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(Updated: January 3, 2020)
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ZONING ORDINANCE OF THE
CITY OF DETROIT LAKES, MINNESOTA

The City Council of Detroit Lakes does ordain that the ordinance commonly known as the "Zoning Ordinance of the City of Detroit Lakes" be enacted to read as follows:

Section 1. Title and Application

Subd. 1. Title. This ordinance shall be known as the "Detroit Lakes Zoning Ordinance" except as referred to herein, where it shall be known as "this ordinance".

Subd. 2. Intent and Purpose. The intent of this ordinance is to protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use. This ordinance shall divide the city into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration, and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; to provide adequate light, air, and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this ordinance; to provide for amendments, to prescribe for violation of such regulations; and to define powers and duties of the City staff, the board of zoning adjustment, the Planning Commission and the City Council in relation to the zoning ordinance.

Subd. 3. Relation to Comprehensive Municipal Plan. It is the policy of the City of Detroit Lakes that the enforcement, amendment, and administration of this ordinance be accomplished with due consideration of the recommendations contained in the comprehensive municipal plan as developed and amended from time to time by the Planning Commission and City Council of the City. The Council recognizes the Comprehensive Municipal Plan, as the policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

Subd. 4. Standard, Requirement. Where the conditions imposed by any provisions of this ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule, or regulation of the City, the ordinance rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

Subd. 5. In their interpretations and application, the provisions of this ordinance shall be held to the minimum requirements for the promotion of the public health, safety, and welfare.

Subd. 6. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land be used for any purpose nor in any manner which is not in conformity with the provisions of this ordinance.
Subd. 7. 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.

Subd. 8. Uses Not Provided For Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the staff study shall, if appropriate, initiate an amendment to the zoning ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

Subd. 9. Authority. This ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 to 462.363.

Subd. 10. Separability. It is hereby declared to be the intention of the City that several provisions of this ordinance are separable in accordance with the following:

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

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

Subd. 11. 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 the future tenses, and the future the present.

C. The word "shall" is mandatory while the word "may" is permissive.

D. The masculine gender includes the feminine and neuter.
Section 2. Definitions

The following words and terms, wherever they occur in this ordinance, shall be interpreted as herein defined:

Subd. 1. **Accessory Structure or Facility.** Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks. *(Ordinance No. 67, Adopted 11/5/1991)*

Subd. 2. **Agriculture Uses.** Those uses commonly associated with the growing of produce on farms. These include: Field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale of in season products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feed lots, and kennels.

Subd. 3. **Alley.** A public right-of-way less than thirty (30) feet in width which affords secondary access to abutting property.

Subd. 4. **Animal feedlot.** A facility as defined by Minnesota Rules, part 7020.0300.

Subd. 5. **Apartment.** A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

Subd. 6. **Apartment Building.** Three (3) or more apartments grouped in one building.

Subd. 7. **Aquifer Recharge Areas.** All land surface areas which by nature of their surface and/or subsurface soil characteristics are determined to contribute to the replenishment of subsurface water supplies.

Subd. 8. **Artificial Obstruction.** Any obstruction which is not a natural obstruction (see obstruction).

Subd. 9. **Automobile Repair-Major.** 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.

Subd. 10. **Automobile Repair-Minor.** Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding nine thousand (9,000) pounds gross weight, but not including any operation specified under "automobile repair-major".
Subd. 11. **Automobile Wrecking or Junk Yard.** Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any goods, articles, or merchandise.

Subd. 12. **Basement.** A portion of a building located partially underground, but having less than one-half (1/2) its floor to ceiling height below the average land grade.

Subd. 13. **Bed and Breakfast Establishments.** Any place of lodging for five (5) or fewer rooms for rent, is the owner's place of residence, and is occupied by the owner at the time of rental. *(Ordinance No. 57, Adopted 2/5/1991)*

Subd. 14. **Bedroom.** A part of the inside of a short term rental that is divided from other areas by walls and a doorway and that has its own floor and ceiling that is furnished primarily as sleeping quarters, containing a bed or furniture that can convert to a bed, and having more than one egress. *(Ordinance No. 441, Adopted 3/12/2019)*

Subd. 15. **Block.** A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines, waterways, or boundary lines of the corporate limits of the City, except in the Shoreland District a block shall mean a distance of 500 feet. *(Ordinance No. 87, Amended 2/2/1993)*

Subd. 16. **Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics:

A. Part or all of the feature is located in a shoreland area;

B. The slope rises at least 25 feet above the toe of bluff;

C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff; and

D. The slope must drain toward the waterbody.

Subd. 17. **Bluff Impact Zone.** A bluff and land located within 20 feet from the top of a bluff. *(Ordinance No. 444, Amended 3/19/19) (Ordinance No. 67, Adopted 11/5/1991)*
Subd. 18.   **Bluff, Toe of.**  The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.  *(Ordinance No. 444, Adopted 3/19/19)*

Subd. 19.   **Bluff, Top of.**  For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent.  *(Ordinance No. 444, Adopted 3/19/19)*

Subd. 20.   **Boarding (House) Home—Foster Children.**  A family dwelling where children out of their own homes are cared for.

Subd. 21.   **Boarding House.**  A building other than a hotel where, for the compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided to five (5) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.

Subd. 22.   **Boathouse.**  A facility as defined by Minnesota Statutes Section 103G.245.

Subd. 23.   **Buffer.**  An area as defined by Minnesota Stat. 103F.48 Subd. 1 (c).  *(Ordinance No. 444, Adopted 3/19/19)*

Subd. 24.   **Buildable Area.**  The portion of a lot remaining after required yards have been provided.
Subd. 25.  **Building.** Any structure used or intended for the shelter, support, or enclosure of persons, animal, chattel, or property of any kind and when separated by dividing walls without openings, each portion of such a structure so separated shall be deemed a separate building. *(Ordinance No. 11, Adopted 8/12/1986)*

Subd. 26.  **Building Height.** The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lowest, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof. *(Ordinance No. 67, Adopted 11/5/1991)*

**Height of Building**

Subd. 27.  **Building Line.** A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Subd. 28.  **Building Width.** The building width shall be the narrowest dimensions measured to the exterior of the building regardless how it is orientated on the lot. The width is the installed width and does not include bay windows, roof projections, overhangs, or eves under which there is no interior space. Provided, however, this minimum width regulation shall not apply to seasonal use rooms, such as porches and breeze ways, accessory buildings, garages or car ports, and provided further, that the minimum width requirement shall not apply to additions to existing structures where such addition is less than 400 square feet in area. *(Ordinance No. 11, Adopted 8/12/1986)*

Subd. 29.  **Business.** Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
Subd. 30.  **Carport.** A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three (3) sides.

Subd. 31.  **Cellar.** That portion of a building having more than one-half (1/2) of the floor to ceiling height below the average land grade.

Subd. 32.  **Channel.** A natural or artificial depression of perceptible extent, with definite bed or banks to confine and conduct water either continuously or periodically.

Subd. 33.  **Church.** A building together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Subd. 34.  **Clear-Cutting.** Intensive Vegetation Clearing.

Subd. 35.  **Club or Lodge.** A club or lodge is a nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, provided such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state, and municipal laws.

Subd. 36.  **Commercial Planned Unit Developments.** Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments. *(Ordinance No. 444, Amended 3/19/19)* *(Ordinance No. 67, Adopted 11/5/1991)*

Subd. 37.  **Commercial Recreation.** Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theater, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses.

Subd. 38.  **Commercial Use.** The principal use of land or buildings for the sale, lease, rental or trade of products, goods, and services. *(Ordinance No. 67, Adopted 11/5/1991)*

Subd. 39.  **Commissioner.** The Commissioner of the Department of Natural Resources. *(Ordinance No. 67, Adopted 11/5/1991)*
Subd. 40. **Conditional Use.** A land use or development as defined by Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. *(Ordinance No. 444, Amended 3/19/19) (Ordinance No. 67, Adopted 11/5/1991)*

Subd. 41. **Conditional Use Permit.** A permit issued by the council in accordance with procedures specified in this ordinance, as a flexibility device to enable the 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.

Subd. 42. **Condominium.** A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Sections 515.01 and 515.19.

Subd. 43. **Controlled Access Lot.** A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

Subd. 44. **Convenience Food Establishment.** An establishment which serves food in or on disposable or edible containers in individual servings for consumption on and off the premises.

Subd. 45. **Cooperative (Housing).** A multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contracted to a condominium dwelling where individual units are under separate individual occupant ownership.

Subd. 46. **Court.** An unoccupied open space other than a yard which is bounded on two (2) or more sides by walls of the buildings.

Subd. 47. **Crowding Potential.** The ratio of total acreage to shore miles.

Subd. 48. **Day Care Home.** A family dwelling in which foster care, supervision and training for children of school or pre-school age out of their own home is provided.

Subd. 49. **Day Care-Group Nursery.** A service provided to the public, in which children of school or pre-school age are cared for during established business hours, including Montessori School.
Subd. 50. **Department Store.** A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and exhibited and sold directly to the customer for whom the goods and services are furnished.

Subd. 51. **Deck.** A horizontal, uncovered unenclosed structure with or without attached railings, seats, trellises, or other features, composed of boards made of synthetic or natural materials and attached or functionally related to a principal use or site. A deck is considered to be impervious for purposes of this ordinance unless it is constructed with a maximum board width of eight inches, a minimum space between the boards of one quarter inch and the entire surface area under the deck is pervious material. *(Ordinance No. 444, Amended 3/19/19) (Ordinance No. 405, Adopted 3/14/2017)*

Subd. 52. **Deposition.** Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, water-course, floodplains, or wetlands.

Subd. 53. **District.** A section or sections of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted herein.

Subd. 54. **Diversion.** A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

Subd. 55. **Dog Kennel.** Any place where three (3) dogs or more over six (6) months of age are boarded, bred, and/or offered for sale, except a veterinary clinic.

Subd. 56. **Dormitory.** A building used as group living quarters for a student body, religious order, or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, or similar use. Dormitories do not contain separate dwelling units. *(Ordinance No. 440, Adopted 3/12/2019)*

Subd. 57. **Draining.** The removal of surface water or ground water from land.

Subd. 58. **Dredging.** To enlarge or clean out a waterbody, watercourse, or wetland.

Subd. 59. **Drive-In Establishment.** An establishment which accommodates the patrons automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

Subd. 60. **Diveway.** A horizontal uncovered area with a width greater than four (4) feet utilized for motor vehicle travel to provide access, ingress, egress to and from a public street or alley. For purposes of this ordinance, a Driveway is not a structure, but is considered an impervious surface. *(Ordinance No. 444, Adopted 3/19/19)*
Subd. 61. Duplex, Triplex, and Quad. A dwelling structure on a single lot, having two, three, or four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities. (Ordinance No. 67, Adopted 11/5/1991)

Subd. 62. Dwelling. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings, but not including hotels, motels, and boarding houses.

Subd. 63. Dwelling, Manufactured (Mobile) Home. A structure transportable in one or more sections which, in a travel mode, is eight body feet or more in width or forty body feet or more in length or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities; including plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all of the requirements with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under Minnesota Statutes, Chapter 327, Section 327.31. (Ordinance No. 7, Adopted 3/4/1986)

Subd. 64. Dwelling, Multiple (Apartment). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

Subd. 65. Dwelling, Single-Family. A detached dwelling unit designed exclusively for occupancy by one (1) family.

Subd. 66. Dwelling Site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites. (Ordinance No. 67, Adopted 11/5/1991)

Subd. 67. Dwelling, Two-Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

A. Double Bungalow; a two-family dwelling with (2) units side by side.

Subd. 68. Dwelling Unit. Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations, such as motel, hotel, and resort rooms and cabins. (Ordinance No. 67, Adopted 11/5/1991)

Subd. 69. Elderly (Senior Citizens) Housing. A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over sixty (60) years of age.
Subd. 70. **Efficiency Apartment.** A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.

Subd. 71. **Essential Services.** The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

Subd. 72. **Equal Degree of Encroachment.** The method of determining the location of encroachment lines so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for a significant reach.

Subd. 73. **Expansion Permit.** A permit issued by the council in accordance with procedures specified in this ordinance to expand, enlarge, or intensify conforming aspects of a nonconforming use. (Ordinance No. 444, Adopted 3/19/19)

Subd. 74. **Extractive Use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat not regulated under Minnesota Statutes, Section 93.44 to 93.51. (Ordinance No. 67, Adopted 11/5/1991)

Subd. 75. **Family.** One (1) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than five (5) persons not so related maintaining a common household and using common cooking and kitchen facilities.

Subd. 76. **Filling.** The act of depositing any rock, soil, gravel, sand or other material so as to fill or partly fill a waterbody, watercourse, or wetland.

Subd. 77. **Flood.** A temporary rise in stream flow or stage which results in inundation of the areas adjacent to the channel.

Subd. 78. **Flood Frequency.** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded. By strict definition, such estimates are designated "exceedance frequency", but in practice the term "frequency" is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specific number of years.

Subd. 79. **Flood Fringe.** That portion of that floodplain outside of the floodway.
Subd. 80.  **Floodplain.** The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Subd. 81.  **Flood Profile.** A graph or longitudinal plot of water surface elevations of a flood event along a reach of a stream of river.

Subd. 82.  **Floodway.** The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

Subd. 83.  **Floor Area.** 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 such as counters, racks, or closets, and 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; basement floor area other than area devoted to retailing activities, the production of processing of goods, or to business or professional offices. The floor area of a residence shall include fifty (50) percent of the area of attached garages and twenty-five (25) percent of enclosed breezeways and porches, but shall not include basement area.

Subd. 84.  **Forest Land Conversion.** The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand. *(Ordinance No. 67, Adopted 11/5/1991)*

Subd. 85.  **Garage-Private.** Any accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry is carried on; provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.

Subd. 86.  **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 renumeration or hire and in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Subd. 87.  **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.

Subd. 88.  **Grading.** Changing the natural or existing topography of the land.

Subd. 89.  **Group Care Facility.** A facility which provides resident services to seven (7) or more individuals of whom one (1) or more are unrelated. These individuals
are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. Category includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters, and half-way houses.

Subd. 90. **Guest Cottage.** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on the lot. *(Ordinance No. 444, Amended 3/19/19) (Ordinance No. 67, Adopted 11/5/1991)*

Subd. 91. **Guest Room.** A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

Subd. 92. **Home Occupations.** Any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling. Such activity shall be clearly incidental and secondary to the residential use of the premises. Permissible home occupations shall not include the conducting of a retail business other than by mail, manufacturing business, or a repair shop of any kind on the premises, and no stock in trade shall be kept or sold. No person other than persons residing on the premises shall be employed and no mechanical equipment shall be employed that is not customarily found in the home and no more than one (1) room may be devoted to home occupational use. Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior signs except as allowed in the sign regulations for the zoning district in which such home occupation is located. There shall be no exterior storage of equipment or materials used in the home occupation. No home occupation shall be permitted which results in or generates more traffic than one (1) car for off-street parking at any one given point in time. Permissible home occupations include, but are not limited to the following: Art studio, dressmaking, special offices of clergyman, lawyer, architect, engineer, accountant, or real estate agent or appraiser, when located in a dwelling unit occupied, or which is occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Subd. 93. **Hotel.** A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public. May also be referred to as a motel. *(Ordinance No. 441, Adopted 3/12/2019)*

Subd. 94. **Impervious Surface.** A hard surface or other material that prevents, impedes or retards the infiltration of a gas, air, fluids or water into the soil. Examples include but are not limited to rooftops, streets, walkways, patios, driveways, parking lots, parking spaces, swimming pools, storage areas and other facilities where concrete, bituminous, bricks, pavers, compacted sand, lime, rock, plastic or gravel exist or have been installed. *(Ordinance No. 405, Adopted 3/14/2017)*
Subd. 95. **Industrial Use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items. *(Ordinance No. 67, Adopted 11/5/1991)*

Subd. 96. **Intensive Vegetation Clearing.** The removal of ninety percent (90%) or more of one or more types of natural or enhanced native perennial vegetation from a lot or parcel. *(Ordinance No. 444, Amended 3/19/19) (Ordinance No. 67, Adopted 11/5/1991)*

Subd. 97. **Intermittent.** A stream or portion of a stream that flows only in direct response to precipitation.

Subd. 98. **Junk Yard or Salvage Operation.** Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including but not limited to, scrap metal, rags, paper, hides, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles. *(Ordinance No. 315, Amended 9/11/2007)*

Subd. 99. **Loading Space.** That portion of a lot or plot designed to service the purpose of loading or unloading all types of vehicles.

Subd. 100. **Lodging House.** A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.

Subd. 101. **Lodging Room.** A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

Subd. 102. **Lot.** A contiguous quantity of land composed of one or more separate quantities of land designated by Plat, metes and bounds description, registered land survey, auditor’s plat or other accepted means of description that is in the possession of, owned by or recorded as the property of the same entity or person. A Lot may or may not be the same as a Parcel designated by the Becker County Auditor as a separate unit for real estate taxation purposes. *(Ordinance No. 444, Amended 3/19/19) (Ordinance No. 67, Adopted 11/5/1991)*

Subd. 103. **Lot Area.** The area of a horizontal plane within the lot lines.

Subd. 104. **Lot Area per Family.** The lot area required by this ordinance to be provided for each family in a dwelling.
Subd. 105. Lot, Auditors. A lot termed an auditors lot on any plat shall be defined the same as "lot" for purposes of this ordinance.

Subd. 106. Lot, Corner. A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Subd. 107. Lot, Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Subd. 108. Lot, Double Frontage. An interior lot having frontage on two (2) streets.

Subd. 109. Lot, Frontage. The front of a lot shall be construed to the portion of the lot nearest the street, road, or body of water if the lot abuts water. When the lot abuts a body of water, the shoreline shall be considered the front yard. (Ordinance No. 11, Adopted 8/12/1986)

Subd. 110. Lot, Interior. A lot, other than a corner lot, including through lots.

Subd. 111. Lot, Line. A property boundary line of any lot held in a single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

Subd. 112. Lot, Through. A lot fronting on two parallel streets.

Subd. 113. Lot, Width. Lot Width means the minimum distance between:

A. Side lot lines measured at the midpoint of the building line; and
B. The minimum distance between side lot lines at the ordinary high water level, if applicable.

Lot Width

![Lot Width Diagram]
Subd. 114. Medical and Dental Clinic. A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

Subd. 115. Metallic minerals and peat. “Metallic minerals and peat” has the meaning given under Minnesota Statutes, Sections 93.44 to 93.51. (Ordinance No. 444, Adopted 3/19/19)

Subd. 116. Mobile Home Park, Independent. An approved mobile home park which has underground utility service to each site and only permits independent mobile homes.

Subd. 117. Mobile Home Park, Dependent. An approved mobile home park which has underground utility service to each site and also restrooms and washing facilities as specified by the State of Minnesota.

Subd. 118. Mobile Home, Independent. A mobile home which is constructed to utilize a public water and sewer system, an external course of electric service and an external source for heating shall be equipped with a stool, shower or tub, and laundry facilities.

Subd. 119. Motel/Motor Home. A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used, or intended to be used primarily for the accommodation of transient guests traveling by automobile.

Subd. 120. Motor Fuel Station. A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

Subd. 121. Motor Freight Terminal (Truck Terminal). A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Subd. 122. Municipal Water and Sewer Systems. Utility systems serving a group of buildings, lots or an area of the City, with the design and construction of such utility systems as approved by the City Engineering Department and Public Utilities Commission.

Subd. 123. Natural Buffer. An unmown, undisturbed natural or enhanced native perennial vegetation area, excluding invasive plants and noxious weeds, that is managed to stabilize and maintain the integrity of upland, shorelines and river or stream
channels to reduce the impact of upland sources of water runoff pollution by trapping, filtering and converting sediments, nutrients and other chemicals, stabilizing soils, shores and banks to protect or provide riparian corridors to supply food, cover and thermal protection to fish and other wildlife.  (Ordinance No. 444, Adopted 3/19/19)

Subd. 124. Natural Drainage System. All land surface areas which by nature of their contour configuration, collect, store, and channel surface water run-off.

Subd. 125. Natural Obstruction. Means any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.

Subd. 126. Non-Conforming Structure or Use. Any structure or use which on the effective date of this ordinance does not, even though lawfully established, conform to the applicable conditions if the structure of use was to be erected under the guidance of this ordinance.

Subd. 127. Nonconformity. Any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded, or authorized. (Ordinance No. 67, Adopted 11/5/1991)

Subd. 128. Nursing Homes (Rest Homes). A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged, convalescent, or physically handicapped persons that are not of the immediate family; but not including hospitals, clinics, sanatoriums, or similar institutions.

Subd. 129. Obstruction (Floodplain). Any storage of material, or equipment, any dam, wall, wharf, embankment, levee, road, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, wire, fence, stockpile, refuse, fill deposit, clearing of trees or vegetation, structure or matter, in, along, across, or projecting, in whole or in part, into any floodplain.

Subd. 130. Off-Street Loading Space. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

Subd. 131. Open Sales Lot. Any open land used or occupied for the purpose of buying, selling, and/or renting merchandise and for the storing of same prior to sale.

Subd. 132. Ordinary High Water Level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape.
commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses, the ordinary high water mark 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. (Ordinance No. 67, Adopted 11/5/1991)

Subd. 133. Out-Patient Care. Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

Subd. 134. Parking Ramp. An accessory structure designed and used for the storage of motor vehicles at, below, and/or above grade.

Subd. 135. Parking Space. An area within a Lot, enclosed in the Principal Structure, in an accessory building, or unenclosed, sufficient in size to store one or more motor vehicles, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile or motor vehicle. A Parking Space is considered an Impervious Surface for purposes of this ordinance, but unenclosed Parking Spaces are not structures for setback purposes. (Ordinance 444, Amended 3/19/19)

Subd. 136. Patio. A horizontal, uncovered, unenclosed structure attached or unattached to a Principal Structure or Guest Cottage with a width greater than four (4) feet that is not used as a Parking Space, composed of any material other than boards made of synthetic or natural materials, including but not limited to concrete, bituminous, flagstones, bricks, compacted gravel or pavers. A Patio is considered an Impervious Surface for purposes of this ordinance. (Ordinance No. 405, Adopted 3/14/2017)

Subd. 137. Permitted Use. A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards, if any, of such districts.


Subd. 139. Pervious. Soil, vegetation or other permeable natural non-manufactured material or surface that is conducive to the infiltration of gas, air, fluids or water. Manufactured hard surfaces composed in whole or in part of concrete, stone, masonry, metal, bituminous or plastic are not considered to be pervious for purposes of this ordinance even though gas, air, fluids or water may pass through such surfaces. (Ordinance No. 405, Adopted 3/14/2017)

Subd. 140. Planned Unit Development. A type of development characterized by a unified site designed for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types.
and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. (Ordinance No. 67, Adopted 11/5/1991)

Subd. 141. Pool. Any structure, chamber, or tank capable of containing an artificial body of water for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools. (Ordinance No. 444, Adopted 3/19/19)

Subd. 142. Plot. A tract other than one (1) unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a home site and improved or intended to be improved by the erection thereon of a dwelling and accessory buildings and having a frontage upon a thoroughfare or upon a highway or upon a traveled or used road and including as a minimum such open spaces as required under this ordinance.

