CHAPTER 20

ESSENTIAL SERVICES

SECTION:

20.01: Purpose
20.02: Permit Required
20.03: Conditional Use

20.01: PURPOSE: The purpose of this Chapter 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 should also be installed in recognition of existing and projected demands for such services. Essential services do not include wireless communications towers, equipment stations, or antennae.

20.02: PERMIT REQUIRED:

A. All underground telephone lines, pipelines for local distribution, underground electric transmission lines, and overhead electric transmission lines and substations less than 33 KV, when installed in any public right-of-way in any zoning district, shall require a special permit approved by the City Engineer.

B. All underground telephone lines, pipelines for local distribution, underground electric transmission lines, and overhead electric transmission lines less than 33 KV, which are intended to serve more than one parcel and are proposed to be installed at locations other than in public right-of-way, shall require a special permit issued by the City after approval by the City Engineer. Approval by the City Engineer shall be based upon the information furnished in the following procedural requirements:

1. Prior to the installation of any of the previous essential services, the owner of such service shall file with the City Clerk, all maps and other pertinent information as deemed necessary for the City Engineer to review the proposed project.

2. The City Clerk shall transmit the map and accompanying information to the City Engineer for its review and approval regarding the project's relationship to the Comprehensive Plan and/or ordinances and parts thereof.

3. The City Engineer shall report in writing to the City Clerk its findings as to the compliance of the proposed project with the Comprehensive Plan and ordinances of the City.

4. In considering applications for the placement of essential services, as regulated in this Chapter, the aforesaid City staff 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.

5. Upon receiving the approval of the City Engineer, the City Clerk shall issue a special permit for the installation and operation of the applicant's essential services. If the Engineer's report recommends the denial of said permit causing the City Clerk to deny its issuance, the applicant may appeal said decision to the Board of Appeals and Adjustments under the rules and procedures as set forth in Chapter 8 of this Ordinance.

20.03: CONDITIONAL USE: All transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 KV shall be a conditional use in all districts subject to the following procedural requirements:

A. Prior to the installation of any of the previous essential services, the owner of such service shall file with the City Clerk, all maps and other pertinent information as deemed necessary for the City Council to review the proposed project.

B. The City Clerk shall transmit the map and accompanying information to the City Council for its review and recommendations regrading the project's relationship to the Comprehensive Plan and parts thereof.

C. The City Council shall hold the necessary public hearings as prescribed by Chapter 4 of this Ordinance.

D. In considering the applications for the placement of essential services, as regulated by this subdivision, the City Council shall consider the effect of the proposed project upon the health, safety and general welfare of the City, existing and anticipated; and the effect of the proposed project upon the Comprehensive Plan.

CHAPTER 21

HOME OCCUPATIONS

SECTION:

21.01: Purpose
21.02: Application
21.03: Procedures and Permits
21.04: Requirements, General Provisions
21.05: Non-Conforming Use
21.06: Inspection

21.01: PURPOSE: The purpose of this Chapter is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood or compromise the residential character of the area. In addition, this Chapter is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily "more sensitive" home occupations, so that special home occupations may be reviewed through a hearing process.

21.02: APPLICATION: Subject to the non-conforming use provision of this Chapter, all occupations conducted in the home shall comply with the provisions of this chapter. This Chapter shall not be construed, however, to apply to home occupations accessory to farming.

21.03: PROCEDURES AND PERMITS:

A. Permitted Home Occupation: Any "permitted home occupation" as defined in this Ordinance may operate without a specific permit.

B. Special Home Occupation: Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this Chapter shall require a "special home occupation permit" which shall be applied for, reviewed and disposed of in accordance with the provisions of Section 4.02 of this Ordinance.

C. Declaration of Conditions: The City Council may impose such conditions on the granting of a "special home occupation permit" as may be necessary to carry out the purpose and provisions of this Chapter.

D. Effect of Permit: A "special home occupation permit" may be issued for a period of one year after which the permit may be reissued for periods of up to three (3) years each. Each application for permit renewal shall, however, be processed in accordance with the provisions of Chapter 4 of this Ordinance regarding conditional use permits, except that no public hearing is required on the permit renewal, unless deemed necessary by the City Council. However, notice of the permit renewal application must be provided to all property owners of land within three hundred fifty (350) feet of the boundary of the property in question. The notice must provide the date of the hearing before the City Council indicates that parties may be heard to consider the application. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.

