any surface inlets or outlets, natural or otherwise, draining into or out of the wetlands, and if the wetland is within the floodplain of a stream, river, or other watercourse, the distance and direction to the watercourse;
 - i. a map, photograph, or written description of the land use of the immediate watershed within one mile of the impacted wetland. The surrounding land use information shall also indicate the presence and location, if any, of wetland preservation regions and areas, wetland development avoidance regions and areas, and wetland deficient regions and areas as identified in the comprehensive water plan;
 - j. the nature of the proposed project, its real extent, and the impact on the wetland must be shown in sufficient detail to allow the City of St. Augusta to determine the amount and types of wetland to be impacted and to demonstrate compliance with the replacement sequencing criteria in Subd. 65.13.B if applicable;
 - k. evidence of ownership or rights to the affected areas, including a legal description. When two or more landowners are involved, including both the impact site and the proposed replacement site, a contract or other evidence of agreement signed by all landowners. and notarized must be included with the replacement plan. The contract or agreement must contain an acknowledgement of the covenant provisions in Subd. 65.13.C.4.f by landowners on which a replacement wetland is proposed and the location and acreage of replacement wetlands. The contract becomes binding upon final approval of the replacement plan;
 - l. a list of all other local, state, and federal permits and approvals required for the activity; and
 - m. other information considered necessary by the City of St. Augusta for evaluation of the activity;
2. For the replacement wetland Subd. 65.13.C.3, subitems a. to i. and k. to m., and:
- a. An explanation of the size and type of wetland that will result from successful completion of the replacement plan;

- b. scale drawings showing plan and profile views of the replacement wetland and fixed photo-reference points for monitoring purposes. Photo-reference points should include views of any control structures and enough additional points to adequately depict the entire project;
- c. how the replacement wetlands shall be constructed, for example, excavation or restoration by blocking an existing tile; the type, size, and specifications of outlet structures; elevations, relative to Mean Sea Level or established bench mark, of key features, for example, sill, emergency overflow, and structure height; and best management practices that will be implemented to prevent erosion or site degradation;
- d. for created wetlands only, additional soils information sufficient to determine the capability of the site to produce and maintain wetland characteristics;
- e. a timetable that clearly states how and when implementation of the replacement plan shall proceed, and when construction of the replacement wetland shall be finalized;
- f. notice in a form provided by the board attached to and recorded with the deed for lands containing a replacement wetland, specifying the following:
 - i. the location of the replacement wetland;
 - ii. that the wetland is subject to the act;
 - iii. that the fee title owner is responsible for the costs of repairs or reconstruction, if necessary, or for replacement costs;
 - iv. that reasonable access to the replacement wetland shall be granted to the proper authorities for inspection, monitoring, and enforcement purposes;
 - v. that costs of title review and document recording is the responsibility of the fee title owner; and
 - vi. that the City of St. Augusta or board can require necessary repairs or reconstruction work to return the wetland to the specifications of the approved replacement plan and require reimbursement of reasonable costs from the wetland owner, or can require replacement of the wetland according to the
- g. a statement that the replacement wetland was not previously restored or created under a prior approved replacement plan;
- h. a statement that the replacement wetland was not drained or filled under an exemption during the previous ten years;
- i. statement that the replacement wetland was not restored with financial assistance from public conservation programs;
- j. a statement that the replacement wetland was not restored using private funds other than those of the landowner unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the City of St. Augusta in writing that the restored wetland may be considered for replacement;
- k. a plan for monitoring the success of the replacement plan in meeting the project goal Subd. 65.15.D.1, and as specified in this Section; and

- I. other information considered necessary for evaluation of the project by the City of St. Augusta.
3. The applicant must provide information known to the applicant or readily available concerning the special considerations criteria in Subd. 65.13.0.9.

D. Replacement Plan Evaluation Criteria:

1. Sequencing: Prior to the City of St. Augusta considering or approving a replacement plan, the applicant must have exhausted all possibilities to avoid and minimize adverse wetland impacts according to sequencing in Subd. 65.13.B.

The applicant must demonstrate to the City of St. Augusta that the replacement plan complies with this part and Subd. 65.13.E.

2. Type of replacement: The order of preference for the method of replacement, from most preferred to least preferred, is project-specific restoration, project-specific creation, then wetland banking. Modification or conversion of nondegraded wetlands from one wetland type to another, for example by impoundment of additional water, does not constitute adequate replacement.

Wetlands drained or filled under an exemption may not be restored for replacement credit for ten years after draining or filling.