Subd. 143. Premises. A lot or plot with the required front, side, and rear yards for a dwelling or other use as allowed under this ordinance.

Subd. 144. Principal Structure. A structure that contains a principal use as contrasted to an accessory or incidental use of the property.

Subd. 145. Principal Use. The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.


Subd. 147. Recreation, Field 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 theatre, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreational field or building for the purpose of this ordinance.

Subd. 148. Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonable characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.

Subd. 149. Regulatory Flood Protection Elevation. A point not less than one (1) foot above the elevation of the floodplain, plus any increases in flood heights
attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this ordinance are required to be elevated or floodproofed. (Ordinance No. 11, Adopted 8/12/1986)

Subd. 150. Residential Planned Unit Development. A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites. (Ordinance No. 67, Adopted 11/5/1991)

Subd. 151. Resort. A building, structure, enclosure, or any part thereof located on, or on property neighboring, any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures. (Ordinance No. 441, Adopted 3/12/2019)

Subd. 152. Restaurant. An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

Subd. 153. Riparian. “Riparian” means adjacent to the public waters described in Appendix A of Section 18 of this ordinance, the City of Detroit Lakes Shoreland Ordinance. (Ordinance No. 444, Adopted 3/19/19)

Subd. 154. Salvage or Salvage Materials. Salvage or Salvage Materials: any inoperable motor vehicles, including but not limited to cars, trucks, buses, motorcycles, ATVs, snowmobiles, recreational vehicles, trailer homes and boats, inoperable construction equipment, inoperable agricultural equipment, inoperable machinery, inoperable major household appliances, and accumulations of scrap metal or used building materials, which are kept together in one location or on any property for the purpose of selling or bartering same, repairing same, or recycling parts from same. (Ordinance No. 315, Adopted 9/11/2007)

Subd. 155. Semi-public Use. The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization. (Ordinance No. 67, Adopted 11/5/1991)

Subd. 156. Sensitive Resource Management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora of fauna in need of special protection. (Ordinance No. 67, Adopted 11/5/1991)
Subd. 157. **Setback.** The minimum horizontal distance between the structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility. *(Ordinance No. 67, Adopted 11/5/1991)*

Subd. 158. **Sewage Treatment Center.** “Sewage treatment system” has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82. *(Ordinance No. 67, Adopted 11/5/1991) (Ordinance No. 444, Amended 3/19/19)*

Subd. 159. **Sewer System.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal. *(Ordinance No. 67, Adopted 11/5/1991)*

Subd. 160. **Shopping Center.** An integrated group of commercial stores under single ownership or control.

Subd. 161. **Shore Impact Zone.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback. *(Ordinance No. 444, Amended 3/19/19)*
Subd. 162. **Shoreland.** “Shoreland” means land located within the following distances from the public waters described in Appendix A of Section 18 of this ordinance, the City of Detroit Lakes Shoreland Ordinance:

A. 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and
B. 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.

(Ordinance No. 67, Adopted 11/5/1991) (Ordinance No. 444, Amended 3/19/19)

Subd. 163. **Shore recreation facilities.** Swimming areas, docks, watercraft mooring areas and other water recreation facilities.

Subd. 164. **Short Term Rental.** A dwelling or part of a dwelling that is used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day time period and is not a bed and breakfast, resort, hotel or motel, or any such location required to be licensed by the Commissioner of Health under Minnesota Statutes 157.16. (Ordinance No. 441, Adopted 3/12/2019)

Subd. 165. **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 determine 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.  (Ordinance No. 67, Adopted 11/5/1991)

Subd. 166. Slope. Means the degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Subd. 167. Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs. (Ordinance No. 67, Adopted 11/5/1991)

Subd. 168. Story. That portion of a building included beneath the upper surface of a floor and upper surface of floor next above, except that the top most story shall be that portion of a building included between the upper surface of the top most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered as a story.

Subd. 169. Story, Half. That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story and basements where less than one-half (1/2) of the floor to ceiling height is below the average of the highest and lowest point of that portion of the lot covered by the building.

Subd. 170. Street. A public thoroughfare twenty-five (25) feet or more in right-of-way width.

Subd. 171. Street Frontage. The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.

Subd. 172. Structure. Any building or appurtenance, including decks and patios, except aerial, or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities. (Ordinance No. 67, Adopted 11/5/1991) (Ordinance No. 444, Amended 3/19/19)
Subd. 173. **Structural Alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Subd. 174. **Subdivision.** Land that is divided for the purpose of sale, rent, or lease, including planned unit development. *(Ordinance No. 67, Adopted 11/5/1991)*

Subd. 175. **Suitability Analysis.** An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land. *(Ordinance No. 444, Adopted 3/19/19)*

Subd. 176. **Townhouses.** Structure housing three (3) or more dwelling units of not more than two (2) stories each and contiguous to each other only by sharing of one (1) common wall, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances.

Subd. 177. **Twin Homes.** Two family home with a zero lot line on one (1) side, sharing a party wall, governed by a party wall agreement. *(Ordinance No. 444, Adopted 3/19/19)*

Subd. 178. **Upland.** Means all lands at an elevation above the ordinary high water mark. *(Ordinance No. 11, Adopted 8/12/1986)*

Subd. 179. **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, and shall include the performance of such activity as defined by the performance standards of this ordinance.

Subd. 180. **Usable Open Space.** A required ground area or terrace area on a lot which is graded, developed, and 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 a recreational purpose. Roofs, driveways, and parking areas shall not constitute usable open space.

Subd. 181. **Used Auto Parts.** The processing, storage, and sale of second hand or used automobiles or other vehicle parts provided such use is established entirely within enclosed buildings.
Subd. 182. **Variance.** The same as that term is defined or described in Minnesota Statutes, Section 462.357 Subd. 6 (2). (Ordinance No. 67, Adopted 11/5/1991) (Ordinance No. 444, Amended 3/19/19)

Subd. 183. **Vegetation.** Means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

Subd. 184. **Walkway.** A horizontal uncovered area with a width of four (4) feet or less utilized for access, ingress, egress to and from a Structure composed in whole or in part of concrete, bituminous, masonry, flagstones, bricks, compacted gravel or pavers. For purposes of this ordinance, a walkway is not a structure, but is considered an impervious surface. (Ordinance No. 444, Adopted 3/19/19)

Subd. 185. **Waterbody.** Means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

Subd. 186. **Watercourse.** Means a channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year-round or intermittently.

Subd. 187. **Water-Oriented Accessory Structure or Facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, patios and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes Sections 103G.245 are not a water-oriented accessory structure. (Ordinance No. 67, Adopted 11/5/1991) (Ordinance No. 444, Amended 3/19/19)

Subd. 188. **Water-dependent use.** The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas. (Ordinance No. 444, Adopted 3/19/19)

Subd. 189. **Watershed.** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

Subd. 190. **Wetland.** “Wetland” has the meaning given under Minnesota Rule, part 8420.0111. (Ordinance No. 67, Adopted 11/5/1991) (Ordinance No. 444, Amended 3/19/19)

Subd. 191. **Wildlife.** All free living animals.
Subd. 192. **Yard.** An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Subd. 193. **Yard, Front.** A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and nearest line of the building.

Subd. 194. **Yard, Rear.** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Subd. 195. **Yard, Rear, Riparian Lot.** A yard extending across the full width of the lot and lying 30 feet from the lot line abutting and parallel to the public right of way (road side) and the nearest line of the principal structure. All buildings in this area must have a 10 foot side yard setback. *(Ordinance No. 295, Adopted 8/8/2006)*

Subd. 196. **Yard, Rear Depth.** The mean horizontal distance between the rear line of the building a rear lot line. *(Ordinance No. 444, Amended 3/19/19)*

Subd. 197. **Yard, Side.** A yard between the sideline of the lot and the nearest line of the building and extending from the front lot line of the lot to the rear yard.
Section 3. General Provisions


A. The purpose of this subsection is to:

1. Recognize the existence of uses which were lawful when established but which no longer meet all ordinance requirements

2. To discourage the enlargement, expansion, intensification or extension of any non-conforming use or any increase in the impact of a non-conforming use on adjacent properties

3. To regulate the repair, replacement, restoration, maintenance and improvement of non-conforming uses to prevent and abate nuisances and to protect the public health, safety, or welfare and

4. To encourage the elimination of non-conforming uses or reduce their impact on adjacent properties.

B. A nonconforming use may be used and continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, only in compliance with the provisions of this section. The use must have been in compliance with all land use regulations at the time the non-conformity was created in order to be eligible for the benefits of being a non-conforming use.

1. There may be no expansion, enlargement, or intensification, of any use or any site element of any non-conforming use except to make it a permitted or conditional use or except as otherwise provided in this subdivision. Normal building maintenance and repair are allowed. Expansion, enlargement or intensification of conforming aspects of a non-conforming development are excepted from this prohibition by variance or expansion permit. For example, if a structure has a non-conforming front setback, it may be expanded on the sides that do meet setback requirements by expansion permit as long as the expansion otherwise meets ordinance requirements.

2. No non-conforming use may be resumed if normal operation of the use has been discontinued, or if a non-conforming building has been removed and not replaced, for a period of more than one year. Time
will be calculated as beginning on the day following the last day in which the use was in normal operation and will run continuously thereafter. Following the expiration of more than one year, only uses that are permitted by this ordinance are allowed to be established.

3. Full use of a non-conforming use may not be resumed if the amount of land or floor area dedicated to the use is lessened or if the intensity of the use is in any manner diminished for a period of more than one year. Time will be calculated as beginning on the day following the last day in which the non-conforming use was in full operation and will run continuously thereafter. Following the expiration of more than one year, the non-conforming use may be used only in the manner or to the extent used during the preceding 12 months. For the purposes of this section, intensity of use will be determined by a review of the original nature, function or purpose of the non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the city.

4. Removal or destruction of a non-conforming use to the extent of more than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, by fire or other peril, excluding land value and as determined by the city assessor, terminates the right to continue or replace any non-conforming use, except if a valid and complete building permit application has been submitted to the city within 180 days after the property was damaged.

5. If replacement, reconstruction, or restoration of a legal non-conforming land use is allowed, it may occur without any land use approval from the city if the resulting use does not create any new adverse impacts on adjacent property and matches exactly the conditions that existed before the work was undertaken or before the use was damaged or destroyed. Work that would not meet this requirement and any work that would be an improvement to a non-conforming land use may not be undertaken unless a conditional use permit has been issued for the property. The city may impose conditions in a conditional use permit to protect the public health,
safety, or welfare, and to mitigate any newly created impacts on adjacent property or water body.

6. If replacement, reconstruction, or restoration of a legal non-conforming development is allowed, it may occur without any land use approval from the city if the resulting use does not create any new adverse impacts on adjacent property and matches exactly the conditions that existed before the work was undertaken or before the use was damaged or destroyed, except for internal improvements and improved materials used to replace roof surfaces, siding, windows, doors, and similar components. Work that would not meet this requirement or any other improvement to a non-conforming development may not be undertaken unless the appropriate approval required below has been granted for the property. The city may impose conditions in its approval to protect the public health, safety, or welfare, and to mitigate any newly created impacts on adjacent property or water body.

   a) Work that brings a structure into compliance with building code requirements requires approval from the director of planning. The community development director may choose, in his or her sole discretion, to require site plan approval instead of administrative approval.

   b) All other improvements require site plan approval notwithstanding any other provision of this ordinance to the contrary.

7. Work that constitutes an expansion of any non-conforming use may not be done without first obtaining a variance or an expansion permit pursuant to Subsections D and E of this section.

   a) A variance is required if the expansion will intrude into one or more setback areas beyond the distance of the existing structure or will exceed the height or size limitations in this ordinance by a distance or amount greater than the existing structure. Otherwise, an expansion permit is required. For example, if the building currently has a front setback of 25 feet when 30 feet is required, and the expansion would reduce the setback to 24 feet, then a variance is required. In contrast, if only a
portion of the building has a front setback of 25 feet when 30 is required, and the expansion brings the rest of the building to the same setback of 25 feet, then an expansion permit is required rather than a variance.

b) An expansion permit is also required if:

1) The use occupies any space within a non-conforming area that was previously not occupied both vertically and horizontally. For example, an expansion permit would be required if a second floor area is expanded into the non-conforming setback over an existing non-conforming first floor even though the non-conformity of the first floor setback dimension stays the same or is reduced; or

2) The non-conforming aspect of a use is reduced but still does not comply with current ordinance standards.

8. Notwithstanding the prohibitions contained in the foregoing paragraphs of this subdivision, if approved by the city council a non-conforming use may be changed to another non-conforming land use of less intensity if it is in the public interest. In all instances the applicant has the burden of proving that the proposed land use is less intense than the existing nonconforming land use.

9. If a non-conforming use is superseded or replaced by a permitted use, the non-conforming status of the premises and any rights which arise under the provisions of this section terminate.

10. Notwithstanding the foregoing paragraphs, a non-conforming use or structure in a floodplain area may only be repaired, replaced, maintained, improved, or expanded to the extent that it would qualify for eligibility in the National Flood Insurance Program, would not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

C. Except as provided in subsection H, a lot or parcel of land that is non-conforming and that is not improved with a principal use is not entitled to be developed with a principal use if it has been in common ownership with
adjacent land, including land that is across a street, or if it has been part of a larger parcel of land, at any time after adoption of the standard that causes the lot or land to be non-conforming.

D. Application for a non-conforming use expansion permit must be made to the zoning administrator. The application must be on forms provided by the city and must be accompanied by the following:

1. A plat or map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, elevations, significant topographical features and mature trees;

2. Evidence of ownership or an interest in the property;

3. The fee required by Section 22 of the Zoning Ordinance of the City; and

4. Such other information as may be required by the city.

E. Upon receipt of a completed application, a date will be set for a public hearing before the planning commission. The public hearing will be held only after notice has been sent by mail to the owners of all properties situated wholly or partially within 700 feet, as reflected in the certified records of the Becker county auditor.

1. An expansion permit for a non-conforming use may be granted, but is not mandated, when the applicant meets the burden of proving that:

   a) The proposed expansion is a reasonable use of the property, considering such things as:

      1) Functional and aesthetic justifications for the expansion;

      2) Adequacy of off-street parking for the expansion;

      3) Absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and

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4) Improvement to the appearance and stability of the property and neighborhood.

b) The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and

c) The expansion would not adversely affect or alter the essential character of the neighborhood.

d) The city council may grant an expansion permit only upon an affirmative vote of at least a majority of its full membership. The city council may impose conditions in granting an expansion permit to effect the intent of this ordinance and to protect adjacent properties. The city council must accompany its decision to deny an expansion permit with a statement of its findings and must serve a copy of its decision upon the applicant by mail.

2. Whenever within one (1) year after granting the expansion permit, construction of the work as permitted by the permit shall not have been commenced or within two (2) years after granting the expansion permit construction of the work as permitted by the permit shall not have been completed, 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 zoning administrator at least thirty (30) days before the expiration of the original permit. The application fee for an extension shall be set by resolution. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the permit.

3. An expansion permit is valid only for the project for which it was granted. Construction of any project must be in substantial compliance with the building plans and specifications reviewed and approved by the City.

4. The record owner of the real property subject to the expansion permit has no property right in the expansion permit. Failure to comply with the conditions imposed by the city council for the
expansion permit shall result in revocation of the expansion permit, after hearing held before the city council upon no less than two weeks written notice to the record owner of the property, unless such failure is cured prior to the date of the hearing. Upon revocation of an expansion permit, the record owner of the property shall eliminate the work previously permitted by the expansion permit and return the property to the physical condition existing prior to the granting of the permit at the expense of the record owner within ninety (90) days after the date of revocation.

5. Any person, firm, or corporation objecting to the ruling of any official on the administering of the provisions of this ordinance shall have the right to appeal to the board of zoning adjustment. The board of zoning adjustment shall, after receiving the written report and recommendation of the Planning Commission and the City staff, make a finding of fact and made a decision on appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this ordinance. However, said appeal shall be filed not later than ninety (90) days after the applicant has received a written notice from the Building Inspector or said appeal shall be considered void.

6. A certified copy of the expansion permit must be filed at the expense of the applicant with the Becker County Recorder or the Becker County Registrar of titles. The expansion permit must contain a legal description of the property affected.

F. A person who wishes to take advantage of the rights granted to a legal non-conformity has the burden of proving the status as a legal non-conformity by clear and convincing evidence.

G. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the city may require the structure setback to be increased, if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
H. The following applies to lots in the shoreland district that were of record in the office of the county recorder on the date of adoption of applicable shoreland controls and that do not meet the requirements for lot size or lot width:

1. A nonconforming single lot of record located within the shoreland district may be allowed as a building site without variances from lot size requirements, if:
   a) All structure setback distance requirements can be met;
   b) The lot is connected to a public sewer; and
   c) The impervious surface coverage does not exceed 25 percent of the lot.

2. In a group of two or more contiguous lots of record under common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if:
   a) The lot is at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
   b) The lot is connected to a public sewer;
   c) The impervious surface coverage does not exceed 25 percent of each lot; and
   d) Development of the lot is consistent with the comprehensive plan.

3. A lot subject to paragraph (2) that does not meet the requirements of paragraph (2) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

4. Notwithstanding paragraph (2), contiguous nonconforming lots of record in the shoreland district under common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are connected to a public sewer.
I. In evaluating all variances, conditional use permits, other zoning permits, and building permit applications, the city must require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

J. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

(Ordinance No. 327, Amended 12/09/2008)
(Ordinance No. 404, Adopted 3/14/2017)

Subd. 2. General Building and Performance Requirements.

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

B. Dwelling Unit Restriction.

1. No garage, tent, or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.

2. Basements may be used as living quarters or rooms as a portion of residential dwellings.

3. Tents, playhouses, or similar structures may be used for play or recreational uses.

C. Platted and Unplatted Property.

1. Any person desiring to improve property shall submit to the Building Inspector a 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 insure conformance to the City ordinances.
2. All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by City.

3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this Ordinance to the extent possible. (Ordinance No. 324, Adopted 8/12/2008)

4. A lot of record existing upon the effective date of this ordinance in a residence district, which does not meet the requirements of this ordinance as to area or width may be utilized for single family detached dwelling purposes provided the measurements of such area or width are within seventy (70) percent of the requirements of this ordinance.

5. Except in the case of planned unit developments as provided for in Section 18 of this ordinance, not more than one (1) principal building shall be located in a lot. The words "principal building" shall be given their common, ordinary meaning; in case of doubt or on any questions or interpretation, the decision of the Building Inspector shall be final, subject to the right to appeal to the Planning Commission and City Council. (Ordinance No. 11, Adopted 8/12/1986).

6. On a double frontage lot, both street lines shall be front lot lines for applying the yard and parking regulations of this ordinance.

D. Accessory Buildings, Uses, and Equipment.

1. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

2. No accessory building shall be erected or located within any required yard other than the rear yard, except that garages in residential districts may be permitted in the side yard behind the front building line of the principal structure, provided that the side yard setback required for a principal structure is maintained.
3. No accessory building or structure other than a fence or temporary construction office may be constructed on a lot prior to the time of construction of a principle structure, except accessory structures on vacant lots may be allowed in residential districts as a conditional use, subject to the following conditions: (Ordinance No. 247, Amended 3/2/2004)

   a) That the structure setbacks are as follows:
      - Front yard 150 feet
      - Side yard 30 feet
      - Rear yard 30 feet
   
   b) That the lot be a minimum of 150 feet wide and 2 acres or more in size.
   
   c) That the lot intended for the accessory structure be located within 200 feet of the property owner’s residence.
   
   d) That the structure not exceed 2000 square feet.
   
   e) That the structure not exceed 14 feet in height.
   
   f) That the property be landscaped and maintained to make an attractive residential appearance.
   
   g) That the building be roofed and sided in a manner that is compatible with surrounding residential development.
   
   h) That the building and lot not be used for repair work, commercial use or storage other than personal items of the owner, and that all of the items be stored inside.
   
   i) That no signage is allowed on the property.

4. Accessory building and garages in residential districts shall not exceed fourteen (14) feet in height and shall be three (3) feet or more from all lot lines of adjoining lots, shall be five (5) feet or more from any other building or structure on the same lot, and shall not be located within a utility easement, except as provided in #2 above, which allows garages in side yards in residential districts.

5. No accessory building or garage for single family dwelling shall occupy more than twenty-five (25) percent of a rear yard.
6. Accessory buildings in business and industrial districts shall not exceed twenty-six (26) feet in height and shall be fifteen (15) feet or more from all adjoining lot lines, shall be fifteen (15) feet or more from all buildings and shall not be located within a utility easement.

7. No permit shall be issued for the construction of more than one (1) private garage structure for each dwelling unless adequate space is available on the lot to meet all setback and yard space requirements. Every dwelling unit erected shall be so located on the lot so that at least a two (2) car garage, either attached or detached, can be located on said lot.

8. According to Ordinance No. 184, Item 8 has been deleted (Ordinance No. 184, Adopted 7/6/1999)

9. Pole building (post frame) may be constructed within the City of Detroit Lakes provided said building:
   a) Is located in an “R-A” Residential Agricultural District, an “I-1“ Light Industrial District, or an “I-2” Heavy Industrial District;
   b) Is an accessory building located in any Residential District, except the AR-LB=R Residential Lakefront Business District;
   c) Is a principal or accessory structure approved by a conditional use permit and located in a “B-2” General Business District or “B-3” Auto-Oriented Business District.

10. Exterior Building Finishes:
   a) Overhangs on steel or metal buildings shall be enclosed;
   b) No galvanized or unfinished steel, galvalume, or unfinished aluminum shall be used for exterior building finishes (walls or roofs).

E. Drainage Plans. In the case of all equipment, business and industrial developments, the drainage plans shall be submitted to the City Engineer for his review and the final drainage plan shall be subject to his written approval.

1. Location: All fences shall be located entirely within the private property of the person, firm or corporation constructing or causing the construction of such fence.

2. Construction and Maintenance: Every fence shall be constructed in a substantial workmanlike manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition or 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 Zoning Administrator is hereby authorized to commence proceedings for the abatement thereof.

3. No fences, other than the chain link fences with opening to be one and five-eighths (1-5/8) inches to two (2) inches and not to exceed a maximum height of forty-eight (48) inches and further, to allow chain link fencing to follow the property line on corner lots, and/or no structures or planting of trees or shrubs shall be permitted within twenty-five (25) feet of any corner formed by the intersection of street property lines or the right-of-way of a railway intersecting a street. The twenty-five (25) feet referred to above shall be in the form of a triangle with two sides formed by the property lines and the third side formed by a straight line connecting the two (2) twenty-five (25) foot points on both sides of the corner.