E. Transferability: Permits are licenses which are personal to the permittee and shall not run with the land nor be transferable.

F. Lapse of Special Home Occupation Permit by Non-Use: Whenever within one year after granting a permit the use as permitted by the permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the City Clerk at least thirty (30) days before the expiration of the original permit. The request for extension shall state facts showing a good faith attempt to initiate the use. Such petition shall be presented to the City Council for a decision.

G. Reconsideration: Whenever an application for a permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property shall not be considered again by the City Council for at least six (6) months from the date of its denial unless a decision to reconsider such matter is made by not less than four-fifths (4/5) vote of the full City Council.

H. Renewal of Permits: 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 his 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 the renewal of a permit will be considered de novo without taking into consideration that 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.

21.04: 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, 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.

3. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no 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 automobiles used in the home occupation 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.

8. All home occupations shall comply with the provisions of the City Nuisance Ordinance.

9. No home occupation shall be conducted between the hours of ten o'clock (10:00) PM and seven o'clock (7:00) AM unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities. The City Council shall have the authority to further restrict the hours of operation as necessary to meet the purpose of this section.

B. Requirements, Permitted Home Occupations:

1. No person other than those who customarily reside on the premises shall be employed.

2. All permitted home occupations shall be conducted entirely within the principal dwelling and may not be conducted in accessory buildings or attached garage.

3. Permitted 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.

4. Permitted home occupations include and are limited to: home offices, art studio, dressmaking, secretarial services, professional offices and teaching with musical, dancing and other instructions which consist of no more than one pupil at a time and similar uses.

5. The home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than found in a dwelling; teaching which customarily consists of more than one pupil at a time; over-the-counter sale of merchandise produced off the premises, except for those brand name products that are not marketed and sold in a wholesale or retail outlet.

C. Requirements, Special Home Occupation:

1. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the intent of this Chapter.

2. Examples of special home occupations include: barber and beauty services, day care-group nursery, photography studio, group lessons, saw sharpening, small appliances and small engine repair and the like.

3. The special home occupation 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 one pupil at a time.

4. Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking. In such cases where on-street parking facilities are necessary, however, the City Council 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.

21.05: NON-CONFORMING USE: Existing home occupations lawfully existing on the effective date hereof, may continue as non-conforming uses. They shall, however, be required to obtain permits for their continued operation. Any existing home occupation that is discontinued for a period of more than thirty (30) days, or is in violation of the provisions under which it was initially established, shall be brought into conformity with the provisions of this Chapter.

21.06: INSPECTION: The City hereby reserves the right upon issuing any home occupation permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Chapter or any conditions additionally imposed.

CHAPTER 22

MODEL HOMES

SECTION

22.01: Purpose
22.02: Procedure
22.03: Special Requirements

22.01: PURPOSE: The purpose of this Chapter is to provide for the erection of model homes 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.

22.02: PROCEDURE: The erection of a model home(s) shall require approval of an administrative permit as regulated by Chapter 9 of this Ordinance.

22.03: SPECIAL REQUIREMENTS:

A. Temporary off-street parking facilities equal to four (4) spaces per model home dwelling unit shall be provided. The overall location, design, drainage, and surfacing of the temporary parking facility shall be subject to the approval of the City Engineer and the Zoning Administrator.

B. Traffic generated by the model home shall be directed away from residential neighborhoods to the greatest extent possible.

C. No model home shall incorporate outside lighting which creates a nuisance due to glare or intensity, as provided for in Chapter 16 of this Ordinance.

D. All model home signage shall comply with the sign regulations as contained in the provisions of this Ordinance and the City's sign regulations.

CHAPTER 23

SEXUALLY ORIENTED USES

SECTION:

23.01: Purpose
23.02: General Provisions
23.03: Sexually Oriented Uses, Principal
23.04: Sexually Oriented Uses, Accessory

23.01: PURPOSE: The purpose of this Chapter is to establish provisions for the opportunity as well as controls of sexually oriented uses within the City.