3. Timing of replacement: Replacement of wetland values must be completed before or concurrent with the actual draining or filling of a wetland unless an irrevocable bank letter of credit is submitted to the City of St. Augusta to guarantee successful completion of the replacement. All wetlands to be restored or created for replacement must be designated for replacement before restoration or creation. Submission to the City of St. Augusta of the information required in Subd. 65.13.C and subsequent approval shall be considered evidence of designation for replacement, provided the information is submitted before the actual restoration or creation.
4. Location of replacement wetlands: Replacement wetlands must be located within the same watershed or county as the impacted wetlands.
5. Statewide replacement for public transportation projects: Wetlands impacted by public transportation projects may be replaced statewide, provided they are approved by the commissioner under an established wetland banking system or under this Section.
6. Size of replacement wetlands: Replacement wetlands must be of a size sufficient to ensure that they provide equal or greater public value than the wetland that was drained or filled, For a wetland located on nonagricultural land, the minimum size of the replacement wetland must be in the ratio of two acres of replaced wetland for each acre of drained or For a wetland located on agricultural land, the minimum size of the replacement wetland must be in the ratio of one acre of replaced wetland for each acre

of drained or filled wetland. The actual replacement ratios required for a replacement wetland may be more than the minimum, subject to the evaluation of wetland functions and values. A review by the City of St. Augusta will determine the actual required replacement ratios. Future owners may make no use of the wetland after it is altered, other than as agricultural land for a period of ten years unless future replacement to achieve a 2:1 ratio occurs. The landowner shall record a notice of this restriction in the office of the Stearns County recorder.

7. Carbon balance: When it is necessary to replace a drained or filled peatland, the replacement wetland must be revegetated with planted or naturally invading vegetation established within three growing seasons.
8. Ecological consistency: Restoration and replacement of wetlands must be accomplished according to the ecology of the landscape area affected. A replacement plan that would result in wetlands or wetland characteristics that do not naturally occur in the landscape area in which the replacement will occur will not be approved.
9. Special considerations: The factors in items a. to i., when identified as being applicable to an impact site or a replacement site, will be considered by the City of St. Augusta in the review of replacement plans.
 - a. Federal or state-listed endangered species: A replacement plan for activities that involve sites where federal or state-listed endangered species are known to be present will not be approved if it is determined that the proposed activities will constitute a taking of those listed species under Minnesota Statutes, section 84.0895. Limited information on the presence of listed species at a particular site is available from the department's natural heritage program. Activities that involve taking listed species are subject to Minnesota Statutes, section 84.0895.
 - b. Rare natural communities: A replacement plan for activities that involve the modification of a rare natural community as determined by the department's natural heritage program will not be approved if the City of St. Augusta determines that the proposed activities will permanently adversely affect the natural community.
 - c. Special fish and wildlife resources: A replacement plan for activities that would have a significant adverse impact that cannot be mitigated on a special or locally significant fish and wildlife resource will not be approved. These activities include, but are not limited to:
 - i. fish passage and spawning areas;
 - ii. colonial waterbird nesting colonies;
 - iii. migratory waterfowl concentration areas;
 - iv. deer wintering areas; and/or
 - v. wildlife travel corridors

Activities involving streams must not block fish passage unless approved by the department.

- d. Archaeological or historic sites: A replacement plan for activities that involve the modification of known archaeological or historical sites on or eligible for the National Register of Historic Places, as designated by the state historic preservation officer, will not be approved if the City of St. Augusta determines that the proposed activities will have a significant adverse impact on the archaeological or historical value of the site.
 - e. Groundwater sensitivity: A replacement plan for activities will not be approved if the City of St. Augusta determines the activities would have a significant adverse impact on groundwater quality. The publication "Criteria and Guidelines for Assessing Geologic Sensitivity of Ground Water Resources in Minnesota" (MDNR, 1991) may be used as a guide in determining Potential impacts.
 - f. Sensitive surface waters: A replacement plan will not be approved if the City of St. Augusta determines the activities will have a significant adverse impact on the water quality of outstanding resource value waters or on trout waters designated by the commissioner.
 - g. Education or research use: Wetlands known to be used for educational or research purposes must be maintained or adequately replaced.
 - h. Waste disposal sites: The City of St. Augusta will evaluate the type and amount of waste material found at the site. Activities involving known or potential hazardous wastes or contaminants must be conducted according to applicable federal and state standards.
 - i. Consistency with other plans: The City of St. Augusta will consider the extent to which proposed activities are consistent with other plans, such as watershed management plans, land use plans, zoning, and master plans.
10. Evaluation of wetland functions and values:
- a. Evaluation options: Replacement wetlands must replace the functions and values that are lost from a wetland that is drained or filled. A replacement wetland should replace the same combination of functions and values provided by the impacted wetland. The evaluation of wetlands shall be performed in accordance with part 8420.540 of the Board of Water and Soil Resources Wetland Conservation Act Rules (August, 1993).

E. Wetland Replacement Standards:

- 1. General requirements: The standards and guidelines in this part shall be used in wetland creation and restoration efforts to ensure adequate replacement of wetland functions and values.
- 2. Specific requirements: The standards in items a. to h. shall be followed in all wetland replacements unless the technical evaluation panel determines that a standard is clearly not appropriate.
 - a. Water control structures must be constructed using specifications provided in the Minnesota Wetland Restoration Guide or their equivalent. Control structures may be subject to the department dam safety regulations.