4. Except as provided in No. 2 above, fences less than three (3) feet in height may be located on any part of a lot.

5. Barbed wire fences shall not be permitted, used or constructed except in commercial and industrial districts as hereinafter provided.

6. Residential District Fences: All residential fences shall be placed within the property being fenced.

   a) 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.

b) Fences along any rear property line, which is also the rear property line of an abutting lot, shall not exceed six (6) feet in height.

c) 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.

d) The required fencing provisions for residential districts shall supersede, where applicable, the provisions of this subsection.

e) All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.

f) The height of a fence within 3 feet of a property line shall be measured from the lowest point within 3 feet from the fence. Fences that are 3 feet or further from the property line shall be measured from the ground immediately adjacent to the fence. (Ordinance No. 394, Adopted 1/12/2016)

7. Commercial and Industrial District Fences: All commercial and industrial fences shall be placed within the property being fenced.

   a) Fences which are primarily erected as a security measure may have arms projecting into the applicant’s property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground.

   b) The screening provisions for commercial and industrial districts shall supersede, where applicable, the provisions of this subsection.

8. In all zoning districts, the lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building sites and/or other requirements shall be planted and maintained in grass, sodding, shrubs, or other acceptable vegetation or treatment generally used in landscaping. Fences or trees placed upon utility easements are subject to removal if required for the maintenance or improvement of the utility. Trees
on utility easements containing overhead wires shall not exceed ten (10) feet in height.

G. Required Fencing, Screening, and Landscaping.

1. Landscaping Plans

   a) The purpose of this subdivision is to establish standards for the installation of landscape elements which include screening and buffering to improve compatibility between land uses, and enhance the aesthetic appearance of properties.

The Zone Hardiness for the plants in the landscape design shall be Zone 4, 3 or 2. A list of suggested plants is presented below:

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Mature Height</th>
<th>Mature Width</th>
<th>Zone</th>
<th>Rate of Growth</th>
<th>Growth Habit</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thornless Honeylocust</td>
<td>Gleditsia triacanthos var. inermis</td>
<td>30-70'</td>
<td>30-70'</td>
<td></td>
<td></td>
<td>Open, spreading</td>
<td></td>
</tr>
<tr>
<td>Columnar Norway Maple</td>
<td>Acer platanoides 'Columnar'</td>
<td>50'</td>
<td>15-20'</td>
<td>4</td>
<td></td>
<td>Narrow, columnar</td>
<td>Free of pests, disease &amp; wind damage</td>
</tr>
<tr>
<td>Crimson Sentry Maple</td>
<td>Acer platanoides 'Crimson Sentry'</td>
<td>30-35'</td>
<td>20-25'</td>
<td>4</td>
<td>Slow</td>
<td>Narrow, columnar</td>
<td>Very dense</td>
</tr>
<tr>
<td>Emerald Queen Maple</td>
<td>Acer platanoides &quot;Emerald Queen&quot;</td>
<td>50-60'</td>
<td>40-45'</td>
<td>4</td>
<td>Fast</td>
<td>Upright, broad oval</td>
<td>Does well in urban areas</td>
</tr>
<tr>
<td>Autumn Spire Maple</td>
<td>Acer rubrum 'Autumn Spire'</td>
<td>50'</td>
<td>20-25'</td>
<td>3</td>
<td></td>
<td>Broadly columnar</td>
<td>Great hardiness &amp; color</td>
</tr>
<tr>
<td>Silver Cloud Maple</td>
<td>Acer saccharinum 'Silver Cloud'</td>
<td>50-60'</td>
<td>30'</td>
<td>3</td>
<td>Med-fast</td>
<td>Upright, oval</td>
<td>Extreme cold hardiness</td>
</tr>
<tr>
<td>Fall Fiesta Sugar Maple</td>
<td>Acer saccharum 'Bailista'</td>
<td>50-75'</td>
<td>50'</td>
<td>3</td>
<td>Fast</td>
<td>Upright, rounded</td>
<td>Resistant to sun scald &amp; frost cracks, orange-red fall color</td>
</tr>
<tr>
<td>Green Mountain Maple</td>
<td>Acer saccharum 'Green Mountain'</td>
<td>50-75'</td>
<td>35-40'</td>
<td>4</td>
<td>Med-fast</td>
<td>Upright oval</td>
<td>Heat tolerance, performs well in dry restricted sites</td>
</tr>
<tr>
<td>Autumn Blaze Maple</td>
<td>Acer x freemanii 'Jeffersed'</td>
<td>50-60'</td>
<td>40'</td>
<td>4</td>
<td>Fast</td>
<td>Dense oval head</td>
<td>Drought tolerance, ability to grow in most soils</td>
</tr>
<tr>
<td>Firefall Maple</td>
<td>Acer x freemanii 'AF#1'</td>
<td>40-60'</td>
<td>30-40'</td>
<td>4</td>
<td>Med-fast</td>
<td>Upright oval</td>
<td>Male variety &amp; doesn’t produce seed</td>
</tr>
<tr>
<td>Prairie Horizon Alder</td>
<td>Alnus hirsula 'Harbin'</td>
<td>30-40'</td>
<td>20-30'</td>
<td>4</td>
<td>Fast</td>
<td>Upright</td>
<td>A drought tolerant alder, decorative purple catkins</td>
</tr>
<tr>
<td>Autumn Brilliance Serviceberry</td>
<td>Amelanchier x grandflora 'Autumn Brilliance'</td>
<td>20-25'</td>
<td>15'</td>
<td>3</td>
<td>Med</td>
<td>Rounded</td>
<td>Fall color brilliant red-orange</td>
</tr>
<tr>
<td>Prairie Dream Paper Birch</td>
<td>Betula papyrifera 'Varen'</td>
<td>50'</td>
<td>40'</td>
<td>2</td>
<td>Med</td>
<td>Broadly oval</td>
<td>Beautiful stress tolerant selection from ND, now white bark</td>
</tr>
<tr>
<td>Snowbird Hawthorn</td>
<td>Crataegus x mordenensis 'Snowbird'</td>
<td>12-15'</td>
<td>20'</td>
<td>3</td>
<td>Slow-med</td>
<td>Upright, rounded</td>
<td>Fragrant double white flowers, fruit production is sparse</td>
</tr>
<tr>
<td>Marshall’s Seedless Ash</td>
<td>Fraxinus pennsylvanica 'Marshall’s Seedless'</td>
<td>50-60'</td>
<td>40'</td>
<td>4</td>
<td>Med</td>
<td>Broad, oval</td>
<td>Glossy foliage, great choice for street</td>
</tr>
<tr>
<td>Northern Acclaim Honeylocust</td>
<td>Gleditsia triacanthos var. inermis 'Harve'</td>
<td>35-45'</td>
<td>30-35'</td>
<td>3</td>
<td>Med</td>
<td>Upright-spreading</td>
<td>Thornless and seedless, sturdy, drought resistant</td>
</tr>
</tbody>
</table>

3-15
<table>
<thead>
<tr>
<th>Tree Name</th>
<th>Scientific Name</th>
<th>Height Range</th>
<th>Width Range</th>
<th>Growth Rate</th>
<th>Form</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red Splendor Crabapple</td>
<td>Malus ‘Red Splendor’</td>
<td>20-25’</td>
<td>20’</td>
<td>Med</td>
<td>Upright, spreading</td>
<td>Small bright red fruit never fall, great for wildlife</td>
</tr>
<tr>
<td>Highland Poplar</td>
<td>Populus ‘Highland’</td>
<td>45-50’</td>
<td>20-25’</td>
<td>Med-fast</td>
<td>Upright, oval</td>
<td>Cotton-less cottonwood. Disease resistant, dark, waxy green leaves</td>
</tr>
<tr>
<td>Robusta Poplar</td>
<td>Populus x Canadensis ‘Robusta’</td>
<td>40-60’</td>
<td>30-40’</td>
<td>Med-fast</td>
<td>Broad, oval</td>
<td>Vigorous smaller cultivar, it is well suited to moderate and arid conditions</td>
</tr>
<tr>
<td>Bur Oak</td>
<td>Quercus macrocarpa</td>
<td>60-80’</td>
<td>60-80’</td>
<td>Med</td>
<td>Rounded, open</td>
<td>Tolerates a wide range of soil types and air pollutants</td>
</tr>
<tr>
<td>Prairie Stature Oak</td>
<td>Quercus x bimundorum ‘Midwest’</td>
<td>30-40’</td>
<td>25-30’</td>
<td>Med</td>
<td>Pyramidal</td>
<td>Emerald green foliage, reddish fall color</td>
</tr>
<tr>
<td>Showy Mountain Ash</td>
<td>Sorbus decora</td>
<td>20-25’</td>
<td>20’</td>
<td>Slow</td>
<td>Rounded</td>
<td>Resistant to disease, white flowers, showy red fruit</td>
</tr>
<tr>
<td>Ivory Silk Lilac</td>
<td>Syringa reticulate ‘Ivory Silk’</td>
<td>25’</td>
<td>15’</td>
<td>Slow-med</td>
<td>Compact, oval</td>
<td>Sturdy, compact, creamy white flowers &amp; cherry-like bark</td>
</tr>
<tr>
<td>American Sentry Linden</td>
<td>Tilia Americana ‘McKSentry’</td>
<td>40’</td>
<td>25-30’</td>
<td>Fast</td>
<td>Pyramidal</td>
<td></td>
</tr>
<tr>
<td>Colorado Blue Spruce</td>
<td>Picea Pungens ‘glaucia’</td>
<td>60’</td>
<td>10-20’</td>
<td>Slow-med</td>
<td>Pyr-col</td>
<td>Not a screen, but nice size</td>
</tr>
<tr>
<td>Holmstrup Arborvitae</td>
<td>Thuja occidentalis ‘Holmstrup’</td>
<td>4-5’</td>
<td>1-2’</td>
<td>Moderate</td>
<td>Pyramidal</td>
<td>Hedge</td>
</tr>
<tr>
<td><strong>Evergreens for Screening</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medora Juniper</td>
<td>Juniperus Scopulorum</td>
<td>20-25’</td>
<td>2-3’</td>
<td>Slow</td>
<td>Columnar narrow</td>
<td>Likes sun</td>
</tr>
<tr>
<td>Cologreen Juniper</td>
<td>Juniperus Scopulorum ‘Cologreen’</td>
<td>15-20’</td>
<td>5-7’</td>
<td>Moderate</td>
<td>Columnar</td>
<td>Likes sun</td>
</tr>
<tr>
<td>Black Hills Spruce</td>
<td>Picea Glauca ‘Densata’</td>
<td>36-45’</td>
<td>25-30’</td>
<td>Slow</td>
<td>Pyramidal</td>
<td>Back lot or side lot screening</td>
</tr>
<tr>
<td>Fat Albert Spruce</td>
<td>Picea Pungens ‘Fat Albert’</td>
<td>15’</td>
<td>8-10’</td>
<td>Slow</td>
<td>Pyramidal</td>
<td>Partial to full sun</td>
</tr>
<tr>
<td>Eastern White Pine</td>
<td>Pinus Strobus</td>
<td>50-80’</td>
<td>15-20’</td>
<td>Fast</td>
<td>Pyramidal</td>
<td>Can tolerate moisture</td>
</tr>
<tr>
<td>Citation Yew</td>
<td>Taxus Media ‘Ciation’</td>
<td>8-10’</td>
<td>6’</td>
<td>Moderate</td>
<td>Columnar</td>
<td>Strongly resistant to disease</td>
</tr>
<tr>
<td>Nigra Arborvitae</td>
<td>Thuja occidentalis ‘Nigra’</td>
<td>20-30’</td>
<td>4-10’</td>
<td>Moderate</td>
<td>Pyramidal</td>
<td>Low maintenance</td>
</tr>
<tr>
<td>Techny Arborvitae</td>
<td>Thuja occidentalis ‘Techny’</td>
<td>12-15’</td>
<td>4-6’</td>
<td>Fast</td>
<td>Pyramidal</td>
<td>More dense than other arborvit</td>
</tr>
<tr>
<td>Canadian Hemlock</td>
<td>Tsuga Canadensis</td>
<td>40’</td>
<td>25’</td>
<td>Moderate</td>
<td>Pyramidal</td>
<td>Large hedge</td>
</tr>
</tbody>
</table>

(Ordinance No 368, Amended 4/9/2013)

b) Exemptions. One and two family dwelling lots are exempt from all the requirements of this section.

c) Required Landscaping Plan

1) The applicant shall submit a Landscaping Plan to the City for review and approval for the site plan review. The plan shall have been prepared in accordance with the provisions of this section. The Landscaping Plan shall locate and label all proposed site improvements, utilities and existing
and proposed plant materials (including a schedule listing quantities, botanical and common names, sizes, root specifications and on center spacing where applicable)

2) The extent of required landscape plantings shall be of such sizes, quantities, composition and arrangements that, at maturity, they will be in scale with the size of the building(s) and site, and will collectively provide a softening and enframent of architectural elements, articulation of space and use areas and screening of undesirable visual impacts. All required landscape planting shall be located on or within the boundaries of the site being developed. As a minimum, fifteen (15) percent of the site shall be retained as an undeveloped area for landscape plantings.

3) All undeveloped areas of the site shall be appropriately planted with ground cover. Exceptions to this requirement include those areas designated on the approved site plan as undisturbed areas of naturally established vegetation which may be preserved in its natural state.

4) Minimum Size Requirements for Plantings

   i. At the time of planting, deciduous, over story trees shall have a minimum trunk caliper (diameter) of at least 2 1/2 inches and understory trees shall have a trunk caliper (diameter) of 1 1/2 inches. Deciduous shrubs shall have an average height of two (2) feet. Evergreen shrubs shall have an average crown spread of at least two (2) feet. An exception to size requirements may be made in areas of restricted growth requirements, such as concrete sidewalk areas, paved parking lots or other areas where minimum size may be reduced upon approval by the City. (Ordinance No. 368, Amended 4/9/2013)
ii. Plant materials larger in size than those specified in the Landscaped Plan may be substituted without approval of the City.

2. Screening and Buffering

   a) Undesirable Visual Impacts. Undesirable visual impacts, which include, but are not limited to, truck loading areas, materials storage, parking lots, large unadorned building massing, and vehicular stacking aisles for drive-through or drive-up uses shall be screened to a height and depth consistent with the size and extent of the visual degradation. Such required screening may be satisfied by fencing, walls, earth berms, hedges or other appropriate plat materials.

   b) Walls and Fencing. All walls and fencing shall be architecturally harmonious with the principal building, and shall be enhanced by plantings of landscaped materials along the outward-facing surfaces of such structures. Walls and fencing shall provide sufficient height to achieve screening and any height higher than six (6) feet in height shall be at the discretion of the City. Screening walls and fencing which are in disrepair shall be repaired or replaced.

   c) Earth Berms. Earth berms shall not exceed a slope or 3; 1 unless covered by plant materials capable of minimizing maintenance and shall provide total blocking with a minimum year round density or opaqueness of 90% maturity.

   d) Screening. Landscaped screened area shall be provided and maintained within or in addition to the setback required where the regulated land use district abuts or is across the street from any residential district. A landscaped screened area shall also be provided where a multi-family structure (apartment, condominium, assisted living, nursing center, or similar uses) abuts a single family, duplex or twin home or any lots set aside for such development. The purpose of screening is to screen commercial areas from the residential neighborhood. Screening shall block views both into and out of the properties as well as provide noise absorption and blocking or airborne pollutants. Screening should be
provided up to eye level or about (six) 6 feet.  
*Ordinance No. 395, Adopted 1/12/2016*

e) Parking Lots. Any open parking lots containing more than six thousand square feet of area (includes parking stalls and aisles) shall provide interior landscape plantings contained within peninsulas, islands and or medians. Eight (8) square feet of interior landscaped area shall be provided for each one hundred square feet of paved surface. All planted materials shall be placed so that at maturity the trunk of any tree or perimeter of any shrub will be no closer than six (6) feet to the back of the curb of parking lot.

f) Additional Screening. Trash enclosures and trash handling equipment shall be stored within the principal structure, within an attached structure accessible within the principal structure, or totally screened from eye level view from public streets and adjacent residential or commercial properties. If accessory structures are proposed, they shall be constructed of the same building material and otherwise complimentary to as the principal structure and be readily served through doors.

3. **Completion**: Where landscaping is required;

   a) No building permit shall be issued until the required Landscaping Plan has been submitted and approved.

   b) Landscaping must be completed within 9 months of building occupancy.

4. **Maintenance of Landscape**

   a) Planted areas shall be adequately maintained in a healthy attractive manner, including watering, weeding, pruning, trimming, edging, and fertilizing an insect control.

   b) Notwithstanding anything to the contrary in this code, any fencing, walls, earth berms, hedges, or other screening and buffering required by subdivision shall be maintained as originally approved until such time as the property for which the Landscaping Plan has been approved is used for single family dwellings.

5. **Enforcement**
a) Whenever the building official determines that a violation of this section exists, the official shall give written notice to the property owner. Such notice shall include the amount of the time allowed to bring the property in compliance shall not be less than thirty days or more than ninety days from the date of written notice. The City may allow an extended period of time for competition of all landscaping if the delay is due to conditions which are reasonably beyond the control of the developer. Extensions which may not exceed nine months may be granted due to seasonal or weather conditions.

(Ordinance No. 274, Adopted 6/7/2005)

H. **Glare.** Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where 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 as not to light adjacent property. 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 0.4 foot candles (meter reading) as measured from said property.

I. **Smoke.** The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-15.

J. **Dust and Other Particulated Matter.** The emission of dust, fly ash, or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-15.

K. **Odors.** The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-15.

L. **Noise.** The emission of noise by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-15.
M. **Refuse.** Passenger automobiles, station wagons, 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 thirty (30) days, and all materials stored outside in violation of the City ordinance are considered refuse or junk and shall be disposed of. The piling of junk in yards in all residential districts shall be considered a nonconforming use and shall be removed within a period of three (3) months after the effective date of this ordinance.

N. **Exterior Storage.** All materials and equipment, except as provided for in Sections 5 through 19 of this ordinance, shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:

1. Clothes line pole and wires.

2. Recreational equipment and vehicles.

3. Construction and landscaping material currently being used on the premises.

4. Off-street parking of passenger vehicles and trucks not exceeding a gross capacity of twelve thousand (12,000) pounds in residential areas.

Subd. 3. **Yard Requirements.**

A. **Purpose.** This section identifies minimum yard spaces and areas to be provided for in each zoning district.

B. No lot, yard, or other open space shall be reduced in area or dimension so as to make such lot, yard, or open space less than the minimum required by this ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another structure.

C. The following shall not be considered as encroachments on yard setback requirements:

1. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like provided they do not project more than four and one-half (4-1/2) feet into a yard.
2. Terraces, steps, 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 two (2) feet from any lot line.

3. In rear yards: recreational and laundry drying equipment, arbors and trellises, balconies, breezeways, open porches, detached outdoor living room garages, and air conditioning or heating equipment.

**Subd. 4. Area and Building Size Requirements.**

A. **Usable Open Space.** Each multiple family dwelling site shall contain at least five hundred (500) square feet of usable open space as defined by Section 2, Subd. 134, of this ordinance for each dwelling unit contained hereon.

B. **Exceptions.** The building height limits established herein for districts shall not apply to the following:

1. Belfries
2. Chimney or flues
3. Church spires
4. Cooling towers
5. Cupolas and domes which do not contain usable space
6. Elevator penthouses
7. Flag poles
8. Monuments
9. Parapet walls extending not more than three (3) feet above the limiting height of the building
10. Water towers
11. Poles, towers, and other structures for essential services
12. Necessary mechanical and electrical appurtenances
13. Television and radio antennas not exceeding twenty (20) feet above roof

14. Farm dwellings

C. **Minimum Floor Area per Dwelling Unit.**

1. **Multiple Dwelling Units.** Except for elderly housing, living units classified as multiple dwellings shall have the minimum floor areas per unit:

   - One bedroom units 600 square feet
   - Two bedroom units 720 square feet

   More than two bedroom units an additional 100 square feet for each additional bedroom.

2. **Elderly (Senior Citizen) Housing.** Living units classified as elderly senior citizen housing units shall have the following minimum floor area per unit:

   - Efficiency units 440 square feet
   - One bedroom 520 square feet

Subd. 5. **Off-Street Parking Requirements.**

A. **Purpose.** 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.

B. **Application of Off-Street Parking Regulations.** The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the City.

C. **Site Plan Drawing Necessary.** All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimensions indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this section.

D. **General Provisions.**
1. **Floor Area.** The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure, or use times the number of floors, minus ten (10) percent.

2. **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 ordinance shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use.

3. **Nonconforming Structures.** Should a nonconforming structure or use be damaged or destroyed by fire, it may be re-established if elsewhere permitted in these zoning regulations, except that in doing so, any off-street parking or loading space which existed before shall be retained.

4. **Change of Use or Occupancy of Land.** No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made, which reduces are necessary for parking, parking stalls, or parking requirements below the minimum prescribed by these zoning regulations.

5. **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 these zoning regulations.

6. **No Off-Street Parking.** Facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one (1) truck not to exceed gross capacity of twelve thousand (12,000) pounds; and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants, or customers of business or manufacturing establishments.

7. **Calculating Space.**
   
   a) When determining the number of off-street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall constitute another space.
b) 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 twenty-two (22) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements.

c) Should a structure contain two (2) or more types of uses, each use shall be calculated separately for determining the total off-street parking spaces required.

8. Stall, Aisle, and Driveway Design.

a) Parking Space Size. Each parking space shall require a minimum of three hundred (300) square feet and be not less than nine (9) feet wide and eighteen (18) feet in length, and each space shall be and each space shall be served adequately by access aisles. (Ordinance No. 163, Adopted 4/7/1998)

b) 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.

c) Except in the case of single, two family and town-house 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, two family and townhouse dwellings, parking area design which requires backing into a public street is prohibited.

d) No curb cut access shall be located less than forty (40) feet from the intersection of two (2) or more street rights-of-way. Minimum distance for commercial and industrial uses shall be sixty (60) feet. This distance shall be measured from the intersection of lot lines.

e) Parallel parking spaces shall be at least twenty-two (22) feet in length.
f) Curb cut access shall not exceed the following widths:

1) In residential districts curb cut widths shall not exceed 24 feet;

2) In commercial and industrial districts no curb cut widths shall exceed 40 feet. *(Ordinance No. 143, Amended 9/3/1996)*

g) Curb cut openings shall be at minimum five (5) feet from the side yard property line.

h) Driveway access curb openings on a public street except for single, two family and townhouse dwellings, shall not be located less than forty (40) feet from one another.

i) The grade elevation of any parking area shall not exceed five (5) percent.

j) Each property shall be allowed one (1) curb cut access for each one hundred twenty-five (125) feet of street frontage. All property shall be entitled to at least one (1) curb cut. Single family uses shall be limited to one (1) curb cut access per property.

k) **Surfacing.** All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Plans for surfacing or drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the City Engineer for his review and the final drainage plan shall be subject to his written approval.

l) **Lighting.** Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public right-of-ways and be in compliance with Section 3, Subd. 2H, of this ordinance.

m) **Signs.** No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.

n) **Curbing and Landscaping.** Except for single, two family and townhouses, all open off-street parking shall have a
perimeter curb barrier around the entire parking lot, said curb barrier shall not be closer than five (5) feet to any lot line. Grass, plantings, or surfacing material shall be provided in all areas bordering the parking area.

o) **Required Screening.** All open, non-residential, off-street parking areas of five (5) or more spaces shall be screened and landscaped from abutting or surrounding residential districts in compliance with Section 3, Subd. 2G, of this ordinance.