23.02: GENERAL PROVISIONS: "Sexually oriented uses" as defined in this Chapter shall be subject to the following general provisions:

A. Activities classified as "obscene" as defined by Minnesota Statutes, Section 617.241 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 in any building which is also used to dispense or consume alcoholic beverages.

D. Sexually oriented uses, principal, which deal solely in the retail sales of sexually oriented material only for off-premises consumption, shall be exempt from the provisions of Section 23.03.A of this Ordinance.

E. A sexually oriented use which does not qualify as an accessory use shall be classified as a sexually oriented use, principal.

23.03: SEXUALLY ORIENTED USES, PRINCIPAL:

A. Sexually oriented uses, 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. A licensed day care center.

3. A public or private educational facility classified as a pre-school, elementary, junior high or senior high.

4. A public library.

5. A public park.

6. Another sexually oriented use, principal.

7. An on/off sale liquor establishment.

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

C. Sexually oriented uses, principal shall, in addition to other sign requirements established by the City's Sign Ordinance, also adhere to the following signing regulations:

1. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted.

2. Shall not contain material classified as advertising.

3. Shall comply with the requirements of size and number for the district in which they are located.

D- see amendment (23-1)

23.04: SEXUALLY ORIENTED USES, ACCESSORY:

A. Sexually oriented uses, accessory shall:

1. Comprise no more than five (5) percent of the floor area of the establishment in which it is located.

2. Comprise no more than ten (10) percent of the gross receipts of the entire business operation.

3. Not involve or include any activity except the sale or rental of merchandise.

B. Sexually oriented uses, accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general 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 uses 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.

3. Other Use: Sexually oriented uses, accessory not specifically cited shall comply with the intent of this Chapter subject to the approval of the Zoning Administrator.

C. Sexually oriented uses, accessory shall be prohibited from both internal and external advertising and signing of sexually oriented materials and products.

D. Sexually oriented uses, accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.

CHAPTER 24

PLANNED UNIT DEVELOPMENT

SECTION

24.01: Purpose
24.02: General Requirements and Standards
24.03: Submission Requirements
24.04: Procedure
24.05: PUD Progress Evaluation
24.06: Records
24.07: Financial Security
24.08: Conveyance of Property Within a PUD Project
24.09: Amendment

24.01: PURPOSE: This Chapter is established to provide comprehensive procedures and standards designed to allow greater flexibility, uniqueness, innovative design, and energy conservation in the development of neighborhoods or areas by incorporating a mixture of densities/intensities or use types when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of this Ordinance related to setbacks, height, lot area, width and depth, yards, etc., by conditional use permit or the mix of uses by PUD zoning, 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 sighting 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 and landscape architects.

C. More convenience in location and design of development and service facilities.

D. The preservation and enhancement of desirable site characteristics such as existing vegetation, natural topography and geologic features and the prevention of soil erosion.

E. A creative use of land and related physical development which allows a phased and orderly transition of land from activity to another.

F. An efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.

G. A development pattern in harmony with the objectives of the Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principals.)

H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

24.02: GENERAL REQUIREMENTS AND STANDARDS:

A. Ownership: An application for PUD must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.

B. Comprehensive Plan Consistency: The proposed PUD shall be consistent with the City Comprehensive Plan.

C. Compatibility: The proposed PUD shall be compatible with the adjacent land uses.

D. Common Open Space: Common open space 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/users of the PUD shall be provided within the area of the PUD development.

E. Operating and Maintenance Requirements for PUD Common Open Space/Facilities: Whenever common open space or service facilities are provided within the PUD, the PUD Plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a pre-determined reasonable standard. Common 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:

1. Dedicated to public, where a community-wide use is anticipated and the City agrees to accept the dedication.

2. Landlord control, where only use by tenants is anticipated.

3. Property Owners Association, provided all of the following conditions are met:

a. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts or common area, a declaration of covenants, conditions and restrictions or an equivalent document or document such as specified by Laws 1963, Section 457, Section 11 and a set of floor plans such as specified by Laws 1963, Section 457, Section 13 shall be filed with the City, said filing with the City to be made prior to the filings of said declaration or document or floor plans with the recording officers of Sherburne County, Minnesota.

b. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.

c. 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 private control.

d. 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 the City or fails to pay taxes or assessments on properties as they become due and in the event the 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 prorate share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which ease such assessment is made.

e. Membership must be mandatory for each owner and all successors or assigns.

f. The open space restrictions must be permanent and not for a given period of years.

g. The Association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it.

h. Property owners must pay a prorate share of the cost of the Association by means of an assessment to be levied by the Association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.

i. The Association must be able to adjust the assessment to meet changed needs.

j. The by-laws and rules of the Association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.