- b. Best management practices must be established and maintained adjacent to the entire perimeter of all replacement wetlands.
 - c. For replacement wetlands where the dominant vegetation of the wetland type identified as the replacement goal is not likely to recover naturally in a five-year period, wooded and shrub wetlands especially, the replacement wetland must be seeded or planted with appropriate species, as determined by the soil and water conservation district, in coordination with the department. If the replacement wetland is seeded or planted, the seed or planting stock should be of local wetland origin to preserve local genotypes. During the monitoring period, the applicant must take reasonable steps to prevent invasion by any species, for example, purple loosestrife and Eurasian water milfoil, that would defeat the revegetation goal of the replacement plan.
 - d. Erosion control measures as determined by the soil and water conservation district must be employed during construction and until permanent ground cover is established to prevent siltation of the replacement wetland or nearby water bodies.
 - e. For all restored wetlands where the original organic substrate has been stripped away and for all created wetlands, provisions must be made for providing an organic substrate. When feasible, the organic soil used for backfill should be taken from the drained or filled wetland.
 - f. The bottom contours of created types 3, 4, and 5 wetlands shall be undulating, rather than flat, to provide a variety of water depths.
 - g. Side slopes of created wetlands and buffer strip must not be steeper than 5:1, five feet horizontally for every one foot vertically as averaged around the wetland. Side slopes of 10:1 to 15:1 are preferred.
 - h. Created wetlands shall have an irregular edge to create points and bays.
- F. Monitoring: The purpose of wetland value replacement monitoring is to ensure that the replacement wetland achieves the goal of replacing lost functions and values.
- G. Duration of Monitoring: Monitoring shall be by means of an annual report as specified in Subd. 65.13.H and shall continue for five years following completion of the wetland replacement project. Through written notification to the applicant, the City of St. Augusta may extend the required monitoring period for not more than an additional five-year period if, at the end of the initial five-year period, the goal of the replacement plan has not been achieved, but may be achieved with more time.
- H. Monitoring Annual Report:
- 1. Purpose: The purpose of the annual report is to describe actual wetland restoration or creation activities completed during the past year, activities planned for the upcoming year, and the information in 2. The applicant shall submit the annual report to the City of St. Augusta on a date determined by the City of St. Augusta until the applicant has fulfilled all of the requirements of the City of St. Augusta.

2. Report content: The annual report shall include the following information and other site-specific information identified by the City of St. Augusta:
 - a. A description of the project location, size, current wetland type (Cowardin classification), and desired wetland type (goal);
 - b. A comparison of the as-built specifications versus the design specifications (first annual plan only) and a rationale for significant changes;
 - c. Hydrology measurements: seasonal water level elevations during the period April through October (msl or referenced to a known bench mark);
 - d. A list of the dominant vegetation in the wetland, including common names of the vegetation exceeding 20 percent coverage and an estimate of coverage, for example, 50 percent willow, 20 percent cattail, and 30 percent sedge; and
 - e. Color photographs of the project area taken anytime during the period June through August, referenced to the fixed photo-reference points identified on the wetland replacement plan and labeled accordingly.
- I. Monitoring Determinations by the City of St. Augusta:
 1. Will inspect the project when construction is complete and certify compliance with construction specifications, and may inspect the project at any time during the construction and monitoring period, and any time after that to assess the long-term viability of the replaced wetland. When the City of St. Augusta certifies that the construction specifications have been met, the City of St. Augusta will so advise the applicant and return any bond or other security that the applicant had provided;
 2. May order corrective action at any time during the required monitoring period if it determines that the goal of the approved replacement plan will not be met, and may require the applicant to prepare an amended wetland value replacement plan for review and approval by the City of St. Augusta which describes in detail the corrective measures to be taken to achieve the goal of replacing lost wetland functions and values;
 3. Shall make a finding based on a site visit at the end of the monitoring period as to whether the goal of the replacement plan has been met. If the goal of the replacement plan has not been met, the City of St. Augusta will order corrective action and extend the monitoring period; and
 4. Will require one or more of the following actions if during the monitoring period the City of St. Augusta finds that the goal of the replacement plan will not be met:
 - a. Order the applicant to prepare and implement a new replacement plan;
 - b. Issue a cease and desist order on the draining and filling activity if it has not been completed;
 - c. Order restoration of the impacted wetland;
 - d. Obtain forfeiture of a bond or other security and use the proceeds to replace the lost wetland values;
 - e. Ask the district court to order the applicant to fulfill the replacement plan; or
 - f. Other actions that the City of St. Augusta determines necessary to achieve the goal of the replacement plan.

65.14: STANDARDS AND CRITERIA FOR STATE WETLAND BANKING

- A. Purpose: The purpose of this section is to provide City of St. Augusta standards for procedures related to a state wetland banking system as provided for in parts 8420.0700 to 8420.0760. The City of St. Augusta is responsible for approving bank plans, certifying deposits, and monitoring of banked wetlands and enforcement under the rules.

65.15: CALCAREOUS FENS

- A. General: Calcareous fens may not be drained or filled or otherwise altered or degraded except as provided for in a management plan approved by the commissioner. No exemptions shall be granted for any drain or fill activities which affect calcareous fens.

Section 66 - Floodplains

Subdivision

66.01 Adoption of Stearns County Regulations

66.02 Administration and Enforcement

66.01: ADOPTION OF STEARNS COUNTY REGULATIONS

County Floodplain Overlay District Section 10.1 regulating the use of floodplains in Stearns County, Minnesota, is hereby adopted by reference and available from the County or on its website at www.stearnscountymn.gov.

66.02 ADMINISTRATION AND ENFORCEMENT

The provisions of this subdivision shall be administered and enforced by the Stearns County Zoning Administrator.