E. **Maintenance.** It shall be the joint responsibility of the lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, access ways, striping, landscaping, and required fences.

F. **Location.** All accessory off-street parking facilities required by this ordinance shall be located and restricted as follows:

1. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of Section 3, Subd. 51.

2. Except for single, two family and townhouse 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.

3. There shall be no off-street parking within fifteen (15) feet of any street surface.

4. The boulevard portion of the street right-of-way shall not be used for parking.

5. **Setback Area.** Required accessory off-street parking shall not be provided in front yards or in side yards in the corner lot, in R-1, R-2, R-3, R-LB, and B-1 districts.

6. In the case of single family, two family, and town-house dwellings, parking shall be prohibited in any portion of the front yard except designated driveways leading directly into a garage of one (1) open, surfaced space located on the side of a driveway, away from the principal use. Said extra space shall be surfaced with concrete or bituminous material.
G. **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, storage of inoperable vehicles as regulated by Section 3, Subd. 2M, of this ordinance, and/or storage of snow.

H. **Number of 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:

1. **Parking Standards:**

<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. Residential</strong></td>
<td></td>
</tr>
<tr>
<td>1. Single Family, Two Family and Townhouse Units</td>
<td>Two (2) spaces per unit.</td>
</tr>
<tr>
<td>2. Multiple Family Dwelling</td>
<td>One and one-half (1 ½) fee free spaces per unit up to 1 Bedroom. Two fee free spaces for 2 or more bedroom unit.</td>
</tr>
<tr>
<td>3. Boarding house, Fraternity House, Sorority House, Rooming House</td>
<td>One (1) space for each two (2) persons for whom accommodations are provided.</td>
</tr>
<tr>
<td>4. Elderly (Senior Citizen) Housing.</td>
<td>One (1) space for each two (2) persons for whom accommodations are provided.</td>
</tr>
<tr>
<td>5. Dormitories.</td>
<td>Two (2) spaces for each three (3) occupants.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>USE</th>
<th>PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>b. Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>1. Retail Store and Service Establishment.</td>
<td>One (1) space for each two hundred (200) square feet of gross floor area.</td>
</tr>
<tr>
<td>2. Office Building, Animal Hospitals and Professional Offices.</td>
<td>Three (3) spaces plus one (1) for each two hundred (200) square feet of gross floor area.</td>
</tr>
<tr>
<td>3. Motels, Motor Hotels, Hotels.</td>
<td>One (1) space per unit plus one space for each ten (10) units plus one (1) for each employee on the largest shift.</td>
</tr>
<tr>
<td>4. Restaurants, Cafes, Private Clubs Serving Food and/or Drinks, Bars, Taverns, Nightclubs.</td>
<td>One (1) space for each forty (40) square feet of dining and bar area and one (1) space for each eighty (80) square feet of kitchen area.</td>
</tr>
<tr>
<td>5. Drive-in Establishment and Convenience Food.</td>
<td>One (1) space for each fifteen (15) square feet of gross floor area but not less than fifteen (15) spaces.</td>
</tr>
<tr>
<td>6. Motor Fuel Station.</td>
<td>Four (4) spaces plus two (2) space per pump and two (2) spaces for each service stall.</td>
</tr>
<tr>
<td>7. Car Wash.</td>
<td>Note: The parking spaces listed are in addition to the required magazining or stacking spaces.</td>
</tr>
<tr>
<td>USE</td>
<td>PARKING SPACES REQUIRED</td>
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<tr>
<td>--------------------------------------------------------------------</td>
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</tr>
<tr>
<td><strong>a) Automotive Drive Through, Serviced.</strong></td>
<td>Ten (10) spaces or one (1) space per employee whichever is greater.</td>
</tr>
<tr>
<td><strong>b) Self-Service.</strong></td>
<td>Two (2) spaces</td>
</tr>
<tr>
<td><strong>c) Motor Fuel Station Car Wash.</strong></td>
<td>Zero (0) in addition to that required for the station.</td>
</tr>
<tr>
<td><strong>8. Auto Repair, Major Bus Terminal, Taxi Terminal, Boats and Marine Sales and Repair, Bottling Company, Garden Supply Store, Building Material Sales in Structure.</strong></td>
<td>Eight (8) spaces plus one (1) additional space for each eight hundred (800) square feet of floor area.</td>
</tr>
<tr>
<td><strong>9. Movie Theater, Auditorium.</strong></td>
<td>One (1) space for each four (4) seats based on design capacity.</td>
</tr>
<tr>
<td><strong>10. Retail Sales and Service Business with Fifty (50) Percent or More of Gross Floor Area Devoted to Storages, Warehouses, and/or Industry.</strong></td>
<td>Eight (8) spaces plus one (1) additional space for each two (200) square feet of floor area devoted to sales or service plus one (1) space for each five hundred (500) square feet of floor area devoted to storage, warehouse, or industry.</td>
</tr>
<tr>
<td><strong>11. Funeral Homes.</strong></td>
<td>Five (5) spaces plus one (1) space for each four (4) seats based on the seating capacity of the largest assembly hall, but not less than twenty (20) spaces.</td>
</tr>
<tr>
<td><strong>12. Shopping Center.</strong></td>
<td>Where several business uses are grouped together according to a general development plan, off-street automobile parking shall be provided in a ratio of not less than three (3) square feet of gross parking area for each one (1) square foot of gross floor area; separate off-street parking space shall be provided for loading and unloading.</td>
</tr>
<tr>
<td><strong>13. Drive-Thru Facility.</strong></td>
<td>Three (3) off-street stacking spaces per Drive-Thru lane.</td>
</tr>
<tr>
<td><strong>c. Recreational</strong></td>
<td></td>
</tr>
<tr>
<td><strong>1. Public Parks, Playgrounds, and Playfields.</strong></td>
<td>Five (5) spaces for each acre of park; two (2) spaces for each acre of playground; and ten (10) spaces for each acre of playfield.</td>
</tr>
<tr>
<td><strong>2. Baseball Field, Stadium.</strong></td>
<td>One (1) space for each eight (8) seats of design capacity.</td>
</tr>
<tr>
<td><strong>3. Bowling Alley.</strong></td>
<td>Five (5) spaces per alley plus fifty percent (50%) of the space required for any accessory use (e.g. Bar, restaurant, game room)</td>
</tr>
<tr>
<td><strong>4. Community Center, Physical Culture Studio, Libraries, Museum, Art Gallery.</strong></td>
<td>Ten (10) spaces plus one (1) space for each three hundred (300) square feet over two thousand (2000) square feet floor area.</td>
</tr>
<tr>
<td><strong>5. Golf Course, Swimming Club, Tennis Club, Public Swimming Pool.</strong></td>
<td>Twenty (20) spaces plus the spaces required for any accessory use (e.g. Bar, restaurant, pro-shop.)</td>
</tr>
<tr>
<td>USE</td>
<td>PARKING SPACES REQUIRED</td>
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<tr>
<td><strong>6. Golf Driving Range, Miniature Golf, Archery Range.</strong></td>
<td>Ten (10) spaces plus one (1) for each one hundred (100) square feet of floor area.</td>
</tr>
<tr>
<td><strong>7. Skating Rink, Dance Hall or Auction House.</strong></td>
<td>Twenty (20) spaces plus one (1) space for each two hundred (200) square feet of gross floor area over two thousand (2000) square feet.</td>
</tr>
<tr>
<td><strong>8. Marina.</strong></td>
<td>One (1) space per four (4) slips.</td>
</tr>
</tbody>
</table>

**d. Industrial**

<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Manufacturing, Fabricating, or Processing of a Product or Material; Warehouse, Storage, Handling of Bulk Goods, Post Offices.</strong></td>
<td>Eight (8) spaces plus one (1) space for each two (2) employees per maximum shift or at a minimum eight (8) space plus one (1) space for each one thousand (1,000) square feet of gross floor area.</td>
</tr>
<tr>
<td><strong>2. Wholesale Business Establishments.</strong></td>
<td>One (1) space for each employee on the major shift or one (1) space for each two thousand (2,000) square feet of gross floor area, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.</td>
</tr>
<tr>
<td><strong>3. Research, Experimental or Testing Stations.</strong></td>
<td>One (1) space for each employee on the major shift or one (1) space for each five hundred (500) square feet of gross floor area within the building, whichever is greater.</td>
</tr>
</tbody>
</table>

**e. Institutional**

<table>
<thead>
<tr>
<th>USE</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Church and Other Religious Institutional.</strong></td>
<td>One (1) space for each four (4) seats based on the design capacity of the main assembly hall plus the spaces required for any accessory use as required by this ordinance.</td>
</tr>
<tr>
<td><strong>2. Hospital.</strong></td>
<td>Two (2) spaces for each bed.</td>
</tr>
<tr>
<td><strong>3. Nursing Homes, Rest Homes, Convalescent Homes, Sanatoriums or Day Nursery.</strong></td>
<td>Four (4) spaces plus one (1) space for each three (3) beds for which accommodations are offered.</td>
</tr>
<tr>
<td><strong>4. Schools, Elementary and Junior High.</strong></td>
<td>Two (2) spaces per classroom plus one (1) space for each fifty (50) student capacity.</td>
</tr>
<tr>
<td><strong>5. Schools, High Schools.</strong></td>
<td>One (1) space per classroom plus one (1) space for each two (2) students based on design capacity.</td>
</tr>
<tr>
<td><strong>6. Schools, Post-Secondary.</strong></td>
<td>One (1) space per classroom plus one (1) space per two (2) students based on design capacity. Also, auditoriums or event space shall be subject to additional parking spaces as required by this ordinance.</td>
</tr>
</tbody>
</table>
2. **Payment in lieu of parking spaces:** Any variance or waiver from the parking requirements for a commercial or industrial use will require a payment in lieu of parking spaces. The in lieu of payment per parking space shall be determined by Council resolution in accordance with a fee schedule established from time to time by the City Council. *(Ordinance No. 440, Amended 3/12/2019)*

I. **Joint Facilities.**

1. The City Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional 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 is less than the sum of the total required for each business should they provide them separately. When considering a request for such a permit, the Planning Commission shall not recommend that such permit be granted nor the Council approve such a permit except when the following conditions are found to exist:

   a) Up to fifty (50) percent of the parking facilities required for a theatre, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as primarily daytime uses in subsection (d) below.

   b) Up to fifty (50) percent of the off-street parking facilities required for any use specified under (d) below as primarily daytime uses may be supplied by the parking facilities provided by the following night time or Sunday uses; auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars, or restaurants.

   c) Up to eighty (80) percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under (d) below as primarily daytime uses.

   d) For the purpose of this section, the following uses are considered a primarily daytime use: banks, business offices, retail stores, personnel service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing wholesale or similar uses.
e) Conditions required for joint use:

1) 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.

2) The applicant shall show that there is no substantial 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) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Administrator and recorded with the Registrar of Deeds, Becker County.

J. Off-Site Parking.

1. Any off-site parking which is used to meet the requirements of this ordinance shall be a conditional use as regulated by Section 22 of this ordinance and shall be subject to the conditions listed below.

2. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this ordinance.

3. Reasonable access from off-site parking facilities to the use being served shall be provided.

4. The site used for meeting the off-site parking requirements of this ordinance shall be under the same ownership as the principal use being served or under public ownership.

5. Off-site parking for multiple family dwellings shall not be located more than one hundred (100) feet from any normally used entrance of the principal use served.

6. Off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the main entrance of the principal use being served. No more than one (1) main entrance shall be recognized for each principal building.
7. Any use which depends upon off-site parking to meet the requirements of this ordinance 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. Commercial Uses with Parking Lots in Residential District. When in its opinion the best interests of the community will be served thereby, the City Council may permit temporarily or permanently the use of land in a Residential District for a parking lot where the land abuts a commercial use. Such use shall be permitted as a conditional use provided that:

1. The 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, and responsible for its maintenance.

2. The site used for parking be under the same ownership of the principal use being served.

3. The lot is not to be used for sales, repair work, or servicing of any kind.

4. Entrance to and exit from the lot are to be located so as to be the least intrusive of the Residential District.

5. No advertising sign or material is to be located on the lot.

6. All parking is to be kept back of the building setback line by barriers unless otherwise specifically authorized by the City Council.

7. The parking lot and that portion of the driveway back of the building line is to be adequately screened from the street and from adjoining property in a Residential District by a sight-obscuring fence or wall not less than six (6) feet high and located back of the building setback line; and lighting is to be arranged so that there will be no glare to the occupants of adjoining property in a Residential District.

8. The Conditional Use Permit expires if there is any change in the principal use.

9. Such other conditions as may be deemed necessary by the City Council to protect the character of the Residential District.

(Ordinance No. 124, Amended 7/5/1995)
Subd. 6.  Off-Site Loading.

A.  **Purpose.** The regulation of loading spaces is these zoning regulations is to alleviate or prevent congestion of the public right-of-way and so 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 utilization of various parcels of land or structures.

B.  **Location.**

   1.  All required loading berths shall be off-street and located on the same lot as the building or use to be served.

   2.  All loading berth 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.

   3.  No loading berth shall be located closer than fifty (50) feet from a residential district unless within a structure.

   4.  Loading berths shall not occupy the front yard set-backs.

   5.  Loading berths located at the front or at the side of buildings on a corner lot shall require a conditional use permit.

      a)  Loading berths shall not conflict the pedestrian movement.

      b)  Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.

      c)  Loading berths shall comply with all other requirements of this section.

   6.  Each loading berth 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.

C.  **Accessory Use, Parking and Storage.** Any space allocated as a required loading berth or access drive so as to comply with the terms of these zoning regulations 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 the off-street area.
D. **Screening.** Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses in compliance with Section 3, Subd. 2G, of this ordinance.

E. **Size.** Unless otherwise specified in these zoning regulations, the first loading berth shall be not less than fifty-five (55) feet in length and additional berths required shall be not less than thirty (30) feet in length and all loading berths shall be not less than ten (10) feet in width and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

F. **Number of Loading Berths Required.** The number of required off-street loading berths shall be as follows:

1. **Manufacturing, Fabrication, Processing, Warehousing, Storing, Retail Sales, Schools, and Hotels.** For such a building five thousand (5,000) to one hundred thousand (100,000) square feet of floor area, one (1) loading berth fifty-five (55) feet in length and one (1) additional berth for each additional one hundred thousand (100,000) square feet or fraction thereof, plus one (1) berth thirty (30) feet in length for each thirty-five thousand (35,000) square feet of floor area or fraction thereof.

2. **Auditorium, Convention Hall, Exhibition Hall, Sports Arena, or Stadium.** Ten thousand (10,000) to one hundred thousand (100,000) square feet of floor area, one (1) loading berth; for each additional one hundred thousand (100,000) square feet of floor area or fraction thereof, one (1) additional loading berth.

Subd. 7. **Land Reclamation.** Under this ordinance land reclamation is the reclaiming of land by depositing of materials so as to elevate the grade. All land reclamation shall be controlled under the provisions of the State Uniform Building Code and shall require a permit from the City Building Inspector.

Subd. 8. **Mining.** The extraction of sand, gravel, or other material from the land in the amount of four hundred (400) cubic yards or more and removal thereof from the site without processing shall be defined as mining. In all districts the conduct of mining shall be permitted only upon issuance of a conditional use permit. Such permit shall include, as a condition thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted and the route of trucks moving to and from the site.

Subd. 9. **Signs.** Regulations of signs shall be provided for in this zoning ordinance Section 24.

Subd. 10. **Airports.**
Subd. 11. **Opt-Out of Temporary Family Health Care Dwelling.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, Subdivision 9, The City of Detroit Lakes opts-out of the requirements of Minnesota Statute 462.3593, which defines and regulates Temporary Family Health Care Dwellings. *(Ordinance No. 400, Adopted 6/21/2016)*
Section 3A. Anti-Blight Regulations

1. **Purpose:** The purpose of this Chapter of the City Code is to control, through zoning regulations, certain land uses that have a direct and detrimental effect on the character of the City's residential and commercial neighborhoods.

2. **Findings of the City Council.**

   A. **Preamble:** In adopting this Ordinance, the City Council of Detroit Lakes has reviewed and considered the following:


   4) Adult Entertainment Perspectives, Rochester, Minnesota/Olmstead County Planning Department, (1988)

   5) Study of the Effects of the Concentration of Adult Entertainment Establishments, Los Angeles, CA Department of City Planning (1977)

   6) Relation of Criminal Activity and Adult Businesses, City of Phoenix, AZ, Planning Department (1979)


   8) Land Use Study, Amarillo, TX (1977)

   9) Report on Adult Oriented Businesses, Austin, TX (1986)

   10) Findings of Fact related to Adult Oriented Entertainment Within the City of Alexandria, Minnesota, (1994)

   11) Regulating Sex Businesses

      (all of the above reports and studies, and the studies referenced by the reports are hereafter collectively referred to as “Reports”); and
The City Council of the City of Detroit Lakes makes the following findings regarding the effect of adult, sexually-oriented, businesses on the character of the City's neighborhoods. In making the findings, the City Council has considered the recommendations of its Ordinance Committee and Planning Commission which, along with the City Council, has reviewed and considered the experiences of other urban areas in the nation where sexually oriented businesses have located.

Based upon the City Council's review, consideration and study, and having considered the recommendations of the City's Ordinance Committee and Planning Commission, the Council of the City of Detroit Lakes makes and adopts the following FINDINGS:

1) The Reports considered evidence from studies conducted in Minnesota and other parts of this country relating to adult, sexually oriented business.

2) Adult, sexually-oriented businesses are associated with high crime rates and depression of property values.

3) The character of a neighborhood can dramatically change when there is a concentration of sexually-oriented businesses adjacent to residential property.

4) Sexually oriented uses have an impact on neighborhoods surrounding them which is distinct from the impact caused by other commercial uses.

5) Residential neighborhoods located within close proximity to adult theaters, bookstores and other adult uses experience increased crime rates, lowered property values, increased transiency and decreased stability of ownership.

6) Sexually-oriented businesses can exert a dehumanizing influence on persons attending places of worship; children attending state-licensed family day care homes, state-licensed group family day care homes, and state licensed child care centers; students attending schools; and people using public parks and libraries.

7) Crimes which tend to increase within or near adult uses include rapes, prostitution, child molestation, indecent exposure and other lewd and lascivious behavior.

8) Adult, sexually oriented, uses can contribute to an increase in criminal activity in areas in which such businesses are located, thereby taxing city crime prevention programs and law enforcement services; and
9) Many members of the public perceive areas within which adult uses are located as less safe than other areas which do not have such uses.

10) Values of both commercial and residential properties are either diminished or fail to appreciate at the rate of comparable properties when located in proximity to adult, sexually oriented, uses.

11) Sexually-oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the character and quality of the residential housing in the area in which such businesses are located, thereby exacerbating the shortage of affordable and habitable housing for City residents.

12) Concentration of sexually-oriented businesses in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of urban life.

13) A cycle of decay can result from the influx and concentration of sexually-oriented businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating and the result can be devastating--other businesses move out of the vicinity and residents flee from the area. Declining real estate values, which can result from the concentration of such businesses, erode the City's tax base and contribute to overall urban blight.

14) Citizens have expressed support for the following ordinance at meetings of the City Council, its Ordinance Committee and the Planning Commission.

15) The impacts of Sexually Oriented Businesses, including those covered in this ordinance, on the City's citizens and properties would be similar to those of the cities cited in the Reports.

16) That the City needs to provide space and siting for the location of Sexually Oriented Businesses in appropriately zoned districts of the City to protect the health, safety and welfare of its citizens and the value of its properties and structures; and

17) The adverse impacts of adult, sexually oriented, uses have on surrounding areas may diminish as the distance from adult uses increases.
18) The City Council of the City of Detroit Lakes, Minnesota adopts this ordinance recognizing that the City has real and substantial goals and responsibilities for public health, safety and welfare and has a great interest in the promotion of health and prevention of criminal activities.

19) It is in the best interests of the public health, safety and general welfare of the people of the City of Detroit Lakes that this ordinance be enacted.

20) It is in the best interests of the City to protect existing property values and protect adjacent owners and or businesses from undesirable impacts of adult, sexually oriented businesses.

21) It is in the best interests of the City to protect its citizens through appropriate ordinances from the secondary effects of adult, sexually oriented businesses and conduct.

22) It is in the best interests of the City to protect children and other persons who are vulnerable to crimes and increased criminal activity associated with adult, sexually oriented business.

3. Conclusions of the City Council.

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

4. Definitions.

The following words and terms when used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise:

Subd. 1. Adult Establishment. Adult Establishment means:

A. Any business or other undertaking that is conducted exclusively for the patronage of adults and that excludes minors from patronage, either by operation of law or by policy or procedure of the owners or operators of the business; and

B. Any business or other establishment, operation, venture or undertaking that engages in any Adult Use as defined in subdivision 2 of this Section.

Subd. 2. Adult Use. “Adult Use” means any of the following:
A. Adult Body Painting Studio - An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent to or on the body of a patron when such body is wholly or partially nude in terms of Specified Anatomical Areas as defined herein.

B. Adult Bookstores - An establishment that has 25% or greater of its current store stock in merchandise, videos, books, magazines, software, computer programs and/or other periodicals which are distinguished or characterized by their emphasis of matters depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas as herein defined.

C. Adult Cabaret - A business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on:

1. the depiction of Specified Sexual Activities or Specified Anatomical Areas; or
2. the presentation, display or depiction of mater that seeks to arouse, evoke or excite sexual or erotic feelings or desire.

D. Adult Carwash - A wash facility for any type of motor vehicle that allows employees, agents, independent contractors, or persons to appear in a state of partial or total nudity in terms of Specified Anatomical Areas as defined herein.

E. Adult Companionship Establishment - A companionship establishment which excludes minors by reason of age, or which provides the service for a fee of engaging in or listening to 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 as defined herein.