F. Staging of Public and Common Open Space: When a PUD provides for common or public open space, and is planned as 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.

G. 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 Comprehensive Plan. Whenever a PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred (100) percent of the proposed residential density of the entire PUD. A PUD by conditional use permit must comply with the applicable base zoning district.

H. Utilities: In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground, unless approved specifically by the City Council.

I. Utility Connections: The following requirements must be met with regards to utility connections. Properties within the urban service area where public water and sanitary sewer service are not provided must demonstrate the ability to meet these requirements once public water and sanitary sewer service is available.

1. Water Connections: Where more than one (1) property is served from the same service line, individual unit shut off valves shall be provided as required by the City.

2. Sewer Connections: Where more than one (1) unit is served by a sanitary sewer lateral which exceeds three hundred (300) feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.

J. Roadways: All streets shall conform to the design standards contained in the Subdivision Chapter of the City Code, unless otherwise approved by the City.

K. Landscaping: In any PUD, landscaping shall be provided according to a plan approved by the City, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the City shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

L. Urban/Rural Servicing Requirements: All development shall be carefully phased so as to ensure that all developable land will be accorded a present vested right to develop at such time as services and facilities are available. Lands which have the necessary available municipal facilities and services may be granted approval in accordance with existing City Code provisions and development techniques. Lands which lack the available public facilities and services may be granted approval for development, provided that all applicable provisions of this Ordinance, the City Code, and State Regulations are complied with.

M. Setbacks:

1. The front and side yard restrictions at the periphery of the Planned Unit Development conditional use permit site at a minimum shall be the same as those imposed in the base zoning districts. A PUD zoning district shall at minimum have a thirty (30) foot front yard setback and ten (10) foot side yard setback. As appropriate, the City may increase these standards.

2. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street system.

3. No building within the project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings.

24.03: SUBMISSION REQUIREMENTS: Five (5) large scale copies and thirteen (13) reduced scale (not less than 11" x 17") copies of the following exhibits, analysis and plans shall be submitted to the City during the PUD process, at the times specified in Chapters 3 or 4 of this Ordinance, as applicable. If, in the opinion of the Zoning Administrator, reduced scale drawings (11" x 17") 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.

A. General Concept Stage:

1. General Information:

a. The landowner's name and address and their interest in the subject property.

b. The applicant's name and address if different from the landowner.

c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer, and surveyor.

d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidences as the City Attorney may require to show the status of title or control of the subject property.

2. Present Status:

a. The address and legal description of the subject property.

b. The existing zoning classification and present use of the subject property and all lands within one thousand (1,000) feet of the subject property.

c. A map depicting the existing development of the subject property and all land within one thousand (1,000) feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred (100) feet of the subject property.

3. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.

4. Site Conditions: Graphic reproductions of the existing site conditions at a scale of one hundred (100) feet.

   a. Contours - minimum one-half (1/2) foot intervals.
   b. Location, type and extent of tree cover.
   c. Slope analysis.
   d. Location and extent of water bodies, wetlands and streams and floodplains within three hundred (300) feet of the subject property.
   e. Significant rock outcroppings.
   f. Existing drainage patterns.
   g. Vistas and significant views.
   h. Soil conditions as they affect development.

   All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.

5. Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, public and common open space, and internal and surrounding land uses.

6. Schematic drawing of resubdivision plans for the proposed development, if any, in the event of sanitary sewer availability.

7. A statement of the estimated density/intensity of use proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

   a. Area devoted to uses.
   b. Area devoted to use by building type.
   c. Area devoted to common open space.
   d. Area devoted to public open space.
   e. Approximate area devoted to streets.
   f. Approximate area devoted to, and number of, off-street parking and loading spaces and related access.

8. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.

9. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

10. General intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

11. Schematic utilities plans indicating placement of water, sanitary and storm sewers.

12. The Zoning Administrator may excuse an applicant from submitting any specific item of information or document required in this stage, which is determined to be unnecessary to the consideration of the specific proposal for PUD approval.

13. The Zoning Administrator may require the submission of any additional information or documentation which is determined to be necessary or appropriate for full consideration of the proposed PUD or any aspect or stage thereof.

B. Development Stage: Development stage submissions should depict and outline the proposed implementation of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

1. Zoning classification required for development stage submission and any other public decisions necessary for implementation of the proposed plan.

2. Five (5) sets of preliminary plans, drawn to a scale of not less than one inch equals one hundred (100) feet or scale requested by the City and thirteen (13) reduced scale (not less than 11" x 17") copies containing at least the information specified in this section. If, in the opinion of the Zoning Administrator, reduced scale drawings (11" x 17") 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.

   a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in Sherburne County).

   b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.

c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, and existing buildings which will remain, if any.

d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all elements.

e. Location, designation and total area of all common open space.

f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.

g. Proposed lots and blocks, if any, and numbering system.

h. Proposed resubdivision plan, if any, upon availability of sanitary sewer service.

i. The location, use and size of structures and other land uses on adjacent properties.

j. Detailed sketches and provisions of proposed landscaping.

k. General grading and drainage plans for the developed PUD.

l. Any other information that may have been required by the City in conjunction with the approval of the general concept plan.

3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.

4. A tabulation indicating the number of residential dwelling units and expected population.

5. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).

6. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings, including mobile homes.

7. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights-of-way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, structure, including mobile homes and uses.

8. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan shall clearly reflect the site treatment and its conformance with the approved concept plan.

9. A preliminary plat prepared in accordance with the Subdivision Ordinance of the City Code.

10. A Soil Erosion Control Plan acceptable to the Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

11. A statement summarizing all changes which have been made in any document, plan, data or information previously submitted, together will revised copies of any such document, plan or data.

12. Such other and further information as the Zoning Administrator shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

13. The Zoning Administrator may excuse an applicant from submitting any specific item of information or document required in this Section if it is found to be unnecessary to the consideration of the specific proposal for PUD approval.

C. Final Plan Stage: After approval of a general concept plan for the PUD and approval of a development stage plan for a section of the proposed PUD, the applicant shall submit the following material for review by the City prior to issuance of a building permit.

1. Proof of recording any easements and restrictive covenants prior to the 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.

2. All certificates, seals and signatures required for the dedication of land and recording of documents.

3. Final architectural working drawings of all structures.

4. A final plat and final engineering plans and specifications for streets, utilities and other public improvements, together with a City/Applicant Agreement for the installation of such improvements and financial guarantees for the completion of such improvements.

5. Resubdivision plan, if any, upon availability of sanitary sewer service.

6. Any other plan, agreements, or specifications necessary for the City to review the proposed construction. All work must be in conformance with the Minnesota State Uniform Building Code.

24.04: PROCEDURE:

A. General Processing Requirements: The PUD request shall be processed according to Section 3 or Section 4 of this Chapter as may be applicable, except as herein modified.

B. Application Conference: Prior to filing of an application for PUD, the applicant of the proposed PUD is encouraged to arrange for and attend a conference with the Zoning Administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Ordinance before incurring substantial expense in the preparation of plans, surveys and other data.

C. General Concept Plan:

1. Purpose: The General Concept Plan provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the entire development without incurring substantial cost. The following elements of the proposed general concept plan represents the immediately significant elements for City review and comment.

   a. Overall maximum PUD density/intensity range.

   b. General location of major streets and pedestrian ways.

   c. General location and extent of public and common open space.

   d. General location of residential and non-residential land uses with approximate type and intensities of development.

   e. Staging and time schedule of development.

f. Other special criteria for development.

2. Schedule:

   a. The applicant shall file the concept stage application, together with all supporting data and filing fee as established by City Council resolution.

   b. Within fifteen (15) working days after verification by the City that the application and required supportive material is completed and adequate, the request shall be processed in accordance with the applicable procedures and schedule as defined by Chapter 3 or 4 of this Ordinance.