Section 67 - Scenic Rivers

Subdivision

67.01 Adoption of Stearns County Regulations

67.02 Administration and Enforcement

67.01 ADOPTION OF STEARNS COUNTY REGULATIONS

The Stearns County Mississippi River Scenic River Ordinance, Section 9.13, regulating the use of bluff lands and shorelands of the Mississippi River in Stearns County, is hereby adopted by referenced and available from the County or on its website at www.stearnscountymn.gov.

67.02 ADMINISTRATION AND ENFORCEMENT

The provisions of this subdivision shall be administered and enforced by the Stearns County Zoning Administrator.

Section 68—Cannabis Cultivator

Subdivision

68.01 Purpose and Intent

68.02 Application

68.03 General Standards

68.04 Setbacks

68.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state licensed Cannabis Cultivator business as defined by Minn. Stat. 342.30. Such businesses may be undertaken either outdoors or indoors, subject to the regulations of Section 68 of this Ordinance.

68.02 APPLICATION

Cannabis Cultivator businesses may be allowed as an Interim Use Permit in the I-1 zoning district.

68.03 GENERAL STANDARDS

The following standards shall apply to all Cannabis Cultivator businesses.

- A. Requires an interim use permit based upon procedures set forth in and regulated in Section 3 of this ordinance, subject to the following conditions:
 1. Must be licensed by the State of Minnesota as a Cannabis Cultivator and in compliance with the standards set by the Office of Cannabis Management.
 2. Buffer Required:
 - a. The City of St. Augusta shall prohibit the operation of a cannabis business within 1,000 feet of a school.
 - b. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a daycare.
 - c. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
 - d. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - e. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
 3. Any area used to cultivate or grow cannabis must meet the setbacks as prescribed in the I-1 zoning district.
 4. Any area where cannabis is grown, handled, or packaged shall be completely fenced as required by the Office of Cannabis Management and equipped with an emergency key box

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5. No onsite consumption is permitted.
6. The use must meet all other I-1 District standards listed in Section 51 of this ordinance.
7. Indoor cannabis cultivation and growing facilities within the I-1 District must meet the following standards:
 - a. The facility shall not produce noxious or nuisance causing odors, subject to the following conditions:
 1. The facility shall be ventilated so that all odors cannot be detected by a person with a normal sense of smell at the exterior of the facility or at any adjoining use or property.
 2. Growing cannabis must comply with all applicable laws and shall not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the facilities.
 3. The applicant shall provide plans that show appropriate odor control systems so as not to produce any noxious or dangerous gases or odors or create any dangers to any person or entity in or near the facility.
 4. An odor maintenance plan must be submitted to the City and approved by the City.
 - b. All mechanical and odor suppression equipment and trash enclosures must be screened in a manner that protects adjacent properties from visual impacts and noise levels.
 - c. Outdoor storage of containers, pallets, waste/recycle containers, etc. is prohibited.
 - d. Lighting within a greenhouse is permitted between the hours of 4:30 a.m. and 10:00 p.m.
 - e. Noise shall be muffled or otherwise controlled so as not to create a nuisance.
 - f. Water and Wastewater
 - g. Management of wastewater shall be in accordance with the Office of Cannabis Management, Minnesota Pollution Control Agency, or local ordinances. Where multiple standards exist, the more restrictive of the standards shall apply.
 - h. Water use within the site shall be designed to maximize the amount of water reuse possible.
 - i. No onsite consumption is permitted.
 - j. Off street parking requirements shall be met per Section 20 of this Ordinance.
 - k. Off street loading requirements shall be met per Section 21 of this Ordinance.

68.04 SETBACKS

All Cannabis Cultivator businesses shall, in addition to the buffers set forth in Section 68.03, comply with each of the setbacks of the underlying zoning district in which such business is located.

Section 69—Cannabis Delivery Service

Subdivision

69.01 Purpose and Intent

69.02 Application

69.03 General Standards

69.04 Setbacks

69.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state licensed Cannabis Delivery Service business as defined by Minn. Stat. 342.41 and 342.42. Cannabis delivery services are allowed as an accessory use to a cannabis retail sales establishment or a lower potency hemp retail establishment with an interim use permit, subject to the standards set forth in this Section 69.

69.02 APPLICATION

Cannabis Delivery Service businesses may be allowed as an accessory use to a Cannabis Retail, Cannabis Microbusiness or Cannabis Mezzobusiness establishment in the B-1, B-2 and I-1 zoning districts with an interim use permit, subject to the following standards:

69.03 GENERAL STANDARDS

The following standards shall apply to all Cannabis Delivery Service businesses.

- A. Requires an interim use permit in the B-1, B-2 and I-1 zoning districts based upon procedures set forth in and regulated in Section 3 of this ordinance, subject to the following conditions:
 1. Must be licensed by the State of Minnesota as a Cannabis Delivery Service and in compliance with the standards set by the Office of Cannabis Management.
 2. Buffer Required:
 - a. The City of St. Augusta shall prohibit the operation of a cannabis business within 1,000 feet of a school.
 - b. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a daycare.
 - c. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
 - d. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - e. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
 3. The use must meet all other applicable B-1, B-2 or I-1 District performance standards, listed this ordinance.
 4. Only fleet vehicle parking will be permitted outside of the principal structure.
 5. Fleet vehicle parking must be screened in accordance with Section 20 of this Ordinance.