F. Adult Entertainment Facility - A building or space wherein an admission is charged for entrance, or food or nonalcoholic beverages are sold, intended or available for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas as defined herein.

G. Adult Health/Sport Club - A health or sport club that excludes minors by reason of age, and that is distinguished or characterized by emphasis on Specified Sexual Activities or Specified Anatomical Areas as defined herein.
H. Adult Hotel or Motel - A hotel, motel or other place of accommodation for hire that excludes minors by reason of age and presents or provides to its guests or visitors material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

I. Adult Modeling Studio - An establishment whose major business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in Specified Sexual Activities as defined herein or display Specified Anatomical Areas as defined herein while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

J. Adult Motion Picture Arcade - A place at which the public is permitted or invited where coin or slug operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image producing devices are used to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

K. Adult Motion Picture Theater - A building or space with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular substantial course of conduct and not a one-time presentation of such material.

L. Adult Mini Motion Picture Theater - A building or space with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.

M. Adult Novelty Business - A business or establishment that devotes 25% or more of its floor area, excluding storerooms, stock areas, offices, basements, bathrooms or any portion of the business not open to the public, to items or merchandise depicting Specified Sexual Activities or Specified Anatomical Areas or devises that either stimulate human genitals or are designed or used for sexual stimulation.
N. Adult Sauna - a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, 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 as defined herein.

Subd. 3. General Terms. The following general terms are defined as follows for the purpose of this ordinance:

A. Dwelling Unit - one or more rooms arranged for residential use containing cooking, living, sanitary and sleeping facilities and physically separated from any other rooms or dwelling units which may be in the same structure.

B. Minor - Any natural person under the age of eighteen (18) years.

C. Nudity - Means uncovered, or less than opaquely covered post pubertal human genitals, pubic areas, the post pubertal human female breast below the point immediately above the top of the areola or the covered human male genitals in a discernible turgid state. For purpose of this definition, female breast is considered uncovered if the nipple only or the nipple and the areola only, are covered.

D. Public Library - any library that provides free access to all residents of a city or county without discrimination, receives at least half of its financial support from public funds, and is organized under the provisions of Minnesota Statutes, Chapter 14.

E. Public Park - a park, reservation, open space, playground, beach, or recreation center in the City owned, leased, or used, wholly or in part, by a City, County, State, School District or Federal Government for recreation purposes.

F. Place of Worship - a building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.

G. School - a building or space that is principally used as a place where twenty-five (25) or more persons receive a full course of educational instruction. Any post-secondary or post-high school educational building, including any college or any vocational-technical college shall not be deemed a school for purposes of this Ordinance.

H. Sign - a name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an
object, project, place, activity, person, institution, organization, or business. However, a "sign" shall not include any display of official court or governmental office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building unless the context shall so indicate. Each display surface of a sign shall be considered a “sign”.

I. Single-Family Dwelling - a residential building containing one dwelling unit as herein defined including detached, semi-detached and attached dwellings.

J. State-Licensed Family Day Care Home, State-Licensed Group Family Day Care Home, State-Licensed Child Care Center - a facility holding a license from the State of Minnesota pursuant to Minnesota Statutes, Chapter 245A, and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

K. Sexually-Oriented Business - an adult establishment or an adult use defined in this Ordinance.

L. Specified Sexual Activities - include the following:

1. Human genitals in a discernible state of sexual stimulation or arousal; or

2. Acts of human masturbation, sexual intercourse or sodomy; or

3. Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breast or breasts; or

4. Any combination of the foregoing.

M. Specified Anatomical Areas –

1. less than completely and opaquely covered:
   
a) human genitals, pubic region or pubic hair, or

b) buttock, or

c) female breast or breasts below a point immediately above the top of the areola; or

d) any combination of the foregoing; or
2. human male genitals in a discernible turgid state even if completely and opaquely covered.

5. **Zoning Regulations.**

   A. Sexually-oriented businesses shall be prohibited in all of the City's use districts detailed in Appendix A of the City Code, the Detroit Lakes Zoning Ordinance, as it now exists, or is hereafter amended or replaced, except the following use districts where such businesses shall be a conditional use provided the conditions in Section 3A.05 below are met:

      a) Heavy Industrial District I-2

   B. In use districts in which sexually-oriented businesses are permitted as a conditional use, the following conditions shall be met prior to a sexually-oriented business being allowed.

      1. No sexually-oriented business shall be located closer than 500 feet from any other sexually-oriented business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the actual business premises of any other sexually-oriented business.

      2. No sexually-oriented business shall be located closer than 500 feet from any single family dwelling, two-family dwelling, multiple-family dwelling, planned unit development, mobile home park, place of worship, school, public park, state-licensed family day care home, state-licensed group family day care home, public library, or state-licensed child care center. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the property line of property used as a single-family dwelling, place of worship, school, park, or state-licensed family day care home, state-licensed group family day care home, or state-licensed child care center.

      3. No sexually-oriented business shall be located closer than 500 feet from any of the following commercial or residential use districts. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest boundary of the commercial or residential use district:

         a) R-1, Single Family Residence District
b) R-2, One and Two Family Residence District  
c) R-3, Multiple Family Residence District  
d) R-3A Limited Multi-Family Residence District  
e) R-MH, Mobile Home Park District  
f) R-LB, Residential Lake Front Business District  
g) B-1, Central Business District  
h) B-2, General Business District  
i) B-3, Auto Oriented Commercial District

4. A sexually-oriented business must also comply with all permit and licensing requirements of the Detroit Lakes City Code.

5. The operation or maintenance of more than one (1) Sexually Oriented Business in the same building or structure is prohibited


In order to protect children from exposure to lurid signs and materials and in order to preserve the value of property surrounding sexually-oriented businesses, the following sign regulations shall apply to all sexually-oriented businesses in the City notwithstanding any other provision of this Code:

A. All signs shall be flat wall signs. No signs shall be freestanding, located on the roof, or contain any flashing lights, moving elements, or electronically or mechanically changing messages.

B. The amount of allowable sign area shall be one (1) square foot of sign area per foot of lot frontage on a street not to exceed eighty (80) square feet.

C. No merchandise, photos, or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or public right-of-way adjoining the building or structure in which the sexually-oriented business is located.

D. No signs shall be placed in any window. A one (1) square foot sign may be placed on the door to state hours of operation and admittance to adults only.

7. Penalty.
A violation of this Ordinance shall be a misdemeanor under Minnesota law.

8. **Severability.**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared invalid.

(Ordinance No. 140, Amended: 8/6/1996)
Section 4. General District Provisions

Subd. 1. Establishment of Districts. The following zoning classifications are hereby established within the City of Detroit Lakes:

A. Residential Districts.

1. “R-A” Agricultural Residential District
2. “R-1” Single Family Residential District
3. “R-2” Single and Two Family Residential District
4. “R-4” Limited Multi-Family Residential District
5. “R-M” Multi-Family Residential District
6. “R-MH” Mobile Home Park District

B. Business Districts.

1. “B-1” Neighborhood Business District
2. “B-2” General Business District
3. “B-3” Auto-Oriented Business District

C. Industrial Districts.

1. “I-1” Light Industrial District
2. “I-2” Heavy Industrial District

D. Special Districts.

1. “PUD” Planned Unit Development District
2. “FP” Floodplain District
3. “W” Wetland Systems District
4. “S” Shoreland District
Subd. 2. **Map.** The location and boundaries of the districts established by this ordinance are hereby set forth on the zoning map entitled "Zoning Map of Detroit Lakes". Said map is on file with the City Administrator, and hereinafter referred to as the "zoning map", which map and all of the notations, references, and other information shown thereon shall have the same force and effect as is fully set forth herein and thereby made a part of this ordinance by reference.

The flood insurance rate maps dated August 19, 1986, as approved by the Federal Emergency Management Agency, are hereby adopted and made a part of this ordinance by reference. Said flood insurance rate maps shall be on file with the Office of the City Administrator. *(Ordinance No. 11, Adopted 8/12/1986)*

Subd. 3. **Annexed Territory.** Annexed territory shall be in the "R-A" District, unless special action is taken to place it in another district.

Subd. 4. **Zoning District Boundaries.** Zoning district boundary lines of this ordinance follow lot lines, railroad right-of-way lines, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this ordinance.

A. Appeals and questions of doubt concerning the exact location of a zoning district boundary line shall be heard by the Planning Commission serving as the board of zoning adjustment.

B. When any street, alley, or other public right-of-way vacated by official action of the City, the zoning district abutting the centerline of said alley or other public right-of-way shall not be affected by such proceeding.

C. In making a determination with regard to zoning district boundaries, the Planning Commission shall utilize all available data and information which it deems appropriate and necessary for determining the location of the district boundary. Specifically, where variances exist in floodplain areas between the flood insurance rate maps and actual conditions found upon the land, the Planning Commission shall utilize the work maps which were used in preparing the flood insurance rate map and such other data as may be appropriate and available in making its determinations regarding flood elevations and other appropriate interpretations of this ordinance. *(Ordinance No. 11, Adopted 8/12/1986)*
Section 5. “R-A” Agriculture Residence District

Subd. 1. Purpose. The “R-A” Agriculture Residence District is intended to provide a district which will allow suitable areas of the City to be retained and utilized for low density residential, open space and/or agricultural uses, prevent rapid urbanization, and provide economy in public expenditures for public utilities and service.

Subd. 2. Permitted Uses. The following are permitted uses in an “R-A” District:

A. Farming and agricultural related buildings and structures subject to Minnesota Pollution Control Standards, but not including commercial feed lots or other commercial operations.

B. Public parks, recreational areas, wildlife areas and game refuges.

C. Nurseries, tree farms and greenhouses all for the growing of plants, but not to include retail sales

D. Single family dwellings.

E. Essential services.

F. Family Day Care. Restricted to a family dwelling in which foster care, supervision, and training for children of school or pre-school age out of their own home is provided during part of a day (less than 24 hours) with no overnight accommodations or facilities and children are delivered and removed daily. The number to be cared for in one (1) day care home shall not exceed five (5) including the family's own non-school age children. The regulations and conditions of the Minnesota Department of Public Welfare, Public Welfare Manual 11 3130 as adopted, amended and/or changed shall be satisfactorily met and a written indication of preliminary, pending or final license approval from the regulatory welfare agency shall be supplied to the City.

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in an “R-A” District:

A. Operation and storage of such vehicles, equipment, and machinery which are incidental to permitted or conditional uses allowed in this district.

B.Restricted to not more than four (4) boarders and/or roomers by a resident family.

C. Living quarters of persons employed on the premises.
D. Home occupations.

E. Recreational vehicles and equipment.

F. Swimming pools, tennis courts, and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guest when completely enclosed with a suitable fence at least five (5) feet in height.

G. Tool houses, sheds, and similar buildings for storage of domestic supplies and non-commercial recreational equipment.

H. Private garages, parking spaces, and carport for licensed and operable passenger cars and trucks.

Subd. 4. Conditional Uses. The following are conditional uses in an "R-A" District: (Requires a conditional use permit based upon procedures set forth in and regulated by Section 24 of this ordinance).

A. Governmental and public regulated utility buildings and structures necessary for the health, safety, and general welfare of the community provided that:

1. When abutting a residential use in a residential use district, the property is screened and landscaped in compliance with Section 3, Subd. 26G, of this ordinance.

2. The provisions of Section 22, Subd. 1E, of this ordinance are considered satisfactorily met.

B. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; college or universities and religious institutions such as churches, chapels, temples, and synagogues provided that:

1. Side yards shall be double that required for the district, but no greater than thirty (30) feet.

2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 3, Subd. 2G, of this ordinance.

3. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with Section 3, Subd. 5, of this
ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 3, Subd. 2G, of this ordinance.

4. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 3 of this ordinance.

5. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

C. Commercial outdoor recreational areas including golf courses and clubhouse country clubs, swimming pools, and similar facilities provided that:

1. The principal use, function, or activity is open, outdoor in character.

2. Not more than five (5) percent of the land area of the site be covered by buildings or structures.

3. When abutting a residential use and a residential use district, the property is screened and landscaped in compliance with Section 3, Subd. 2G, of this ordinance.

4. The land area of the property containing such use or activity meets the minimum established for the district.

5. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

D. Commercial riding stables, dog kennels, animal hospitals with overnight care and similar uses provided that:

1. Animal building, holding, grazing, and exercising areas are located a minimum of one thousand (1,000) feet from any residential, commercial, or industrial use district.

2. The land area of the property containing such use or activity meets the minimum established for the district.

3. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

4. All applicable requirements of the State Pollution Control Agency are complied with.
E. Recreational, travel vehicle camp sites (not including mobile homes) provided that

1. The land area of the property containing such use or activity meets the minimum established for the district.

2. The site be served by a major or arterial street capable of accommodating traffic which will be generated.

3. All driveways and parking areas be surfaced.

4. Plans for utilities and waste disposal shall be reviewed by the City Engineer and shall be subject to his approval, and all applicable requirements of the State Pollution Control Agency are complied with.

5. Not more than five (5) percent of the land area of the site be covered by buildings or structures.

6. The location of such use be at minimum one hundred (100) feet from any abutting residential use district.

7. All signing and informational or visual communication devices shall be in compliance with the sign ordinance and shall not impact adjoining or surrounding residential uses.

8. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

F. Cemeteries, provided that:

1. The overall site does not contain more than sixty (60) acres.

2. The site accesses on a minor or principal arterial only.

3. The site is totally screened from view in accordance with Section 3, Subd. 2G, of this ordinance.

4. The applicant has applied for a comprehensive plan amendment and said amendment has been processed in accordance with applicable state statutes.

5. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

G. Commercial feed lots provided that:
1. All applicable regulations of the Minnesota Pollution Control Agency (PCA) are complied with.

2. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

H. Inside storage, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Section 3, Subd. 2G, of this ordinance.

2. No sales, rental, or major repair is permitted.

3. That interior side yard setback minimum shall be double that required in the district.

4. Adequate off-street parking and access must be provided in compliance with Section 3, Subd. 5, of the zoning ordinance.

5. All building code regulations must be complied with, including the provision of adequate fire lanes inside and outside the building.

6. The structure or structures may not be occupied by either temporary or permanent residents, nor shall any vehicles or equipment stored inside be used by any person for living quarters.

7. The provisions of Section 22, Subd. 1E, of the zoning ordinance must be considered and satisfactorily met.


1. That the minimum lot width of 200 feet and minimum lot area of 100,000 square feet are met;

2. The only on-site structure allows is a temporary sales office not to exceed 400 square feet;

3. One sign not to exceed 32 square feet is allowed;

4. Outside display and sales area is limited 4,000 square feet or less;

5. Sales area is grassed or surfaced to control dust;
6. All lighting is hooded and so directed that the light source shall not be visible from the public right of way or from neighboring residences and shall be in compliance with Section 2, Subd. 2G of this Ordinance.

7. Adequate screening from abutting residential uses is provided by either a fence or a green belt planting strip as follows:

   a) A green belt planting strip shall consist of evergreen ground cover and shall be of sufficient width and density to provide an effective screen. This planting strip shall contain no structures or other use. Such planting strips shall not be less than eight (8) feet in height. 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 shrub shall require the approval of the Planning Commission.

   b) A required screening fence shall be constructed of masonry, brick, wood, or steel. Such fence shall provide solid screening effect and not exceed eight (8) feet in height or be less than six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the Planning Commission.

Subd. 5. Requirements. The following requirements shall be observed in an "R-A" District: (Ordinance No. 7, Adopted 3/4/1986)

   A. Maximum building height: Two and one-half stories.

   B. Minimum lot area: 100,000 square feet.

   C. Minimum lot width: 200 feet

   D. Minimum floor area: (Exterior dimensions of main structure)

      1. One bedroom dwelling: 750 square feet

      2. Two bedroom dwelling: 850 square feet

      3. Three bedroom dwelling: 1,000 square feet

      4. Four or more bedroom dwelling: 1,200 square feet

   E. Yard setback requirements:
1. Front yard: 50 feet

2. Side yard: 30 feet

3. Rear yard: 50 feet

F. **Minimum building width** (the narrowest dimension measured to the exterior of the building, regardless of how it is orientated on the lot): 24 feet

G. **Foundations**: All buildings shall be placed on a permanent foundation.
Section 6. Single Family Residential District

Subd. 1. Purpose. The purpose of the "R-1" Single Family Residential District is to provide for low density single family detached residential dwelling units and directly related, complementary uses.

Subd. 2. Permitted Uses. The following are permitted uses in a “R-1” District:

A. Single family detached dwellings.

B. Public parks and playgrounds.

C. Essential services and utilities intended to serve the principal permitted uses. (Ordinance No. 428, Amended 07/10/2018)

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in “R-1” District:

A. Customary accessory uses, provided such uses are clearly incidental to the principal permitted uses.

B. Home occupations. (Ordinance No. 428, Amended 07/10/2018)

Subd. 4. Conditional Uses. The following are conditional uses in an “R-1” District. (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22 of this ordinance).

A. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples, and synagogues provided that:

1. Side yards shall be double that required for the district, but no greater than fifty (50) feet.

2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 3, Subd. G, of this ordinance.

3. Adequate off-street parking and access is provided on the site or on lots directly abutting across a public street or alley to the principal use in compliance with Section 3, Subd. 5, of this ordinance and that such parking is adequately screened and landscaped from surrounding and butting residential uses in compliance with Section 3, Subd. 2G, of this ordinance.
4. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 3, Subd. 6, of this ordinance.

5. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

B. Government and public utility buildings and structures necessary for the health, safety, and general welfare of the community, including municipal administration buildings, police and fire stations, hospitals, community center buildings, public libraries, museums, art galleries, post offices, and other municipal service buildings, except those customarily considered industrial in use and provided that:

   1. Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.

   2. Equipment is completely enclosed in a permanent structure with no outside storage.

   3. Adequate screening from neighboring uses and landscaping is provided in compliance with Section 3, Subd. 2G, of this ordinance.

   4. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

C. Water supply buildings, reservoirs, wells, elevated tanks, and similar essential public utility and service structures.

D. Residential planned unit development as regulated by Section 20 of this ordinance.

E. Bed and Breakfast establishments provided that: (Ordinance No. 57, Adopted 2/5/1991)

   1. The building be of residential design;

   2. The owner of the bed and breakfast facility reside on the property;

   3. The establishment have no more that two (2) rooms to rent;

   4. The establishment have the required state license and must comply with state health and building code requirements;
5. The dining and other facilities shall not be open to the general public, but shall be used exclusively by the registered guests and residents;

6. No cooking facilities be permitted in any guest room;

7. Two off-street parking spaces be provided for the residential use plus one space for each guest room. The off-street parking shall be screened from adjacent residential property;

8. Guest stays shall be limited to not more than thirty (30) consecutive days;

9. A minimum spacing of 350 feet be maintained between bed and breakfast establishments;

10. Any on-premises advertising sign for the bed and breakfast shall be limited to one wall sign or one single or double faced free standing sign not more than four (4) square feet in area per sign face. The content of such sign shall be limited to identifying not more than the name and address of the facility. Signs shall not be illuminated; and

11. Any other conditions which the Council deems necessary in each particular case must be complied with.

F. Short Term Rentals provided that:

1. The building be of residential design.

2. The owner of the establishment obtain all required state and local licenses.

3. The owner comply with all requirements of the City Code 612, Rental Unit Registration. Also all short term rentals must pass their rental inspection prior to rentals taking place.

4. The owners pay the required lodging tax and any other required sales tax. The owner/operator must provide the City with their state and local sales tax numbers.

5. No cooking facilities be permitted in any guest bedroom.

6. At least two off street parking spaces be provided plus one space for each bedroom. The parking area shall be screened from
adjacent residential property as provided in Section 3 of the zoning ordinance.

7. Signage is limited to one sign single or double faced that is non-illuminated and does not exceed four (4) square feet per sign face. The content of such sign is limited to the name and address of the facility.

8. A maximum of two (2) guest are allowed per bedroom and a maximum of 5 bedrooms (10 guests) are allowed per short term rental.

9. The operator shall provide evidence of rental liability insurance.

10. The owner/operator shall maintain a log of all short term rental activity and provide it to the City upon request.

11. The owner/operator shall notify guests of all short term rental rules and regulations and provide contact information for the property manager, and emergency services.

12. The owner/operator shall maintain a safe environment by complying with building and life safety codes, prohibiting rental of accessory structures, providing smoke detectors, CO detectors, and fire extinguishers and posting the location of fire exits and escape routes.

13. Additional occupancy by use of recreational vehicles, tents, or other structures is not permitted.

14. Any other conditions which the Council deems necessary may be added. (Ordinance No. 441, Adopted 3/12/2019)

Subd. 5. Requirements. The following requirements shall be observed in a Single Family Residential District: (Ordinance No. 7, Adopted 3/4/1986)

A. Maximum height: Two and one-half stories.

B. Minimum lot area: 7,500 square feet.

C. Minimum lot width: 60 feet

D. Minimum floor area: (Exterior dimensions of main structure)

1. One bedroom dwelling: 750 square feet

2. Two bedroom dwelling: 800 square feet
3. Three bedroom dwelling: 1,000 square feet

4. Four or more bedroom dwelling: 1,200 square feet

E. Yard setback requirements:

1. Front yard: 30 feet

2. Side yard: 10 feet

3. Rear yard: 50 feet

4. Corner Lot: not less than 20 feet from the lot line (Ordinance No. 428, Amended 07/10/2018)

F. Minimum building width: The minimum building width shall be 24 feet

G. Permanent foundations: All buildings shall be placed on a permanent foundation.

H. Maximum lot coverage area: (Including accessory uses) 50 percent

I. Roof Pitch. All one and two family residential structures shall have a minimum roof pitch of 4 to 12 (*except that additions and remodeling are allowed to match existing roof pitches) (Ordinance No. 227, Amended 7/2/2002)
Section 7. “R-2” One and Two Family Residence District

Subd. 1. Purpose. The purpose of the “R-2” District is to encourage the development and preservation of medium density residential neighborhoods characterized by one and two family dwellings for owner and/or rental occupancy. Nonresidential services permitted in this district shall provide for auxiliary services which will contribute to the stability and long term value of the area for residential purposes.

Subd. 2. Principal Permitted Uses.

A. One and two family dwelling units.

B. Essential services and utilities intended to serve the principal permitted uses.

C. Customary accessory uses, provided such uses are clearly incidental to the principal permitted uses.

D. Public parks and recreation facilities approved by the Detroit Lakes Park Board and/or identified in the City's Comprehensive Plan or Recreation Plan.

E. Home occupations.

Subd. 3. Conditional Uses. Uses authorized upon issuance of a conditional use permit include, but are not limited to, the following:

A. All conditional uses permitted in the "R-1" District. (Ordinance No. 97, Amended 8/3/1993)

B. Private recreational facilities and parks of at least twenty-five (25) acres including, but not limited to, picnic areas, softball and baseball diamonds, swimming, boating, ice sports, amusement, and similar facilities, provided all facilities and activity areas are located at least fifty (50) feet from abutting property and the site is designed, landscaped, and screened to buffer the facilities from abutting property.