3. Optional Submission of Development Stage Plan: In the case of single stage PUD's or where the first stage of a multiple stage PUD is to begin immediately, the applicant may initially submit development stage plans and supportive material. In such case, the City shall consider and act upon such plans according to the applicable provision of this Section.

4. Effect of Concept Plan Approval: Unless the applicant shall fail to meet time schedules for filing Development Stage and Final Plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Ordinance or of any approval granted pursuant to it, a General Concept Plan which has been approved shall not be modified, revoked or otherwise impaired pending the application of Development Stage and Final Plans by any action of the City without the consent of the applicant.

5. Limitation on General Concept Plan Approval: Unless a Development Stage Plan covering at least ten (10) dwelling units or the area designated in the General Concept Plan as the first stage of the PUD, whichever is greater, has been filed within six (6) months from the date City grants General Concept Plan approval, or in any case where the applicant fails to file Development Stage and Final Plans and to proceed with development in accordance with the provisions of this Ordinance and of an approved General Concept Plan, the approval shall be null and void and shall lapse. Upon request by the applicant, the Council at its discretion may extend for additional periods not in excess of six (6) months each the filing deadline for any Development Stage Plan, when, for good cause shown, such extension is necessary.

D. Development Stage:

1. Purpose: The purpose of the Development Stage Plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the Council and with which substantial compliance is necessary for the preparation of the Final Plan.

2. Submission of Development Stage: Upon approval of the General Concept Plan, and within the time established in Section 24.04.C.5 above, the applicant shall file with the City a Development Stage Plan consisting of the information and submissions required by Subdivision B of this Section for the entire PUD or for one or more stages thereof in accordance with a staging plan approved as part of the General Concept Plan. The Development Stage Plan shall refine, implement, and be in substantial conformity with the approved General Concept Plan.

3. Review and Action by City Staff:

   a. Immediately upon receipt of a completed Development Stage Plan, said plan shall be referred to the following City staff for the indicated action.

      1. The City Attorney for legal review of all documents.

      2. The City Engineer for review of all engineering data and the City/Developer Agreement.

      3. The Building Official for review of all building plans.

      4. The Zoning Administrator or designated agent for review of all plans for compliance with the intent, purpose and requirements of this Ordinance and conformity with the General Concept Plan and Comprehensive Plan.

      5. When appropriate, as determined by the Zoning Administrator to other special review agencies and governmental jurisdictions.

   b. The review and action by City staff so designated shall be completed within thirty (30) days of the receipt of a completed development stage plan.

4. Council Action: Except when a delay is requested in writing by the applicant, within sixty (60) days of the receipt of a completed Development Stage Plan, the City Council shall act to deny or approve the request.

5. PUD Enactment: Final approval of a PUD conditional use permit or PUD zoning district map amendment shall be considered granted only at the time of Development Stage Plan approval by the City Council.

6. Limitation on Development Stage Plan Approval: Unless a Final Plan covering the area designated in the Development Stage Plan as the first stage of the PUD has been filed within six (6) months from the date City Council grants Development Stage Plan approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with the provisions of this Chapter and/or an approved Development Stage Plan, the approval shall be null and void and shall expire. Upon application by the applicant, the City Council, at its discretion, may extend for not more than six (6) months, the filing deadline for any Final Plan when, for good cause shown, such extension is necessary.

7. Site Improvements: At any time following the approval of a Development Stage Plan by the City Council, and completion and execution of a PUD agreement governing the project, the applicant may, pursuant to the applicable City Code provisions apply for, and the City may issue, grading permits for the area within the PUD for which Development Stage Plan approval has been given. Securities as appropriate may be required of the applicant.

E. Final Plan:

1. Purpose: The Final Plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City Code provisions as the land use regulation application to the PUD. The Final Plan is intended only to add detail to, and to put in final form, the information contained in the Development Stage Plan and shall conform to the Development Stage Plan in all respects.