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6. Fleet vehicle parking may not occupy any required parking spaces.
7. All delivery and loading areas must be screened from view of the public street or adjacent properties.
8. Signage. All signage must meet the size and location requirements of Section 31 of this Ordinance.
9. Off street parking requirements shall be met per Section 20 of this Ordinance.
10. Off street loading requirements shall be met per Chapter 1300 of this Ordinance.
11. No onsite consumption is permitted.
12. The use must meet all other applicable B-1, B-2 and I-1 District standards listed in this ordinance.
13. No onsite consumption is permitted.
14. Off street parking requirements shall be met per Section 20 of this Ordinance.
15. Off street loading requirements shall be met per Section 21 of this Ordinance.

69.04 SETBACKS

All Cannabis Delivery Service businesses shall, in addition to the buffers set forth in Section 69.03, comply with each of the setbacks of the underlying zoning district in which such business is located.

Section 70—Cannabis Event, Temporary

Subdivision

70.01 Purpose and Intent

70.02 Application

70.03 General Standards

70.04 Setbacks

70.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state licensed Cannabis Event as defined by Minn. Stat. 342.39 and 342.40. A Cannabis Event may be held only at approved Cannabis Retail or Low Potency Hemp Retail locations, subject to the standards set forth in this Section 70 and upon the issuance of an Interim Use Permit.

70.02 APPLICATION

A Cannabis Event may be allowed as an Interim Use Permit in the B-1, B-2 and I-1 zoning districts, but only at approved Cannabis Retail and Low Potency Hemp Retail Locations.

70.03 GENERAL STANDARDS

The following standards shall apply to all Temporary Cannabis Events:

- A. Requires an interim use permit based upon procedures set forth in and regulated in Section 3 of this ordinance, subject to the following conditions:
 1. The Cannabis Event Organizer must be licensed by the State of Minnesota as a Cannabis Event Organizer and must be in compliance with the standards set by the Office of Cannabis Management.
 2. Buffer Required:
 - a. The City of St. Augusta shall prohibit the operation of a cannabis business within 1,000 feet of a school.
 - b. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a daycare.
 - c. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
 - d. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - e. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
 3. The use must meet all other zoning district performance standards for the zoning district in which the Cannabis Event is held.
 4. Temporary Cannabis Events may only be held at approved and registered Cannabis Retail and Low Potency Hemp Retail Locations.

5. Temporary Cannabis Events must last no more than four consecutive calendar days.
6. No more than four Temporary Cannabis Events may be conducted at a single location in a calendar year.
7. Hours of operation for a Temporary Cannabis Event are limited to 10:00 AM to 5:00 PM.
8. No onsite consumption is permitted
9. Intoxicating liquor is not allowed for consumption or sale in conjunction with a temporary cannabis event.
10. The Cannabis Event Organizer shall provide security for crowd control.
11. The Cannabis Event Organizer shall provide available toilet facilities on site.
12. Insurance is required for all applicants seeking an outdoor special event permit.
13. Fleet vehicle parking must be screened in accordance with Section 20 of the Zoning Ordinance.
14. Fleet vehicle parking may not occupy any required parking spaces.
15. All delivery and loading areas must be screened from view of the public street or adjacent properties.
16. Signage. All signage must meet the size and location requirements of Section 31 of this Ordinance.
17. Off street parking requirements shall be met per Section 20 of this Ordinance.
18. Off street loading requirements shall be met per Section 21 of this Ordinance.
19. No onsite consumption is permitted.
20. The use must meet all other applicable B-1, B-2 and I-1 zoning District standards required by this ordinance.
21. No onsite consumption is permitted.
22. Off street parking requirements for the anticipated number of attendees shall be met by the Cannabis Event Organizer.

70.04 SETBACKS

All Cannabis Events shall, in addition to the buffers set forth in Section 70.03, comply with each of the setbacks of the underlying zoning district in which such business is located.

Section 71—Cannabis, Low Potency Hemp Manufacturer; Light Manufacturing, Lower Potency Hemp Edible

Subdivision

71.01 Purpose and Intent

71.02 Application

71.03 General Standards

71.04 Setbacks

71.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state-licensed Cannabis and/or Low Potency Hemp Manufacturer, as defined by Minn. Stat. 342.31, as well as a Lower Potency Hemp Edible Light Manufacturer, as defined by Minn. Stat. 342.45.

71.02 APPLICATION

Cannabis and Low Potency Hemp Manufacturers as well as a Lower Potency Hemp Edible Light Manufacturers are allowed as an interim use permit in the I-1 District, subject to the standards set forth in this Section 71, and must be licensed by the State of Minnesota as a Cannabis, Lower-Potency Hemp Manufacturer or Lower Potency Hemp Edible Light Manufacturer and be in compliance with the standards set by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

71.03 GENERAL STANDARDS

The following standards shall apply to all Cannabis and/or Low Potency Hemp Manufacturers as well as a Lower Potency Hemp Edible Light Manufacturer:

- A. Requires an interim use permit based upon procedures set forth in and regulated in Section 3 of this ordinance, subject to the following conditions:
 1. Must be licensed by the State of Minnesota as a Cannabis or Low Potency Hemp Manufacturer or a Lower Potency Hemp Edible Light Manufacturer and be in compliance with the standards set by the Office of Cannabis Management.
 2. Buffer Required:
 - a. The City of St. Augusta shall prohibit the operation of a cannabis business within 1,000 feet of a school.
 - b. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a daycare.
 - c. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
 - d. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - e. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

3. No onsite consumption is permitted.
4. The use must meet all other applicable I-1 District standards listed in this ordinance.
5. Outdoor storage of containers, pallets, waste/recycle containers, etc. is prohibited.
6. Noise shall be muffled or otherwise controlled so as not to become a nuisance.
7. Off street parking requirements shall be met per Section 20 of this Ordinance.
8. Off street loading requirements shall be met per Section 21 of this Ordinance.