C. Medical and dental clinics. (Ordinance No. 406, Adopted 3/14/2017 deleted Item D and therefore relabeled proceeding items)

D. Day care facilities, hospitals, nursing and rest homes, funeral homes, group homes, and similar facilities provided all design, operating and licensing requirements of appropriate federal, state, and county and city agencies and departments are met.
E. Professional and government office buildings.

F. Bed and Breakfast establishments provided that: (Ordinance No. 57, Adopted 2/5/1991)

1. The building be of residential design;

2. The owner of the bed and breakfast facility reside on the property;

3. The establishment have no more that two (2) rooms to rent;

4. The establishment have the required state license and must comply with state health and building code requirements;

5. The dining and other facilities shall not be open to the general public, but shall be used exclusively by the registered guests and residents;

6. No cooking facilities be permitted in any guest room;

7. Two off-street parking spaces be provided for the residential use plus one space for each guest room. The off-street parking shall be screened from adjacent residential property;

8. Guest stays shall be limited to not more than thirty (30) consecutive days;

9. A minimum spacing of 350 feet be maintained between bed and breakfast establishments;

10. Any on-premises advertising sign for the bed and breakfast shall be limited to one wall sign or one single or double faced free standing sign not more than four (4) square feet in area per sign face. The content of such sign shall be limited to identifying not more than the name and address of the facility. Signs shall not be illuminated; and

11. Any other conditions which the Council deems necessary in each particular case must be complied with.

G. Accessory offices and storage buildings for adjacent commercial operations provided that:

1. All storage be within the building
2. The facilities are constructed and maintained in appearance similar to the existing residential structures in the area.

3. The property is adjacent to and under the same ownership of the principal use to be served.

4. No garbage dumpster shall be located on the site.

5. Other conditions deemed necessary by the City Council to protect the character of the residential district. (Ordinance No. 124, Amended 7/5/1995)

Subd. 4. Requirements. The following requirements shall be observed.

A. Maximum building height: 30 feet

B. Minimum lot area:

1. Single family dwelling: 7,500 square feet

2. Two family dwelling: 12,000 square feet (Ordinance No. 267, Adopted 1/4/2005)

C. Maximum lot coverage area including accessory uses: Fifty (50) percent

D. Minimum floor area: (Exterior dimensions of main structure)

1. One bedroom dwelling: 750 square feet

2. Two bedroom dwelling: 850 square feet

3. Three bedroom dwelling: 1,000 square feet

4. Four or more bedroom dwelling: 1,200 square feet

E. Yard setback requirements:

1. Front yard: 30 feet

2. Rear yard: 30 feet

3. Side yard: 10 feet

4. Corner lot side yard: 20 feet (Ordinance No. 427, Amended 7/10/2019)

F. Minimum lot width: 60 feet

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G. **Minimum building width**: 24 feet *(Ordinance No. 7, Adopted 3/4/1986)*

H. **Permanent foundations**: All buildings shall be placed on a permanent foundation. *(Ordinance No. 7, Adopted 3/4/1986)*

I. **Roof Pitch**: All one and two family residential structures shall have a minimum roof pitch of 4 to 12 (except that additions and remodeling are allowed to match the existing roof pitches) *(Ordinance No. 227, Amended 7/2/2002)*
Section 8. “R-4” Limited Multi-Family Residence District

Subd. 1. **Purpose.** The purpose of the “R-4” District is to provide an area where there will be a compatible variety in densities of residential dwelling units by allowing single-family duplex and small multi-family units in the same district. In this way, the District can serve as a transitional area between “R-2” and Multi-Family Districts. *(Ordinance No. 406, Adopted 3/14/2017)*

Subd. 2. **Principal Permitted Uses.** The following are permitted uses in an “R-4” District:

A. One and two family dwelling units.

B. Multi-family dwellings with no more than four (4) units.

C. Essential services and utilities intended to serve the principal permitted uses.

D. Customary accessory uses, provided such uses are clearly incidental to the principal permitted uses.

E. Public parks and recreation facilities approved by the Detroit Lakes Park Board and/or identified in the City’s Comprehensive Plan or Recreation Plan.

F. Home occupations.

Subd. 3. **Conditional Uses.** The following are conditional uses in an “R-4” District: *(Requires a conditional use permit based upon procedures set forth in and regulated by Section 20 of this Ordinance).*

A. All conditional uses of the “R-2” District.

B. Multi-Family dwelling structures over 4 units provided that:

   1. 15,000 square feet of lot area is provided for the first 4 units and an additional 3,500 square feet of lot area is provided for each additional unit over four (4) in the structure;

   2. Roads, water, sewer and electrical utility service are adequate to serve the proposed development;

   3. 500 square feet of useable open space be provided for each unit in the development;

*(Ordinance No. 406, Adopted 3/14/2017)*
Subd. 4. **Requirements.** The following requirements shall be observed in an “R-4” District:

A. **Maximum building height:**

   1. 30 feet

B. **Minimum lot area:**

   1. Single family dwelling: 7,500 square feet
   2. 2,500 square feet for each additional unit
   3. 500 square feet of open space for each unit in the development

C. **Minimum lot width:** Sixty (60) feet *(Ordinance No. 85, Adopted 10/6/1992)*

D. **Minimum floor area:**

   1. One bedroom dwelling: 520 square feet
   2. Two bedroom dwelling: 720 square feet
   3. Over two bedrooms: 720 square feet, plus 100 square feet for each additional bedroom over two

E. **Yard setback requirements:**

   1. Front yard: 30 feet
   2. Rear yard: 30 feet
   3. Side yard: 20 feet

F. **Minimum building width:** 24 feet *(Ordinance No. 85, Adopted 10/6/1992)*

G. **Maximum lot coverage:** Seventy (70) percent *(Ordinance No. 406, Adopted 3/14/2017)*
Section 9. “R-M” Multi-Family Residence District

Subd. 1. Purpose. It is the purpose of the “R-M” District to encourage the development and maintenance of high density residential neighborhoods characterized by appropriate levels of services and choice of tenancy. Non-residential uses permitted in this district shall be limited to those uses and buildings that will provide for the stability and dignity of the area as a residential neighborhood. (Ordinance No. 406, Adopted 3/14/2017)

Subd. 2. Principal Permitted Uses.

A. All principal permitted uses as regulated in the “R-2” One and Two Family Residence District.

B. Multi-family dwellings for any number of families or housekeeping units.

C. Mobile/manufactured homes not less than 24 feet wide and place upon a permanent foundation, such foundation to conform to specifications set forth in the building code.

Subd. 3. Conditional Uses. Uses authorized upon issuance of a conditional use permit including, but are not limited to, the following:

A. Churches, synagogues, temples, public and private schools, museums, art galleries, colleges, and vocational institutions.

B. Medical and dental clinics.

C. Rooming and boarding houses.

D. Planned unit Developments as regulated by Section 20 of this Ordinance. (Ordinance No. 266, Adopted 1/4/2005)

E. Private parks, golf courses, country clubs, swimming pools, health clubs, tennis courts, and similar recreation facilities, provided all facilities are located at least fifty (50) feet from the property line, designed, and landscaped so as to buffer these facilities from adjoining properties, and access to the facilities is controlled.

F. Community centers and semi-private meeting facilities for groups such as boy's clubs, scouting organizations, 4-H clubs, and similar organizations and groups.

G. Professional and government office buildings.
H. Day care facilities, hospitals, nursing and rest homes, funeral homes, group homes, and similar facilities provided all design, operating and licensing requirements of appropriate federal, state, and county and city agencies and departments are met.

I. Bed and Breakfast establishments provided that: *(Ordinance No. 57, Adopted 2/5/1991)*

1. The building be of residential design;

2. The owner of the bed and breakfast facility reside on the property;

3. The establishment have no more than five (5) rooms to rent;

4. The establishment have the required state license and must comply with state health and building code requirements;

5. The dining and other facilities shall not be open to the general public, but shall be used exclusively by the registered guests and residents;

6. No cooking facilities be permitted in any guest room;

7. Two off-street parking spaces be provided for the residential use plus one space for each guest room. The off-street parking shall be screened from adjacent residential property;

8. Guest stays shall be limited to not more than thirty (30) consecutive days;

9. A minimum spacing of 350 feet be maintained between bed and breakfast establishments;

10. Any on-premises advertising sign for the bed and breakfast shall be limited to one wall sign or one single or double faced free standing sign not more than four (4) square feet in area per sign face. The content of such sign shall be limited to identifying not more than the name and address of the facility. Signs shall not be illuminated; and

11. Any other conditions which the Council deems necessary in each particular case must be complied with.

J. Short Term Rentals provided that:

1. The building be of residential design.
2. The owner of the establishment obtain all required state and local licenses.

3. The owner comply with all requirements of the City Code 612, Rental Unit Registration. Also all short term rentals must pass their rental inspection prior to rentals taking place.

4. The owners pay the required lodging tax and any other required sales tax. The owner/operator must provide the City with their state and local sales tax numbers.

5. No cooking facilities be permitted in any guest bedroom.

6. At least two off street parking spaces be provided plus one space for each bedroom. The parking area shall be screened from adjacent residential property as provided in Section 3 of the zoning ordinance.

7. Signage is limited to one sign single or double faced that is non-illuminated and does not exceed four (4) square feet per sign face. The content of such sign is limited to the name and address of the facility.

8. A maximum of two (2) guest are allowed per bedroom and a maximum of 5 bedrooms (10 guests) are allowed per short term rental.

9. The operator shall provide evidence of rental liability insurance.

10. The owner/operator shall maintain a log of all short term rental activity and provide it to the City upon request.

11. The owner/operator shall notify guests of all short term rental rules and regulations and provide contact information for the property manager, and emergency services.

12. The owner/operator shall maintain a safe environment by complying with building and life safety codes, prohibiting rental of accessory structures, providing smoke detectors, CO detectors, and fire extinguishers and posting the location of fire exits and escape routes.

13. Additional occupancy by use of recreational vehicles, tents, or other structures is not permitted.
14. Any other conditions which the Council deems necessary may be added. (Ordinance No. 441, Adopted 3/12/2019)

Subd. 4. Requirements. The following requirements shall be observed:

A. Maximum height: Four stories not to exceed 60 feet except as authorized by the City Council after review and recommendations are received from the Planning Commission, City Planning Department, and appropriated department supervisors. Approval shall be based upon the following criteria:

1. Street system is adequate to carry traffic volumes associated with the increased density of the development;

2. Sewer, water, storm sewer, or storm sewer drainage system and electrical utilities are adequate to serve the increase density of the development;

3. Adequate fire protection is provided and maintained to insure the safety and welfare of the occupants in accordance with the Minnesota State Fire Code;

4. Adequate space is available to meet off-street parking and loading regulations of the City

(Ordinance No. 390, Adopted 7/14/2015)

A. Minimum lot area:

1. 7,500 square feet, first unit.

2. 2,500 square feet, each additional unit.

3. 500 square feet of open space for each unit in the development.

B. Minimum lot width: 60 feet

C. Minimum floor area:

1. Efficiency units: 440 square feet

2. One bedroom units: 520 square feet

3. Two or more bedroom units: 720 square feet plus 100 square feet for each additional bedroom over two.
D. **Yard setback requirements:**
   1. Front yard: 30 feet
   2. Rear yard: 30 feet
   3. Side yard: 20 feet

E. **Minimum building width:** 24 feet (Ordinance No. 7, Adopted 3/4/1986)

F. **Permanent foundation:** All buildings shall be placed on a permanent foundation. (Ordinance No. 7, Adopted 3/4/1986)

G. **Roof Pitch.** All one and two family residential structures shall have a minimum roof pitch of 4 to 12 (“except that additions and remodeling are allowed to match the existing roof pitches) (Ordinance No. 227, Amended 7/2/2002)
Section 9A. “R-MH” Mobile Home Park District

Subd. 1. Purpose. The purpose of the “R-MH” Mobile Home Park District is to provide for mobile home uses and directly related uses. (Ordinance No. 406, Adopted 3/14/2017)

Subd. 2. Permitted Uses. The following are permitted uses in an "R-MH" District:

A. Mobile home park (independent or dependent).

1. General provisions:

   a) No mobile home for residential purposes shall be permitted on any site within the City of Detroit Lakes unless said site is part of an approved mobile home court or unless it is located on land purchased by the mobile home owner, served by utilities as required by state law, and such land has been, prior to passage of this ordinance, specifically developed and formally platted for the placement of mobile homes, except as provided in Section 8, Subd.2C.

   b) Mobile homes shall not be used for residential purposes in the City if they:

      1) Do not conform to the requirements of the vehicle code of the State of Minnesota.

      2) Are in an unsanitary condition or have an exterior in bad repair.

      3) Are structurally unsound and do not protect the inhabitants against all elements.

      4) Do not have adequate sewage facilities as required by the City Council accordance with pollution control agency regulations.

   c) All land areas shall be:

      1) Adequately drained.

      2) Landscaped to control dust.
3) Clean and free from refuse, garbage, rubbish, or debris.

d) No tents shall be used for other than recreational purposes in a mobile home park.

e) There shall be no outdoor camping anywhere in a mobile home park.

f) Access to mobile home parks shall be as approved by the City.

g) All structures (fences, sidewalks, roads, storage, cabana, or other) shall require a Building Permit from the Detroit Lakes City Building Inspector.

h) The area beneath a mobile home coach shall be enclosed except that such enclosure must have access for inspection.

i) Laundry and clothing shall be hung out to dry only on lines located in Council approved areas established and maintained exclusively for that purpose.

2. Site Plan Requirements.

a) Legal description and size in areas of the proposed mobile home court.

b) Location and size of all mobile home sites, dead storage areas, recreation areas, laundry drying areas, roadways, parking sites, and all setback dimensions (parking spaces, exact mobile home sites, etc.)

c) Detailed landscaping plans and specifications.

d) Location and width of sidewalks.

e) Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, and gas service.

f) Location and size of all streets abutting the mobile home park and all driveways from such streets to the mobile home park.

g) Road construction plans and specifications.
h) Plans for any and all structures.

i) Such other information as required or implied by these mobile home court standards or requested by public officials.

j) Name and address of developer or developers.

k) Description of the method of disposing of garbage and refuse.

l) Detailed description of maintenance procedures and grounds supervision.

m) Details as to whether all of area will be developed at once or whether it will be developed a portion at a time.

3. Design Standards:

   a) Site:

      1) Each mobile home site shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant.

         Width: no less than fifty (50) feet
         Depth: no less than one hundred (100) feet

      2) Each mobile home site shall have frontage on an approved roadway and the corner of each mobile home site shall be marked and each site shall be numbered.

   b) Setbacks:

      1) No unit, off-street parking space, or building shall be located within thirty (30) feet of the exterior boundary of any mobile home court.

   c) Parking:

      1) Each mobile home site shall have off street parking space for two (2) automobiles.
2) Each mobile home park shall maintain a hard surfaced off-street parking lot for guests of occupants in the amount of one (1) space for each five (5) coach sites.

3) Access drives off roads to all parking spaces and coach sites shall be hard surfaced.

d) Utilities:

1) All mobile homes shall be connected to a public water and sanitary sewer system or a private water and sewer system approved by the State Department of Health.

2) All installations for disposal of surface storm water must be approved by the City.

3) All utility connections shall be approved by the City.

4) All utilities shall be underground; there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

5) No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.

6) The method of garbage, waste, and trash disposal must be approved by the City.

7) Owner shall pay any required sewer connection fees to the City.

e) Internal Roads and Streets:

1) Roads shall be hard surfaced as approved by the City.

2) All roads shall have hard surfaced (mountable, roll type) curb and gutter.

3) All streets shall be developed with a roadbed of not less than 24 feet in width. If parking is permitted
on the street, then the roadbed shall be at least 36 feet in width.

f) Recreation:

1) All mobile home courts shall have at least 10% of the land areas developed for recreational use (tennis courts, children's play equipment, swimming pools, golf greens, etc.) developed and maintained at the owner's/operator's expense.

g) Landscaping:

1) All areas shall be landscaped in accordance with landscaping plans approved by the City Council.

h) Lighting:

1) Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment, and the like.

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in an “R-MH” District:

A. Recreational vehicles and equipment.

B. Swimming pools, tennis courts, and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

Subd. 4. Conditional Uses. The following are conditional uses in an “R-MH” District:

A. None

Subd. 5. Requirements. The following requirements shall be observed in a “R-MH” Mobile Home Park District: (Ordinance No. 7, Adopted 3/4/1986)

A. Maximum building height: One story.

B. Minimum lot area: (for the mobile home park) 40,000 square feet. Lot sizes and requirements for individual mobile home lots within the mobile home park are specified within this Section 9 in the Zoning Ordinance of the City of Detroit Lakes.
C. **Minimum lot width**: (mobile home park) 150 feet

D. **Minimum floor area**: The minimum floor area for a single family residential structure shall be 320 square feet.

E. **Yard setback requirements**:

1. Front yard: 20 feet
2. Side yard: 10 feet
3. Rear yard: 20 feet
4. Corner lot side yard: 20 feet  *(Ordinance No. 427, Amended 7/10/2019)*
Section 10. “LB” Lakefront Business District

Subd. 1. Purpose. The “LB” Lakefront Business District is intended to provide for the intermixing of lake-oriented business, public, and semi-public recreational opportunities and residential uses.

Subd. 2. Permitted Uses.

A. All uses allowed in the “R-M” District.

B. Public and private recreational opportunities; including community parks, bandshells, beaches, playing fields, pavilions, picnic shelters, refreshment stands, boat rentals, and planned amusement facilities.

C. Motels, hotels, resorts, or tourist cabins subject to setback, landscaping and screening, and off-street parking regulations of this ordinance. The architectural awareness of said uses shall be generally compatible with the building character of the area and not be so dissimilar as to cause impairment of property values or constitute a blighting influence within the neighborhood.

D. Tourist attractions including antique stores, souvenir shops, historical, social, natural and/or geological significant sites or museums.

E. Supportive commercial services, including restaurants, telephones, and public rest rooms not visible from the lakefront or causing undue traffic or congestion in the area of the lakeshore drive, convenience food restaurants, and stores.

Subd. 3. Permitted Accessory Uses. Within the “LB” Lakefront Business District, the following uses shall be permitted accessory uses:

A. Accessory uses customarily permitted incident to the uses permitted in Subd. 2.

B. Off-street parking and loading as regulated in Section 3, Subd. 5 & 6.

C. Docks, commercial, semi-commercial, and private, as defined and regulated by the City Dock Ordinance.

Subd. 4. Conditional Uses. The following are conditional uses in an “LB” Lakefront Business District: (Requires a conditional use permit based upon procedures set forth in and regulated by Section 20 of this ordinance).
A. All conditional uses, subject to the same conditions as allowed in an “R-M” District.

B. Townhouses as defined by Section 2, of this ordinance, provided that the regulations and requirements of Section 20 are satisfactorily completed and met.

C. Day care-group nursery, provided that:
   1. No overnight facilities are provided for the children served. Children are delivered and removed daily.
   2. The front yard depth shall be a minimum of 30 feet.
   3. Adequate off-street parking and access is provided in compliance with Section 3, Subd. 5, of this ordinance.
   4. Adequate off-street loading and service entrances are provided in compliance with Section 3, Subd. 6, of this ordinance.
   5. The site and related parking and service shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated.
   6. All signing and informational or visual communication devices shall be in compliance with the sign ordinance, Section 24.
   7. The provisions of Section 22, Subd. 1(E), of this ordinance are considered and satisfactorily met.
   8. The regulations and conditions of the Minnesota Department of Public Welfare, Public Welfare Manual 11 3130 as adopted, amended and/or changed are satisfactorily met.
   9. A written indication of preliminary, pending or final license approval from the regulatory welfare agency is supplied to the City.

D. Group care facility, provided that:
   1. All programs meet regulations and standards set by all appropriate governing boards and agencies (state, federal,
county, etc.).

2. All requirements of the state fire marshal, local and state health authorities are complied with.

3. All requirements of this zoning ordinance and building code are complied with.

4. Parking areas containing five (5) or more spaces are screened and landscaped from abutting and surrounding residential uses in compliance with Section 3, Subd. 5, of this ordinance.

5. The grades and topography of the site shall not restrict use of yards and open spaces.

6. The applicant can demonstrate the need for such a use based upon existing concentration of similar uses within the neighborhood and/or community.

7. The proposed facility is compatible with the character of the surrounding neighborhood.

8. At least one (1) parking space for each resident plus one (1) for each staff person on maximum shift.

E. Boarding houses as defined in Section 2, provided that no more than four (4) boarders shall be permitted to occupy one (1) principal building structure.

F. Bed and Breakfast establishments provided that:

1. The building be of residential design;

2. The owner of the bed and breakfast facility reside on the property;

3. The establishment have no more than five (5) rooms to rent;

4. The establishment have the required state license and must comply with state health and building code requirements;

5. The dining and other facilities shall not be open to the general public, but shall be used exclusively by the registered guests and residents;

6. No cooking facilities be permitted in any guest room;
7. Two (2) off-street parking spaces be provided for the residential use plus one (1) space for each guest room. The off-street parking shall be screened from adjacent residential property;

8. Guest stays shall be limited to not more than 30 consecutive days;

9. A minimum spacing of 350 feet be maintained between bed and breakfast establishments;

10. Any on-premises advertising sign for the bed and breakfast shall be limited to one wall sign or one single or double faced free standing sign not more than four (4) square feet in area per sign face. The content of such sign shall be limited to identifying not more than the name and address of the facility. Signs shall not be illuminated; and

11. Any other conditions which the Council deems necessary in each particular case must be complied with.

Subd. 5. Requirements. Except as otherwise provided within this Section 10, the following requirements shall be observed in a Lakefront Business District:

A. **Maximum building height:** 4 stories not to exceed 60 feet.

B. **Minimum lot area:** 10,000 square feet

C. **Minimum lot width:** 100 feet

D. **Minimum floor area:**

   1. One and two family dwelling units: Shall comply with the minimum floor area requirements of the “R-2” One and Two Family Residence District.

   2. Multiple family dwellings: Shall comply with requirements of the “R-M” Multiple Family Residence District.

E. **Yard setback requirements:**

   1. Front yard: 30 feet

   2. Side yard: 20 feet

   3. Rear yard: 30 feet
F. **Minimum building width:** 24 feet

G. **Permanent foundations:** All buildings shall be placed on a permanent foundation.

H. **Roof Pitch.** All one and two family residential structures shall have a minimum roof pitch of 4 to 12 ("except that additions and remodeling are allowed to match the existing roof pitch)"

1. **Multiple family dwellings:** Shall comply with requirements of the "R-3" Multiple Family Residence District.