2. Schedule:

   a. Upon approval of the Development Stage Plan, and within the time established in Section 24.04.D.6 of this Ordinance, the applicant shall file with the City a Final Plan consisting of the information and submissions required in this Ordinance for the entire PUD or for one or more stages. This plan will be reviewed and approved or denied by City staff, subject to appeal.

b. Within thirty (30) days of its approval, the applicant shall cause the Final Plan, or such portions thereof as are appropriate, to be recorded with the Sherburne County Recorder. The applicant shall provide the City with a signed copy verifying County recording within forty (40) days of the date of approval or the approval shall be null and void.

3. Building and Other Permits: Except as otherwise expressly provided herein, upon receiving notice from the City that the approved Final Plan has been recorded and upon application of the applicant pursuant to the applicable City Code provisions, the City may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved Final Plan provided, however, that no such permit shall be issued unless the City is first satisfied that the requirements of all codes and City Code provisions in which are applicable to the permit sought, have been met.

4. Limitation of Final Plan Approval: Within one year after the approval of a Final Plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of this Chapter, and other City Code provisions, applicable in the district in which it is located. In such cases, the Council shall forthwith adopt an ordinance repealing the PUD permit and all PUD approvals and re-establishing the zoning and other City Code provisions that would otherwise be applicable. The time limit established may, at the discretion of the Council, be extended for not more than one year.

5. Inspections During Development:

a. Compliance with Overall Plan: Following Final Plan approval of a PUD, or a stage thereof, the City shall, at least annually until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.

b. If the City finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, the City shall either by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is

located; or shall take such steps as it shall deem necessary to compel compliance with the Final Plans as approved; or shall require the landowner or applicant to seek an amendment to the Final Plan.

24.05: PUD PROGRESS EVALUATION: If periodic review of a PUD project is included as a condition to the approval of a PUD permit, such a project shall be reviewed by the City Council. The Council may, at its discretion, call a public hearing as part of its review. Notice of such hearing shall be given in the same manner as outlined in Section 24.04.

24.06: RECORDS: The Zoning Administrator shall maintain a record of all PUD permits issued by the City, including information on a project's permitted 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.

24.07: FINANCIAL SECURITY: In order to insure that all improvements contained in a PUD are completed in accordance with said plan and to insure that an applicant fully complies with all conditions of a PUD permit, the applicant may be required to post a letter of credit guaranteeing the faithful performance of such work and compliance with such conditions. Such security shall be in a form satisfactory to the City, shall be in an amount established by the City Council, and shall cover each segment or each phase of a PUD project. The amount of said security may be reduced or a portion of said bond may be released as specific segments of each phase of development have been completed, upon approval by the City Council.

24.08: CONVEYANCE OF PROPERTY WITHIN A PUD PROJECT: In the event that any real property within an approved PUD project is conveyed in total or in part, the buyer(s) thereof shall be bound by all provisions of the PUD permit and the plan of development for that project. However, nothing in this Chapter 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 permit and the plan of development for a project.

24.09: AMENDMENT:

A. Application Procedures: Any deviation or modification from the terms or conditions of an approved PUD permit or any alteration in a project for which a PUD permit has been approved shall require an amendment of the original permit. An application for amendment of the original PUD permit specifying the proposed variance or

alteration shall be submitted to the City, together with a fee established by City Council resolution and such information as is required by the City or as the applicant deems necessary to fully explain his application. Should the applicant request an amendment of a PUD permit to erect an additional building or buildings, the applicant fee therefor shall be established by City Council resolution. In either case, the applicant also shall pay, as an additional fee, any consulting expenses which are incurred by the City in review of the application. The same application and hearing procedure for an amendment of a PUD permit shall be followed as was followed with respect to the applicant's initial request, as outlined in Section 24.04.

B. Action by the City Council: The same review procedure by the City Council shall be followed for an amendment of a PUD permit as was followed with respect to the applicant's initial request, outlined in Section 24.04. The affirmative vote of four-fifths (4/5) of the full Council shall be required for approval of an amendment of a PUD permit.

CHAPTER 25

SPECIALIZED HOUSING

SECTION

25.01: Housing Shelters - Temporary Housing
25.02: Seasonal (Migrant Worker's) Housing

25.01: HOUSING SHELTERS - TEMPORARY HOUSING:

A. District Application. Housing shelter facilities may be allowed as a principal or accessory use within any multiple family and business zoning districts of the City subject to the approval of an interim use permit.