71.04 SETBACKS

All Cannabis and/or Low Potency Hemp Manufacturers, as well as Lower Potency Hemp Edible Light Manufacturers, shall, in addition to the buffers set forth in Section 71.03, comply with each of the setbacks of the underlying zoning district in which such business is located.

Section 72—Cannabis Mezzobusiness

Subdivision

72.01 Purpose and Intent

72.02 Application

72.03 General Standards

72.04 Setbacks

72.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state licensed Cannabis Mezzobusiness as defined by Minn. Stat. 342.29.

72.02 APPLICATION

Cannabis Mezzobusinesses are allowed as an interim use permit in the I-1 District, subject to the standards set forth in this Section 72, and must be licensed by the State of Minnesota as a Cannabis Mezzobusiness, possess Cannabis Mezzobusiness registration from the City, and be in compliance with the standards set by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

72.03 GENERAL STANDARDS

The following standards shall apply to all Cannabis Mezzobusinesses:

- A. Requires an interim use permit based upon procedures set forth in and regulated in Section 3 of this ordinance, subject to the following conditions:
 1. Must be licensed by the State of Minnesota as a Cannabis Mezzobusiness and be in compliance with the standards set by the Office of Cannabis Management.
 2. Cannabis Mezzobusiness with a state license retail endorsement must be registered with the City.
 3. Buffer Required:
 - a. The City of St. Augusta shall prohibit the operation of a cannabis business within 1,000 feet of a school.
 - b. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a daycare.
 - c. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
 - d. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - e. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
 4. No onsite consumption is permitted.
 5. The use must meet all other applicable I-1 District standards listed in this ordinance.
 6. Outdoor storage of containers, pallets, waste/recycle containers, etc. is prohibited.

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7. Noise shall be muffled or otherwise controlled so as not to become a nuisance.
8. Cannabis Mezzobusinesses with a state license retail endorsement must be registered with the city.
9. Hours of operation are limited to 10:00 AM to 9:00 PM.
10. Signage. All signage must meet the size and location requirements of Section 31 of this Ordinance.
11. No outdoor storage or display of equipment or merchandise is permitted.
12. Temporary Cannabis events may be permitted with an additional Interim Use Permit pursuant to Section 3 of this Ordinance for retail locations not in violation of City Code.
13. Off street parking requirements shall be met per Section 20 of this Ordinance.
14. Off street loading requirements shall be met per Section 21 of this Ordinance.

72.04 SETBACKS

All Cannabis Mezzobusinesses shall, in addition to the buffers set forth in Section 72.03, comply with each of the setbacks of the underlying zoning district in which such business is located.

Section 73—Cannabis Microbusiness

Subdivision

73.01 Purpose and Intent

73.02 Application

73.03 General Standards

73.04 Setbacks

73.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state licensed Cannabis Microbusiness as defined by Minn. Stat. 342.29.

73.02 APPLICATION

Cannabis Microbusinesses are allowed as an interim use permit in the I-1 District, subject to the standards set forth in this Section 73, and must be licensed by the State of Minnesota as a Cannabis Microbusiness, possess Cannabis Microbusiness registration from the City, and be in compliance with the standards set by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

73.03 GENERAL STANDARDS

The following standards shall apply to all Cannabis Microbusinesses:

- A. Requires an interim use permit based upon procedures set forth in and regulated in Section 3 of this ordinance, subject to the following conditions:
 1. Must be licensed by the State of Minnesota as a Cannabis Microbusiness and be in compliance with the standards set by the Office of Cannabis Management.
 2. Cannabis Microbusiness with a state license retail endorsement must be registered with the City.
 3. Buffer Required:
 - a. The City of St. Augusta shall prohibit the operation of a cannabis business within 1,000 feet of a school.
 - b. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a daycare.
 - c. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
 - d. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - e. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
 4. No onsite consumption is permitted.
 5. The use must meet all other applicable I-1 District standards listed in this ordinance.
 6. Outdoor storage of containers, pallets, waste/recycle containers, etc. is prohibited.

As approved November 12, 2024 and amended through September 2026

7. Noise shall be muffled or otherwise controlled so as not to become a nuisance.
8. Cannabis Microbusinesses with a state license retail endorsement must be registered with the city.
9. Hours of operation are limited to 10:00 AM to 9:00 PM.
10. Signage. All signage must meet the size and location requirements of Section 31 of this Ordinance.
11. No outdoor storage or display of equipment or merchandise is permitted.
12. Temporary Cannabis events may be permitted with an additional Interim Use Permit pursuant to City Ordinance Section 3 for retail locations not in violation of City Code.
13. Off street parking requirements shall be met per Section 20 of this Ordinance.
14. Off street loading requirements shall be met per Section 21 of this Ordinance.