B. **Yard setback requirements:**

1. Front yard: 30 feet
2. Side yard: 20 feet
3. Rear yard: 30 feet

B. **Minimum building width:** 24 feet

C. **Permanent foundations:** All buildings shall be placed on a permanent foundation.

D. **Roof Pitch.** All one and two family residential structures shall have a minimum roof pitch of 4 to 12 ("except that additions and remodeling are allowed to match the existing roof pitches)(Ordinance No. 227, Amended 7/2/2002)

(Ordinance No. 424, Adopted 4/9/2019)
Section 11. “B-1” Central Business District

Subd. 1.  Purpose.  It is the purpose of the “B-1” Central Business District to provide for the establishment and maintenance of a central shopping area providing a full range of goods and services to attract customers from a large trade area.  Uses which materially interfere with the overall service center function of the area are excluded.

Subd. 2.  Principal Permitted Uses.

A. Retail business or service establishments supplying commodities or performing services including grocery and food service stores, pharmacies and drug stores, barber and beauty shops, department and variety stores, shoe stores, gifts, arts, and craft shops, vision center and optical sales establishments, hardware stores, home furnishing stores, business and office supply stores, sporting good stores, dry good shops, newspaper and book stores, jewelry and specialty goods stores, clothing stores, florist shops, and similar stores and shops for the conduct of retail business or personal service.

B. Business, professional, and public offices.

C. Business services including telephone, telegraph, post office, and sales offices.

D. Restaurants, cafes, tea rooms, soda fountains, ice cream parlors, and similar facilities.

E. Hotels, motels, private clubs and lodges, taverns, night clubs, and similar facilities.

F. Museums, community centers, art galleries, and similar cultural facilities.

G. Recreational services including theaters, bowling alleys, pool and billiard rooms, video arcades, roller rinks, and dancing school and academies.

H. Appliance and television repair shops, heating and plumbing shops, painting and decorating stores, and similar repair and minor fabricating establishments.

I. Processing and printing facilities, including bakeries, catering establishments, laundry, dry cleaning and clothing rental and altering services, job and blue-print shops, publishing newspaper establishments.

J. Apartments and dwelling units when located above commercial establishments.
K. Custom manufacturing and repair service establishments, such as needlework, jewelry from precious metals, watches, denture, optical lens and glasses.

L. Taxi stands, bus terminals, and similar transportation facilities and offices.

M. Commercial parking garages, public utility buildings and storage facilities, transformer stations, and similar auxiliary and business support facilities.

N. Public parking lots or public parking structures. *(Ordinance No. 318, Amended 3/11/2008)*

Subd. 3. Conditional Uses. Uses authorized upon issuance of a conditional use permit including, but not limited to, the following:

A. Drive-in use including banks, savings and loans, other financial institutions, restaurants, and similar facilities.

B. Gasoline service stations and stores including repair garages.

C. Self-service establishments including dry cleaners, laundries, car washes, and similar facilities.

D. Auto and recreational vehicle sales including repair and auto body shops.

E. Funeral homes, day care centers, hospitals, and similar facilities, provided all design, operating, and licensing requirements of appropriate federal, state, county, and city agencies and departments are met.

F. Multi-family dwellings provided:

   1. Such developments are designed and/or located so as not to create conflicts with commercial retail and service facilities;

   2. The development is served by a collector and arterial streets and accesses are designed and located so as not to interfere with traffic movements in the area;

   3. All off-street parking and loading requirements of this ordinance are met;

   4. Adequate fire protection is provided and maintained to insure the safety and welfare of occupants in accordance with the Minnesota State Fire Code;
5. The development is consistent with the Detroit Lakes downtown redevelopment plans and programs and the Comprehensive Plan.

G. Bed and Breakfast establishments provided that: (Ordinance No. 57, Adopted 2/5/1991)

1. The building to be of residential design;
2. The owner of the bed and breakfast facility reside on the property;
3. The establishment have no more than five (5) rooms to rent;
4. The establishment have the required state license and must comply with state health and building code requirements;
5. The dining and other facilities shall not be open to the general public, but shall be used exclusively by the registered guests and residents;
6. No cooking facilities be permitted in any guest room;
7. Two off-street parking spaces be provided for the residential use plus one space for each guest room. The off-street parking shall be screened from adjacent residential property;
8. Guest stays shall be limited to not more than 30 consecutive days;
9. A minimum spacing of 350 feet be maintained between bed and breakfast establishments;
10. Any on-premises advertising sign for the bed and breakfast shall be limited to one wall sign or one single or double faced free standing sign not more than four (4) square feet in area per sign face. The content of such sign shall be limited to identifying not more than the name and address of the facility. Signs shall not be illuminated; and
11. Any other conditions which the Council deems necessary in each particular case must be complied with.

Subd. 4. Requirements: The following requirements shall be observed:

A. Business in Enclosed Buildings. All businesses, services, processing or storage of materials shall be conducted wholly within a completely enclosed building except for the sale of automotive fuel, lubricants, and fluids at service stations, and such outdoor display or storage of vehicles,
materials, and equipment as herein-before specifically authorized or as may be authorized by the City Council upon the recommendation of the Planning Commission.

B. Maximum Building Height. Four stories not to exceed 60 feet except as authorized by the City Council in accordance with Section 9, Subd. 4. (Ordinance No. 390, Adopted 7/14/2015) (Ordinance No. 406, Adopted 3/14/2017)

C. Minimum Lot Area.
1. Nonresidential uses: None
2. Residential uses: 7,500 square feet

D. Yard Setback Requirements.
1. Front yard: None
2. Side yard: None
3. Rear yard: None
4. Within 25 feet of all intersections the front and side yard setback shall be 6 feet from the property line, except that in the “B-1” District along Washington Avenue, the setbacks can remain at zero. (Ordinance No. 352, Amended 4/12/2011)

E. Minimum Lot Width.
1. Nonresidential uses: None
2. Residential uses: 60 feet

F. Minimum Floor Area.
1. Nonresidential uses: None
2. Residential uses: Same as specified in Section 8, Subd. 4, 1-3.

G. Off-street Parking and Loading. Off-street parking and loading shall be provided as authorized in Section 3, Subd. 5. However, up to 100 percent of the total required off-street parking spaces may be waived by the Planning Commission that adequate off-street parking exists or will be provided through public parking lots and/or garages within a distance of 500 feet of the building line of said use.
Section 12. “B-2” General Business District

Subd. 1. Purpose. It is the purpose of the “B-2” General Business District to permit and to encourage the establishment of commercial shopping areas which offer a wide variety of consumer goods and services.

Subd. 2. Principal Permitted Uses.

A. Retail and Service. Retail business or service establishments supplying commodities or performing services including but not limited to, grocery stores, pharmacies, delicatessen stores, barber shops, beauty parlors, clothes cleaning and laundry establishments, specialty shops such as jewelry stores, shoe stores, hardware stores, florist shops, dry goods shops, and other similar stores and shops for the conduct of a retail business or personal service.

B. Gasoline Service Station. Gasoline service stations including repair garages.

C. Eating and Drinking Places. Soda fountains, ice cream parlors, tea rooms, restaurants, cafes including entertainment and drive-in restaurants.

D. Offices. Business and professional offices.

E. Cultural Facilities, Schools and Churches. Cultural facilities such as museums, community centers and art galleries; public and private schools; and religious institutions such as churches, chapels, temples and synagogues. (Ordinance No. 351, Amended 3/8/2011)

F. Processing and Printing. Bakery, catering establishment, laundry or dying and cleaning works, publishing, job printing and blue printing.

G. Ice Storage and Distribution Station. Limited to five (5) ton capacity.

H. Minor Fabricating and Repair. Appliance and television repair shop, plumbing shop, painting and decorating shop, tinsmithing shop, automobile service stations including auto repairs, and tire repair shop.

I. Dwelling Units. Being a part of retail and service structures and occupied by the proprietor of said retail and/or service business.

J. Recreation Services. Recreation services including theaters, bowling alleys, pool and billiard rooms, dancing academies, and roller and ice skating rinks.
K. **Hotels, Motels, Private Clubs, and Lodges.** Whole-sale establishments, taverns and night clubs, commercial parking garages, public utility buildings, and transformer stations without storage garages.

L. Advertising signs as regulated by the sign ordinance, Section 24.

M. Public parking lots or public parking structures. *(Ordinance No. 318, Amended 3/11/2008)*

Subd. 3. **Conditional Uses.** Uses authorized upon issuance of a conditional use permit, but are not limited to, the following:

A. **Drive-in Uses.** Drive-in banks, buildings, and loan companies and similar financial institutions, provided that the premises shall be enclosed by a solid wall or fence at least six (6) feet high where it adjoins in the rear or on the sides of any residence district, public park, school, or church.

B. **Self-Service Establishments.** Self-service laundries, dry cleaners, car washes, and similar uses.

C. **Outdoor Commercial Recreation.** Any type of commercial recreation, including baseball fields, swimming pools, skating rinks, and similar open air facilities, provided such establishments shall be located not less than 100 feet from any residential district.

D. **Animal Hospitals, Veterinary Clinics.** Kennels for display, boarding, or treatment of pets and other domes-tic animals; provided, that any structure or area used for such purposes, including pens and exercise yards, shall be located at least 100 feet from any residential district and that such pens or exercise runs shall be enclosed on four (4) sides by a slight obscuring unpierced fence or wall at least six (6) feet in height.

E. **Automotive Services, Farm Implements.** Automobiles, trucks, trailers, farm implements for sale or display, trailer lots, repair garages, body and fender shops, paint shops, provided that there shall be minimum distance of 50 feet between the use and any residential district and that the premises shall be enclosed by a solid wall or fence at least six (6) feet in height where it adjoins in the rear or on the sides of any residential district.

F. Funeral homes, day care centers, hospitals, and similar facilities provided that all design, operating, and licensing requirements of appropriate federal, state, county, and city agencies and departments are met.

G. Bed and Breakfast establishments provided that: *(Ordinance No. 57, Adopted 2/5/1991)*

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1. The building be of residential design;

2. The owner of the bed and breakfast facility reside on the property;

3. The establishment have no more than five (5) rooms to rent;

4. The establishment have the required state license and must comply with state health and building code requirements;

5. The dining and other facilities shall not be open to the general public, but shall be used exclusively by the registered guests and residents;

6. No cooking facilities be permitted in any guest room;

7. Two (2) off-street parking spaces be provided for the residential use plus one space for each guest room. The off-street parking shall be screened from adjacent residential property;

8. Guest stays shall be limited to not more than 30 consecutive days;

9. A minimum spacing of 350 feet be maintained between bed and breakfast establishments;

10. Any on-premises advertising sign for the bed and breakfast shall be limited to one wall sign or one single or double faced free standing sign not more than four (4) square feet in area per sign face. The content of such sign shall be limited to identifying not more than the name and address of the facility. Signs shall not be illuminated; and

11. Any other conditions which the Council deems necessary in each particular case must be complied with.

H. Pole buildings (post frame buildings) as a principal or accessory structure provided that: (Ordinance No. 99, Amended 10/5/1993)

1. The architectural appearance of the building shall not be so dissimilar to the existing buildings in the area as to constitute a blighting influence on properties in the vicinity

2. Exterior building materials shall be used which are similar to the existing buildings in the area
3. The Council may impose such other conditions as it deems appropriate.

Subd. 4. Requirements. The following requirements shall be observed:

A. All business, services, processing, or storage of materials shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants, and fluids at service stations and such outdoor display or storage of vehicles, materials, and equipment as herein before specifically authorized or as may be specifically authorized by the City Council upon recommendation by the Planning Commission.

B. Maximum Building Height: Three stories, not to exceed 45 feet (Ordinance No. 390, Adopted 7/14/2015)

C. Minimum Lot Area: 7,500 square feet

D. Minimum Lot Width: 60 square feet

E. Minimum Floor Area: None

F. Yard Setback Requirements:
   1. Front yard: 30 feet or the average of structures located on adjacent property, excluding accessory buildings.
   2. Side yard: 15 feet except corner lots which shall be 20 feet.
   3. Rear yard: 20 feet
Section 13. “B-3” Auto-Oriented Business District

Subd. 1. **Purpose.** The purpose of the “B-3” Auto-Oriented Business District is to provide for and limit the establishment of motor vehicle oriented or dependent commercial and service activities.

Subd. 2. **Permitted Uses.** The following are permitted uses in a “B-3” District:

A. **Retail and Service.** Retail business or service establishments supplying commodities or performing services including but not limited to, grocery stores, pharmacies, delicatessen stores, barber shops, beauty parlors, clothes cleaning and laundry establishments, specialty shops such as jewelry stores, shoe stores, hardware stores, florist shops, dry goods shops, and other similar stores and shops for the conduct of retail business or personal service.

B. **Gasoline Service Station.** Gasoline service stations including repair garages.

C. **Eating and Drinking Places.** Soda fountains, ice cream parlors, tea rooms, restaurants, cafes including entertainment and drive-in restaurants, and private clubs and lodges.

D. **Offices.** Business and professional offices.

E. **Cultural Facilities, Schools and Churches.** Cultural facilities such as museums community centers and art galleries; public and private schools; and religious institutions such as churches, chapels, temples and synagogues. *(Ordinance No. 351, Amended 3/8/2011)*

F. **Processing and Printing.** Bakery, catering establishments, laundry, or dying and cleaning works, publishing, job printing and blue printing.

G. **Ice Storage and Distribution Station.** Limited to five (5) ton capacity.

H. **Minor Fabricating and Repair.** Appliance and television repair shop, plumbing shop, painting and decorating shop, tinsmithing shop, automobile service stations including auto repairs, and tire repair shop.

I. **Dwelling Units.** Being a part of retail and service structures and occupied by the proprietor of said retail and/or service business.

J. **Recreation Services.** Recreation services including theaters, bowling alleys, pool and billiard rooms, dancing academies, and roller and ice skating rinks, and other similar uses.
K. **Motels, Motor Hotels, and Hotels.** Motels, Motor Hotels and Hotels provided that the lot area contains not less than five hundred (500) square feet of lot area per unit.

L. **Motor Vehicle and Recreation Equipment Sale.** Motor vehicle and recreation equipment sale and garages accessory thereof.

M. **Taxi, Terminals.** Taxi, terminals, stands and offices, bus terminals.

N. **Commercial Parking Garages.** Commercial parking garages, public utility building and storage facilities and essential services.

O. **Advertising Signs.** Advertising signs as required by the sign ordinance. *(Ordinance No. 121, Amended 6/6/1995)*

P. Public parking lots or parking lots or public parking structures. *(Ordinance No. 318, Amended 3/11/2008)*

Subd. 3. **Permitted Accessory Uses.** The following are permitted accessory uses in a “B-3” District:

A. All permitted accessory uses as allowed in a “B-2” General Business District.

B. Open and outdoor storage as an accessory use provided that:

1. The area is fenced and screened from view of neighboring residential uses or, if abutting a residential district, in compliance with Section 3, Subd. 2G, of this ordinance.

2. Storage is screened from view from public right-of-way in compliance with Section 3, Subd. 2G, of this ordinance.

3. Storage area is grassed or surfaced to control dust.

4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 3, Subd. 2H, of this ordinance.

5. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.
Subd. 4. Conditional Uses. The following are conditional uses in a “B-3” District: (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22 of this ordinance).

A. Drive-in convenience food establishments provided that:

1. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

2. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 3, Subd. 2G, of this ordinance.

3. Each light standard island and all islands in the parking lot landscaped or covered.

4. Parking areas shall be screened from view of abutting residential districts in compliance with Section 3, Subd. 2G, of this ordinance.

5. Parking areas and driveways shall be curbed with continuous curbs not less than six (6) inches high above the parking lot or driveway grade.

6. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with Section 3, Subd. 5, of this ordinance, and shall be subject to approval of the City Engineer.

7. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 3, Subd. 2H, of this ordinance.

8. The entire area shall have a drainage system which is subject to the approval of the City Engineer.

9. The entire area other than occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City Engineer.

10. All signing and informational or visual communication devices shall be in compliance with the sign ordinance.
11. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

B. Car washes (drive-through, mechanical, and self-service), provided that:

1. The architectural appearance and functional plan of the building and site shall not be dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

2. Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30 minute period and shall be subject to the approval of the City Engineer.

3. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 3, Subd. 2G, of this ordinance.

4. Each light standard island and all islands in the parking lot landscaped or covered.

5. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 3, Subd. 2G, of this ordinance.

6. The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.

7. The entire area shall have a drainage system which is subject to the approval of the City Engineer.

8. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 3, Subd. 2H, of this ordinance.

9. Vehicular access points shall be limited, shall create a minimum conflict with through traffic movement and shall be subject to the approval of the City Engineer.

10. All signing and informational or visual communication devices shall be in compliance with the sign ordinance.

11. Provisions are made to control and reduce noise.
12. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

C. Open and outdoor storage as a principal or accessory use provided that:

1. The area is fenced and screened from view of neighboring residential uses or, if abutting an "R" District, in compliance with Section 3, Subd. 2G, of this ordinance.

2. Storage is screened from view from the public right-of-way in compliance with Section 3, Subd. 2G, of this ordinance.

3. Storage area is grassed or surfaced to control dust.

4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 3, Subd. 2H, of this ordinance.

5. Does not take up parking space as required for conformity to this ordinance.

6. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

D. Open or outdoor service, sale and rental as a principal or accessory use and including sales in or from motorized vehicles, trailers, or wagons, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to thirty (30) percent of the gross floor area of the principal use.

2. Outside sales areas are fenced or screened from view of neighboring residential uses or, if abutting an "R" District, in compliance with Section 2, Subd. 2G, of this ordinance.

3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 3, Subd. 2H, of this ordinance.

4. Sales area is grassed or surfaced to control dust.
5. Does not take up parking space as required for conformity to this ordinance.

6. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

E. Accessory, enclosed retail, rental, or service activity other than that allowed as permitted uses or conditional use within this section provided that:

1. Such use is allowed as a permitted use in a "B-1" or "B-2" District.

2. Such use does not constitute more than 30% of the lot area and not more than 50% of the gross floor area of the principal use.

3. Adequate off-street parking and off-street loading in compliance with the requirements of Section 3, Subd. 5 and 6, of this ordinance are provided.

4. All signing and informational or visual communication devices shall be in compliance with the sign ordinance.

5. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

F. Commercial planned unit development as regulated by Section 20 of this ordinance.

G. Bed and Breakfast establishments provided that: (Ordinance No. 57, Adopted 2/5/1991)

1. The building be of residential design.

2. The owner of the bed and breakfast facility reside on the property.

3. The establishment have no more than five (5) rooms to rent.

4. The establishment have the required state license and must comply with state health and building code requirements.

5. The dining and other facilities shall not be open to the general public, but shall be used exclusively by the registered guests and residents.

6. No cooking facilities be permitted in any guest room.
7. Two off-street parking spaces be provided for the residential use plus one space for each guest room. The off-street parking shall be screened from adjacent residential property.

8. Guest stays shall be limited to not more than 30 consecutive days.

9. A minimum spacing of 350 feet be maintained between bed and breakfast establishments.

10. Any on-premises advertising sign for the bed and breakfast shall be limited to one wall sign or one single or double faced free standing sign not more than four (4) square feet in area per sign face. The content of such sign shall be limited to identifying not more than the name and address of the facility. Signs shall not be illuminated.

11. Any other conditions which the Council deems necessary in each particular case must be complied with.

H. Pole buildings (post frame buildings) as a principal or accessory structure provided that: (Ordinance No. 99, Amended 10/5/1993)

1. The architectural appearance of the building shall not be so dissimilar to the existing buildings in the area as to constitute a blighting influence on properties in the vicinity;

2. Exterior building materials shall be used which are similar to the existing buildings in the area; and

3. The Council may impose such other conditions as it deems appropriate.

I. Multi-family dwelling structures of not more than four (4) dwelling units provided that: (Ordinance No. 144, Amended 9/3/1996)

1. Not more than one (1) such structure is located in any one (1) City block and only within an existing structure.

2. An additional 3,500 square feet of lot area provided for each additional unit over two (2) in the structure.

3. Roads, water, sewer and electrical utility service are adequate to serve the proposed development.

4. Adequate fire and police protection service is available to the site.
5. All off-street parking requirements of this ordinance are adhered to.

6. A landscaped buffer yard is provided on the site where it abuts adjoining lots.

Subd. 5. Requirements. The following requirements shall be observed in a “B-3” Auto-Oriented Business District: (Ordinance No. 7, Adopted 3/4/1986)

A. **Maximum building height.** Three stories.

B. **Minimum lot area.** None

C. **Minimum lot width:** 100 feet

D. **Yard setback requirements:**
   1. Front yard: 30 feet
   2. Side yard: 10 feet
   3. Rear yard: 30 feet
Section 14. “I-1” Light Industrial District

Subd. 1. Purpose. The purpose of the “I-1” Light Industrial District is to provide for the establishment of ware-housing and light industrial development.

Subd. 2. Permitted Uses. The following are permitted uses in an “I-1” District:

A. Airports.
B. Blacksmith, welding, or other metal shops.
C. Bottling establishments.
D. Broadcasting antennae, television and radio.
E. Building material sales and storage.
F. Bus terminals and maintenance garages.
G. Camera and photographic supplies manufacturing.
H. Cartage and express facilities.
I. Dry cleaning and express facilities.
J. Electric light or power generating stations, electrical and electronic products manufacture, electrical service shops.
K. Engraving, printing, and publishing.
L. Essential services.
M. Governmental and public utility buildings and structures.
N. Jewelry manufacturing.
O. Laboratories.
P. Laundries, carpet, and rug cleaning.
Q. Machine shops.
R. Manufacture and repair of electrical signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
S. Manufacture or assembly of electrical appliances, instruments, and devices.

T. Manufacture of musical instruments, novelties, and molded rubber products.

U. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or natural gas.

V. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as broadcloth, cork, fiber, leather, paper, plastic, metals, stones, tobacco, wax, yarns, and woools.

W. Medical, dental, and optical laboratories.

X. Paint mixing.

Y. Radio and television.

Z. Research laboratories.

AA. Stationery book binding and other types of manufacturing of paper and related products, but not processing of raw material for paper production.

BB. Storage or warehousing.

CC. Trade schools.

DD. Warehouses.

EE. Wholesale business and office establishments.

FF. Heating, plumbing, contracting and home furnishings, sales, service, repair, and related activities.  (Ordinance No. 7, Adopted 3/4/1986)


Subd. 3. **Permitted Accessory Uses.** The following are permitted accessory uses in an “I-1” District:

A. Open and outdoor storage as an accessory use, provided that:

1. The area is fenced and screened from view of neighboring residential uses or if abutting a residential district in compliance with Section 3, Subd. 2G, of this ordinance.