B. Conditions of Approval. Housing shelter facilities may be allowed provided that:

1. The facility is owned, operated or governed by a non-profit organization or institution.

2. All applicable State and City laws governing such use are strictly adhered to and all required operating permits are secured.

3. The performance standards of this Ordinance are applicable and strictly adhered to and said operation shall maintain continuing full compliance.

4. Meals are provided as specified under the interim use permit.

5. The provisions of Section 4.02.E of this Ordinance are considered and determined to be satisfied.

25.02: SEASONAL (MIGRANT WORKER'S) HOUSING:

Repealed 6-4-01

A. District Application. Seasonal housing for migrant farm workers may be allowed within agricultural districts of the City, subject to the approval of an interim use permit.

B. Conditions of Approval. Seasonal housing for migrant workers may be allowed provided that:

1. Such dwellings are a manufactured housing unit.

repealed 6-4-01

2. Are located upon the property which employs the seasonal worker occupants.

3. Occupancy is limited between 1 April and 31 October of each calendar year.

4. Housing units comply with the State's Uniform Building Code and/or applicable manufacturing house code unless extended by the City Council.

5. Have a continuous perimeter foundation or secured to the ground in a fashion acceptable to the City Building Official.

6. Occupancy per unit is limited to standards established by the State of Minnesota and City Fire Chief.

7. Sewer disposal facilities and potable water systems are subject to the review an approval of the City Building Official.

8. Provisions are made for emergency storm protection and are subject to approval of the City Fire Chief.

9. Site and structural improvements (parking, recreation space, unit skirting, etc.), as applicable, shall be determined by the City Council.

10. The provisions of Section 4.02.E of this Ordinance are considered and determined to be satisfied.

CHAPTERS 26 - 39

RESERVED

CHAPTER 40

GENERAL ZONING DISTRICT PROVISIONS

SECTION

40.01: Establishment of Districts
40.02: Zoning District Boundaries
40.03: Zoning Map
40.04: Annexations

40.01: 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, the City of Clear Lake is hereby divided into zoning districts. The use, height and area regulations shall be uniform in each district, and said districts shall be known as:

A. Agricultural Districts:

1. A-1, Agricultural District

B. Residential Districts:

1. R-1, Residential-Urban Single Family District
2. R-2, Residential-Suburban Single Family District
3. R-3, Residential-Medium Density Multiple Family District
4. R-4, Residential-High Density District

C. Business Districts:

1. B-1, Central Business District
2. B-2, Highway Commercial District
3. B-3, General Business District

ZONING ORDINANCE CHAPTER 40

CITY OF CLEAR LAKE

AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to "opt out" of those regulations;

THE CITY COUNCIL OF THE CITY OF CLEAR LAKE, ORDAINS as follows:

Section 1. City Code, Chapter 40, is amended by adding the following:

40.05: Opt-out of Temporary Family Health Care Dwellings. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Clear Lake opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Section 2. Effective Date. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 6th day of September, 2016, by the City Council of the City of Clear Lake.

CITY OF CLEAR LAKE

By: _____
Tim Goenner - Mayor

ATTEST:

_____
Kari Mechtel – City Clerk

D. Industrial Districts:

1. I-1, Light Industrial District

2. I-2, General Industrial District

E. Special Districts:

1. INS, Institutional District

2. PUD, Planned Unit Development District

3. S, Shoreland Overlay District

4. W, Wetland System District

5. FP, Floodplain Overlay District.

6. Wastewater Treatment District

40.02: 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 Council serving as the Board of Adjustment and Appeals pursuant to Chapter 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 otherwise specifically designated, shall be deemed to be 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 which are under water and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins 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 half-way point and/or to the corporation limits.

40.03: 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 Clear Lake." 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.

40.04: ANNEXATIONS: All territory hereafter annexed to the City of Clear Lake which is not shown on the Zoning Map shall automatically upon annexation be classified within the A-1 District and shall be subject to all regulations, notations, references and conditions as are applicable to said district until such time that a determination may be made as to the proper district classification for such territory and an amendment can be made to that effect.