73.04 SETBACKS

All Cannabis Microbusinesses shall, in addition to the buffers set forth in Section 73.03, comply with each of the setbacks of the underlying zoning district in which such business is located.

Section 74—Cannabis Retailer

Subdivision

74.01 Purpose and Intent

74.02 Application

74.03 General Standards

74.04 Setbacks

74.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state licensed Cannabis Retailer as defined by Minn. Stat. 342.32.

74.02 APPLICATION

Cannabis Retailers are allowed as an interim use permit in the B-1, B-2 and I-1 Districts, subject to the standards set forth in this Section 74. Cannabis Retailers must be licensed by the State of Minnesota as a Cannabis Retailers, possess a Cannabis Retail registration from the City, and be in compliance with the standards set by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

74.03 GENERAL STANDARDS

The following standards shall apply to all Cannabis Retailers:

- A. Requires an interim use permit based upon procedures set forth in and regulated in Section 3 of this ordinance, subject to the following conditions:
 1. Must be licensed by the State of Minnesota as a Cannabis Retailer and in be compliance with the standards set by the Office of Cannabis Management.
 2. Cannabis Retailers with a state license retail endorsement must be registered with the City.
 3. Buffer Required:
 - a. The City of St. Augusta shall prohibit the operation of a cannabis business within 1,000 feet of a school.
 - b. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a daycare.
 - c. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
 - d. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - e. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
 4. No onsite consumption is permitted.

5. The use must meet all other applicable B-1, B-2 and I-1 District standards listed in this ordinance.
6. Outdoor storage of containers, pallets, waste/recycle containers, etc. is prohibited.
7. Noise shall be muffled or otherwise controlled so as not to become a nuisance.
8. Cannabis Retailers with a state license retail endorsement must be registered with the city.
9. Hours of operation are limited to 10:00 AM to 9:00 PM.
10. Signage. All signage must meet the size and location requirements of Section 31 of this Ordinance.
11. No outdoor storage or display of equipment or merchandise is permitted.
12. Temporary Cannabis events may be permitted at Cannabis Retailers with an additional Interim Use Permit pursuant to Section 3 of this Ordinance for retail locations not in violation of City Code.
13. Off street parking requirements shall be met per Section 20 of this Ordinance.
14. Off street loading requirements shall be met per Section 21 of this Ordinance.

74.04 SETBACKS

All Cannabis Retailers shall, in addition to the buffers set forth in Section 74.03, comply with each of the setbacks of the underlying zoning district in which such business is located.

Section 75—Cannabis Testing Facility

Subdivision

75.01 Purpose and Intent

75.02 Application

75.03 General Standards

75.04 Setbacks

75.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state licensed Cannabis Testing Facility as defined by Minn. Stat. 342.37 and 342.38.

75.02 APPLICATION

Cannabis Facilities are allowed as an interim use permit in the I-1 District, subject to the standards set forth in this Section 75, and must be licensed by the State of Minnesota as a Cannabis Testing Facility, and be in compliance with the standards set by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

75.03 GENERAL STANDARDS

The following standards shall apply to all Cannabis Testing Facilities:

- A. Requires an interim use permit based upon procedures set forth in and regulated in Section 3 of this ordinance, subject to the following conditions:
 1. Must be licensed by the State of Minnesota as a Cannabis Testing Facility and be in compliance with the standards set by the Office of Cannabis Management.
 2. Buffer Required:
 - a. The City of St. Augusta shall prohibit the operation of a cannabis business within 1,000 feet of a school.
 - b. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a daycare.
 - c. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
 - d. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - e. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
 3. No onsite consumption is permitted.
 4. The use must meet all other applicable I-1 District standards listed in this ordinance.

75.04 SETBACKS

All Cannabis Testing Facilities shall, in addition to the buffers set forth in Section 75.03, comply with each of the setbacks of the underlying zoning district in which such business is located.

Section 76—Cannabis Transporter

Subdivision

76.01 Purpose and Intent

76.02 Application

76.03 General Standards

76.04 Setbacks

76.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state licensed Cannabis Transporter business as defined by Minn. Stat. 342.35 and 342.36. Cannabis Transporters are allowed as an interim use permit, subject to the standards set forth in this Section 76.

76.02 APPLICATION

Cannabis Transporter businesses may be allowed in the I-1 zoning district as an interim use subject to the standards set forth in this Section 76, and must be licensed by the State of Minnesota as a Cannabis Transporter and be in compliance with the standards set by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

76.03 GENERAL STANDARDS

The following standards shall apply to all Cannabis Transporter businesses.

- A. Requires an interim use permit in the I-1 zoning district based upon procedures set forth in and regulated in Section 3 of this ordinance, subject to the following conditions:
 1. Must be licensed by the State of Minnesota as a Cannabis Delivery Service and be in compliance with the standards set by the Office of Cannabis Management.
 2. Buffer Required:
 - a. The City of St. Augusta shall prohibit the operation of a cannabis business within 1,000 feet of a school.
 - b. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a daycare.
 - c. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
 - d. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - e. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
 3. The use must meet all other applicable I-1 District performance standards, listed in this ordinance.
 4. Only fleet vehicle parking will be permitted outside of the principal structure.
 5. Fleet vehicle parking must be screened in accordance with Section 20 of this Ordinance.

6. Fleet vehicle parking may not occupy any required parking spaces.
7. All delivery and loading areas must be screened from view of the public street or adjacent properties.
8. Signage. All signage must meet the size and location requirements of Section 31 of this Ordinance.
9. Off street parking requirements shall be met per Section 20 of the Code of Ordinances of this Ordinance.
10. Off street loading requirements shall be met per Section 21 of this Ordinance.
11. No onsite consumption is permitted.

76.04 SETBACKS

All Cannabis Delivery Service businesses shall, in addition to the buffers set forth in Section 76.03, comply with each of the setbacks of the underlying zoning district in which such business is located.

Section 77—Cannabis Wholesaler

Subdivision

77.01 Purpose and Intent

77.02 Application

77.03 General Standards

77.04 Setbacks

77.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state licensed Cannabis Wholesaler business as defined by Minn. Stat. 342.33 and 342.34. Cannabis Wholesalers are allowed as an interim use permit, subject to the standards set forth in this Section 77.

77.02 APPLICATION

Cannabis Wholesaler businesses may be allowed in the I-1 zoning district as an interim use subject to the standards set forth in this Section 76, and must be licensed by the State of Minnesota as a Cannabis Wholesaler and be in compliance with the standards set by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

77.03 GENERAL STANDARDS

The following standards shall apply to all Cannabis Wholesaler businesses:

- A. Requires an interim use permit in the I-1 zoning district based upon procedures set forth in and regulated in Section 3 of this ordinance, subject to the following conditions:
 1. Must be licensed by the State of Minnesota as a Cannabis Wholesaler and be in compliance with the standards set by the Office of Cannabis Management.
 2. Buffer Required:
 - a. The City of St. Augusta shall prohibit the operation of a cannabis business within 1,000 feet of a school.
 - b. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a daycare.
 - c. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
 - d. The City of St. Augusta shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - e. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
 3. The use must meet all other applicable I-1 District performance standards of this ordinance.
 4. Only fleet vehicle parking will be permitted outside of the principal structure.
 5. Fleet vehicle parking must be screened in accordance with Section 20 of the Zoning Ordinance.

As approved November 12, 2024 and amended through September 2026

6. Fleet vehicle parking may not occupy any required parking spaces.
7. All delivery and loading areas must be screened from view of the public street or adjacent properties.
8. Signage. All signage must meet the size and location requirements of Section 31 of this Ordinance.
9. Off street parking requirements shall be met per Section 20 of this Ordinance.
10. Off street loading requirements shall be met per Section 21 of this Ordinance.
11. No onsite consumption is permitted.

77.04 SETBACKS

All Cannabis Delivery Service businesses shall, in addition to the buffers set forth in Section 77.03, comply with each of the setbacks of the underlying zoning district in which such business is located.

Section 78—Low Potency Hemp Retailer

Subdivision

78.01 Purpose and Intent

78.02 Application

78.03 General Standards

78.04 Setbacks

78.01 PURPOSE AND INTENT

The purpose of this section is to establish regulations for the operation of a state licensed Low Potency Hemp Retailer as defined by Minn. Stat. 342.46.

78.02 APPLICATION

Low Potency Hemp Retailers are allowed as a permitted use in the B-1, B-2 and I-1 Districts, subject to the standards set forth in this Section 78. Low Potency Hemp Retailers must be licensed by the State of Minnesota as a Low Potency Hemp Retailer, possess a Low Potency Hemp Retail registration from the City pursuant to Minn. Stat. 342.22, and be in compliance with the standards set by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

78.03 GENERAL STANDARDS

The following standards shall apply to all Low Potency Hemp Retailers:

- A. Must be licensed by the State of Minnesota as a Low Potency Hemp Retailer and in be compliance with the standards set by the Office of Cannabis Management.
- B. Low Potency Hemp Retailers with a state license retail endorsement must be registered with the City.
- C. No onsite consumption is permitted.
- D. The use must meet all other applicable B-1, B-2 and I-1 District standards listed in this ordinance.
- E. Outdoor storage of containers, pallets, waste/recycle containers, etc. is prohibited.
- F. Noise shall be muffled or otherwise controlled so as not to become a nuisance.
- G. Hours of operation are limited to 10:00 AM to 9:00 PM.
- H. Signage. All signage must meet the size and location requirements of Section 31 of this Ordinance.
- I. No outdoor storage or display of equipment or merchandise is permitted.
- J. Off street parking requirements shall be met per Section 20 of this Ordinance.
- K. Off street loading requirements shall be met per Section 21 of this Ordinance.

78.04 SETBACKS

Low Potency Hemp Retailers shall comply with each of the setbacks of the underlying zoning district in which such business is located.

This Ordinance becomes effective from and after its passage and publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. AUGUSTA THIS 12th DAY
OF NOVEMBER, 2024.**

Michael G. Zenzen, Mayor

Attest:

William R. McCabe, Clerk/Administrator

Published in the St. Cloud Tribune on _____, 2024.