2. Storage is screened from view from the public right-of-way in compliance with Section 3, Subd. 2G, of this ordinance.

3. Storage area is grassed or surfaced to control dust.

4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 3, Subd. 2H, of this ordinance. *(Ordinance No. 353, Amended 8/9/2011)*

Subd. 4. **Conditional Uses.** The following are conditional uses in an “I-1” District: (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22 of this ordinance.)

A. Open and outdoor service, sale, and rental as a principal or an accessory use and including sales in or from motorized vehicles, trailers, or wagons, provided that:

1. Accessory outside service, sales and equipment rental connected with a principal use is limited to 30% of the gross floor area of the principal use.

2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 3, Subd. 2G, of this ordinance.

3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 3, Subd. 2H, of this ordinance.

4. Sales area is grassed or surfaced to control dust.

5. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.
B. Processing of poultry and by-products and related operations, provided that:

1. Public utility rules and regulations regulating the disposal of plant operation wastewater are complied with.

2. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, and be approved by the City Engineer.

3. Area shall have a drainage system which is subject to approval of the City Engineer.

4. All signing and informational or visual communication shall be in compliance with the sign ordinance.

5. Provisions are made to control and reduce noise.

C. Grain milling, processing, and packaging of grain and feed provided that:

1. That all mixing, milling, packaging or other processing be conducted inside a building.

2. That no outside storage is allowed except as provided in Section 14, Subdivision 3.A.

3. Provisions are made to control any noise or vibrations from any processing equipment.

4. Dust from the operation is contained within a structure or is controlled so as not to create a nuisance.

5. All lighting is hooded or directed so that the light source is not visible from the public right-of-way or neighboring properties.

6. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to constitute a blighting influence on properties in the vicinity;

7. All grain bins, legs, augers, conveyors, and other mechanical devices be enclosed within a structure;
8. A drainage plan for the site shall be submitted to the City Engineer for his written approval; and

9. All parking areas shall be surfaced with concrete or asphalt.  
   (Ordinance No. 91, Amended 7/6/1995)(Ordinance No. 353, Amended 8/9/2011)

D. **Speedway provided that:**

   Note: (A speedway is defined as any place or open space designed or used as a racetrack or motocross track which involves vehicles propelled by internal combustion engines.)

   1. The lot be a minimum of 40 acres with a minimum frontage on a public road of 300 feet;
   
   2. That there be a minimum setback for any buildings, track, viewing areas pit areas and concessions of 80 feet from all exterior lot lines;
   
   3. That the setback area provide screening with a fence and plantings of sufficient height and density to provide a visual and noise barrier from adjacent land uses;
   
   4. Provisions are made to control noise, vibrations and dust so as not to create a nuisance;
   
   5. All parking areas shall be surfaced with concrete or asphalt;
   
   6. A drainage plan for the site shall be submitted to the City Engineer for written approval;
   
   7. The owner shall obtain a Land Disturbance Permit from the City and sign a Stormwater Facility Maintenance Agreement;
   
   8. The owner shall obtain all required local, state and federal permits and licenses;
   
   9. All lighting shall be hooded or directed so that the light source is not visible from the public right of way or neighboring properties;
   
   10. The road system is adequate to serve the traffic generated by the use;
   
   11. Race events shall only occur 10 times per year and each event shall only last three consecutive days except in the event of a rain make up day. No events shall be scheduled prior to 10:00 AM and all
races shall be completed by 9:00 PM. All spectators, drivers, speedway operators and employees shall be off the grounds by 11:00 PM;

12. Practices and time trials shall only occur between the hours of 10:00 AM and 9:00 PM;

13. Non-race events may occur any day but only between the hours of 10:00 AM and 10:00 PM;

14. The applicant shall provide a noise assessment prepared by a competent person or agency which will describe sound levels and present recommendations for mitigating or reducing sound levels. The applicant must incorporate design features such as plantings, noise, walls, etc., to minimize noise levels as required by the City;

15. Parking shall be provided for all uses on the site. Parking for grandstands shall be 1 space for every 4 seats. A parking stall is required to be 9 feet x 18 feet and drive aisles for two way traffic shall be 24 feet wide;

16. The racetrack, grandstands, concession area’s parking areas or any useable portion of the facility must be at least 500 feet from any school property or any residential dwelling;

17. The facility must be connected to City sewer and water and bathroom facilities must be provided at the rate of 1 men’s and 1 women’s bathroom for every 50 seats of design capacity;


E. Pre-School or Daycare Provided That: (Ordinance No. 343, Adopted 7/13/2010)

1. That the proposed Day Care/Pre-School operators understand that the environmental conditions in an Industrial District including: noise, vibration, and odors may not be conducive to the operation of a Day Care/Pre-School;

2. All design, operating and licensing requirements of appropriate Federal, State, County & City agencies are met;

3. The proximity of the outdoor play area to the building shall be designed so children do not have to cross areas of vehicle traffic;
4. Loading and drop-off locations shall not interfere with traffic flow;

5. Outside play areas shall be fenced for safety; and

6. Other conditions as the City Council may deem appropriate;  
   (Ordinance No. 343, Adopted 7/13/2010)

Subd. 5. Requirements. The following requirements shall be observed in an “I-1” Light Industrial District: (Ordinance No. 7, Adopted 3/4/1986)

A. Maximum building height: Four stories.

B. Minimum lot area: 20,000 square feet

C. Minimum lot width: 100 feet

D. Yard setback requirements:
   1. Front yard: 40 feet
   2. Side yard: 30 feet
   3. Rear yard: 40 feet
Section 15. “I-2” Heavy Industrial District

Subd. 1. **Purpose.** The purpose of the “I-2” Heavy Industrial District is to provide for the establishment of heavy industrial and manufacturing development and use which, because of the nature of the product or character of activity, requires isolation from residential or commercial use.

Subd. 2. **Permitted Uses.** The following are permitted uses in an “I-2” Heavy Industrial District:

A. Any use permitted in the “I-1” Light Industrial District, except retail sales. *(Ordinance No. 7, Adopted 3/4/1986)*

B. Automobile assembly and major repair and small engine sales service repair in conjunction with major auto repair or assembly businesses. *(Ordinance No. 7, Adopted 3/4/1986)*

C. Creamery and bottling plant.

D. Foundry.

E. The manufacturing, compounding, assembly, packaging, treatment, or storage of products or material including: breweries, cement, stone cutting, brick, glass, batteries (wet cell), ceramic products, mill working, metal polishing and plating, paint (pigment manufacturing), vinegar works, rubber products, plastics, meat packing, flour, feed, grain milling, milling, coal or tar asphalt distillation, rendering works, distillation of bones, sawmills, lime, gypsum, plaster of paris, glue, size, cloth, and similar uses.

Subd. 3. **Permitted Accessory Uses.** The following are permitted accessory uses in an “I-2” Heavy Industrial District:

A. All permitted accessory uses allowed in an “I-1” Light Industrial District

Subd. 4. **Conditional Uses.** The following are conditional uses in an “I-2” Heavy Industrial District: (Requires a conditional use permit based upon procedures set forth in and regulated by Section 22 of this ordinance).

A. All conditional uses allowed in an “I-1” Light Industrial District.

B. LP gas storage provided that:

1. All requirements of the current National Fire Protection Association Pamphlet No. 58 “liquored petroleum gases” are considered and satisfactorily met.
2. The area is fenced and screened from view of neighboring residential uses or if abutting a residential district in compliance with Section 3, Subd. 2G, of this ordinance.

3. Storage is screened from view from the public right-of-way in compliance with Section 3, Subd. 2G, of this ordinance.

4. Storage area is grassed or surfaced to control dust.

5. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 3, Subd. 2H, of this ordinance.

6. The proposal has been reviewed and approved in writing by the Minnesota State Fire Marshall.

7. The provisions of Section 22, Subd. 1E, of this ordinance are considered and satisfactorily met.

C. The following uses provided they meet all the requirements of Section 3, Subd. 2:

1. Acid manufacture.

2. Auto wrecking, junk yard, used auto parts (open storage) and similar use.

3. Commercial stockyards and slaughtering of animals.


5. Crude oil, gasoline, or other liquid storage tanks (except LP gas).

6. Extraction of materials, provided that the land is left in a useable condition when the use ceases to operate, and provided the application for such conditional use permit is accompanied by a map or plan clearly showing the proposed depth, side slopes, and grades which will be permanently established upon the land as a result of such extraction.

7. Incineration or reduction of waste material other than customarily incidental to a principal use.

8. Kilns or other heat processes fired by means other than electricity.

10. Refuse and garbage disposal.

11. Storage, utilization, or manufacture of solid materials or products which could decompose by detonation.

D. Junk yard or salvage operation provided that:

1. All outside storage areas are fully screened from view with a 6 foot high sight obscuring fence and that a planting buffer is in place between the fence and the property line.

2. All petroleum and other hazardous fluids shall be drained from all items listed in Section 2, Subdivision 118, and appropriate safety precautions, such as the removal of door and trunk locks, shall be removed to avoid injury and accidents.

3. Tires shall be removed and disposed of within 60 days at a duly licensed disposal facility. Proof of disposal shall be provided to the Code Enforcement Officer upon request.

4. All junk and salvage materials shall be stored within the screened/fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent area; and also complying with the Land Use Regulations in Section 3, Subd. 2G of the Zoning Ordinance.

5. No open burning of salvage materials or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in a duly licensed disposal facility.

6. The storage area is grassed or surfaced to control dust.

7. All lighting be hooded and so directed so light sources are not visible from neighboring properties or the public right of way.

8. That the hours of operation be limited to 7:00 A.M. until 10:00 P.M.

9. Any other conditions which the City Council deems appropriate. *(Ordinance No. 315, Adopted 9/11/2007)*

Subd. 5. Requirements. The following requirements shall be observed in an “I-2” Heavy Industrial District. *(Ordinance No. 7, Adopted 3/4/1986)*
A. **Maximum building height:** Four stories

B. **Minimum lot area:** 30,000 square feet

C. **Minimum lot width:** 100 feet

D. **Yard setback requirements:**
   1. Front yard: 40 feet
   2. Side yard: 30 feet
   3. Rear yard: 40 feet
Section 15A. “P-I” Public Institutional District

Subd. 1. Purpose. The “P-I” Public Institutional District is intended to provide a specific zoning district for facilities directed to serving the public and specialized government and semi-public uses. 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 the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development.

Subd. 2. Permitted Uses. The following are permitted uses in a “P-I” Public Institutional District:

A. Publicly owned civic or cultural buildings such as libraries, city offices, auditoriums, community centers, public administration buildings, fire stations and historical sites.

B. Parks and recreational fields, structures and buildings.

C. Governmental and public regulated utility buildings, structures and essential services necessary for the health, safety and general welfare of the community.

D. Private and Public preschool, elementary, junior or senior high schools.

E. Private and Public Colleges, Seminaries, Trade Schools and other institutions of higher learning.

F. Religious Institutions such as chapels, temples, synagogues and mosques.

G. Hospitals, nursing homes, and residential care facilities and group housing.

H. State licensed correctional facilities and shelters.

I. Communications towers and antennas located on public structures.

J. Cemeteries or memorial gardens.

K. Day care nurseries.

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in a “P-I” Public Institutional District:

A. Accessory uses customarily incidental to the uses permitted in this District.
B. Limited retail and personal services related to the permitted uses in the district and occupying 15% or less of the gross floor area of the building it is located in.

C. Parks, playgrounds and athletic fields related to permitted uses.

D. Signage as regulated by Section 24 of the zoning Ordinance.

E. Living Quarters of Persons employed on the premises.

Subd. 4. **Conditional Uses.** The following are conditional uses in a “P-I” Public Institutional District:

A. Outdoor recreation areas including golf courses, community clubs, swimming pools, and similar facilities provided that:

1. Adequate screening from abutting residential uses and landscaping is provided.

2. Adequate off-street parking and access is provided on the site is adequately screened and landscaped from surrounding and abutting residential uses.

3. Adequate off-street loading and service entrances are provided.

B. Day care, social services or other non-directly relate worship activities an accessory use within a religious institutional building(s) provided that:

1. Adequate off-street loading and drop-off areas are provided and regulated.

Subd. 5. **Requirements.** The following requirements shall be observed in the “P-I” Public Industrial District:

A. **Maximum Building Height:** 4 stories

B. **Minimum Lot Area:** 30,000 square feet

C. **Minimum Lot Width:** 150 feet

D. **Yard setback Requirements:**

1. Front Yard: 50 feet

2. Side Yard: 50 feet
3. Rear Yard: 50 feet

Note: Appropriate transitions to neighboring property shall be provided by landscaping and site design.

E. Additional Requirements:

1. No correctional facilities shall be closer than 1,320 feet from another licensed correctional facility.

2. No correctional facility shall be closer than 300 feet to any class of residentially zoned property.

3. Correctional facilities shall provide parking as follows: 3 spaces plus one spare for each 200 feet of office area and one space for each 2 beds.
Section 16. “FP” Floodplain District

Subd. 1. Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Chapter 103F and Chapter 462.357 delegated responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Detroit Lakes, Minnesota does ordain as follows:

Subd. 2. Findings of Fact:

A. The flood hazard area of Detroit Lakes, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

Subd. 3. Purpose. It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described by provisions contained herein.

Subd. 4. General Provisions.

A. Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the jurisdiction of Detroit Lakes shown on the Official Zoning Map and/or attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain District.

B. Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for the City of Detroit Lakes prepared by the Federal Insurance Administration dated August 19, 1986, and the Flood Insurance Rate Map dated August 19, 1986 therein. The Official Zoning Map shall be on file in the Office of the City Clerk and the Community Development Director.

C. Regulatory Flood Protection Elevation: The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by
encroachments on the flood plain that result from designation of a floodway.

D. Interpretation:

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

2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100 year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

E. Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

F. Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Detroit Lakes or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

G. Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

H. Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as
they have in common usage and so as to give this Ordinance its most reasonable application.

1. **Accessory Use or Structure.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

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

3. **Conditional Use.** A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
   
   a) Certain conditions as detailed in the Zoning Ordinance exist;
   
   b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

4. **Equal Degree of Encroachment.** A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

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

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

7. **Flood Fringe.** That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Detroit Lakes

8. **Flood Plain.** The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
9. **Flood-Proofing.** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

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

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

12. **Principal Use or Structure.** All uses or structures that are not accessory uses or structures.

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

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

15. **Regulatory Flood Protection Elevation.** The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

16. **Structure.** Anything construed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption of criteria specified in the Ordinance and other similar items.
17. **Variance.** A modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

**Subd. 5. Establishment of Zoning Districts.**

**A. Districts:**

1. **Floodway District.** The Floodway District shall include those areas designated as the floodway on the Flood Insurance Rate Map adopted in Subd. 4.

2. **Flood Fringe District.** The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe shall constitute those areas shown on the Flood Insurance Rate Map as adopted in Subd. 4 as being within Zone AE but being located outside of the floodway.

3. **General Flood Plain District.** The General Flood Plain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map adopted in Subd. 4.

**B. Compliance:** No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Subd. 6, 7, and 8 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

1. New manufactured homes, replacement manufactured homes, and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Subd 11;

2. Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and non-conforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Subd. 13; and

3. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be
designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Subd. 12 of this Ordinance.

Subd. 6. “FW” Floodway District.

A. Permitted Uses:

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

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

3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4. Residential lawns, gardens, parking areas, and play areas.

B. Standards for Floodway Permitted Uses:

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

2. The use shall be permissible in the underlying zoning district is one exists.

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

C. Conditional Uses:

1. Structures accessory to the uses listed in 4.1 above and the uses listed in 4.32-4.38 below

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

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

4. Railroads, streets, bridges, utility transmission lines, and pipelines.
5. Storage yards for equipment, machinery, or materials.

6. Placement of fill.

7. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Subd. 11 of this Ordinance.

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

D. Standards for Floodway Conditional Uses:

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

2. All floodway Conditional Uses shall be subject to the procedures and standards contained in Subd. 12 of this Ordinance.

3. The Conditional Use shall be permissible in the underlying zoning district if one exists.

4. Fill:

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

   b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes a erosion/sedimentation prevention element to the plan.

   c) As an alternative, and consistent with Subsection (b) immediately above, dredge soil disposal and sand and gravel operations may allow temporary, on-site storage of
fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Office of the County Recorder.

5. Accessory Structures:

a) Accessory structures shall not be designed for human habitation.

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

1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow

2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:

1) The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
2) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

6. Storage of Materials and Equipment:
   a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
   b) Storage of other materials or equipment may be allowed if readily removable form the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

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

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

Subd. 7. “FF” Flood Fringe District

A. Permitted Uses: Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use district exist, then any residential or non residential structure or use of a structure or land shall be a Permitted Use in the Flood Fringe provided such use does not comply with the standards for Flood Fringe "Permitted Uses" the "Standards for all Flood Fringe Uses" listed in Subd. 7.

B. Standards for Flood Fringe Permitted Uses:

   1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower that one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with Subd. 6.

3. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with Subd. 7 of this Ordinance.

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

5. The provisions of Subd. 7 of this Ordinance shall apply.

C. Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Subd. 7 or any use of land that does not comply with the standards in Subd. 7 shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and elevation procedures specified in Subd. 7 and Subd. 12 of this Ordinance.

D. Standards for Flood Fringe Conditional Uses:

1. Alternative elevation methods other than the use of fill may utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards.

   a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to
prevent flood water from entering or accumulating within these components during times of flooding.

b) Specific Standards for Above-grade, Enclose Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

1) The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

2) That the enclosed area will be designed of flood resistant materials in accordance with FP-3 or FP-4 classification in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

2. Basements, as defined by Subd. 4 of this Ordinance, shall be subject to the following:

   a) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.

   b) Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Subd. 7 of this Ordinance.

3. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 and FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and
hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

4. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5. Storage of Materials and Equipment:

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

   b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

6. The provisions of Subd. 7 of this Ordinance shall also apply.

E. Standards for All Flood Fringe Uses:

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

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

3. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Item 2 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation -FEMA’s requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

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

6. Standards for travel trailers and travel vehicles are contained in Subd. 11.

7. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Subd. 8. General Flood Plain District.

A. Permissible Uses:
1. The uses listed in Subd. 6 of this Ordinance shall be permitted uses.

2. All other uses shall be subject to the floodway/flood fringe elevation criteria pursuant to Subd. 8 below. Subd. 6 shall apply if the proposed use is in the Floodway District and Subd. 7 shall apply if the proposed use is in the Flood Fringe District.

B. Procedures for Floodway and Flood Fringe Determinations within the General Flood Plain District.

1. Upon receipt of an application for a Conditional Use Permit for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as deemed necessary by the Zoning Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.

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

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

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

2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
a) Estimate the peak discharge of the regional flood.

b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 feet shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

3. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources, or the Planning Commission for review and comment. Once the Floodway and Flood Fringe Boundaries have been determined, the Governing Body shall process the permit application consistent with the applicable provisions of Subd. 6 and Subd. 7 of this Ordinance.

Subd. 9. Public Utilities, Railroads, Roads, and Bridges.

A. **Public Utilities.** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

B. **Public Transportation Facilities.** Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subd. 6 and Subd. 7 of this Ordinance. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would endanger the public health or safety.
C. **On-Site Sewer Treatment and Water Supply Systems.** Where public utilities are not provided:

1. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and

2. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current state-wide standards for on-site sewage treatment shall be determined to be in compliance with this Section.

**Subd. 10. Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles.**

A. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subd. 9 of this Ordinance.

B. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Subd. 7 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Subd. 7, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

1. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists floatation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

C. Travel trailers and travel vehicles that do not meet the exemption criteria specified in Subd. 10 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Items 3 and 4 below.

1. Exemption - Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Item 2 below and further they meet the following criteria:
   a) Have current licenses required for highway use;
b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it; and

c) The travel trailer or travel vehicle and associated use must be permissible in any per-existing, underlying zoning use district.

2. Areas Exempt for Placement of Travel/Recreational Vehicles:

   a) Individual lots or parcels of record;

   b) Existing commercial recreational vehicle parks or campgrounds; and

   c) Existing condominium type associations.

3. Travel trailers and travel vehicles exempted in Item 1 lose this exemption when development occurs on the parcel exceeding $500 for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Subd. 6 and Subd. 7 of this Ordinance.

4. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

   a) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Subd. 7 of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
b) All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of 9.4 of this Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subd. 9 of this Ordinance.

Subd. 11. Administration.

A. Zoning Administrator. A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Subd. 13 of the Ordinance.

B. Permit Requirements:

1. Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

2. Application for Permit. Application for a Permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

3. State and Federal Permits. Prior to granting a Permit or processing an application for a Conditional Use Permit or Variance, the
Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal Permits.

4. Certificate of Zoning Compliance for a New, Altered, or Non-conforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.

5. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, Conditional Use Permits, or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Subd. 13 of this Ordinance.

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

7. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.

C. Board of Adjustment:

1. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the power conferred on such Boards by State law.

2. Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement,
decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.

3. Variances. The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State Law.

4. Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

5. Decisions. The Board shall arrive at a decision on such appeal or variance within sixty (60) days. In passing such an appeal, the Board may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance, the Board may prescribe appropriate conditions and safeguards such as those specified in Subd. 11, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Subd. 13. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
6. Appeals. Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes.

7. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that:

   a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

   b) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

D. Conditional Uses. The Planning Commission shall hear all applications for Conditional Use Permits and forward their recommendation to the City Council, who shall make the final decision on the application. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning Commission for consideration.

1. Hearings. Upon filing with the Planning Commission an application for a Conditional Use Permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Conditional Use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing in accordance with Section 20 of the Zoning Ordinance.

2. Decisions. A decision shall be arrived at in accordance with Section 20 of the Zoning Ordinance. A copy of all decisions granting Conditional Use Permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such notice.

3. Procedures to be Followed by the Planning Commission in Passing on Conditional Use Permit Applications Within all Flood Plain Districts:
a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use:

1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.

2) Specifications for building construction and materials flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

b) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

c) Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suit-ability of the proposed use in relation to the flood hazard.

4. Factors Upon Which the Decision of the Planning Commission Shall be Based. In passing upon Conditional Use applications, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance, and:

a) The danger to life and property due to increased flood heights or velocities caused by encroachments;

b) The danger that materials may be swept into other lands or downstream to the injury of others or they may block bridges, culverts, or other hydraulic structures;

c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

e) The importance of the services provided by the proposed facility to the community;

f) The requirements of the facility for a waterfront location;

g) The availability of alternative locations not subject to flooding for the proposed use;

h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area;

j) The safety of access to the property in times of flood for ordinary and emergency vehicles;

k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

l) Such other factors which are relevant to the purposes of this Ordinance.

5. Time for Acting on Application. The Planning Commission shall act on an application in the manner described above in accordance with Section 20 of the Zoning Ordinance.

6. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the City Council shall attach such conditions to the granting of Conditional Use Permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

   a) Modification of waste treatment and water supply facilities;

   b) Limitations on period of use, occupancy, and operation;
c) Imposition of operational controls, sureties, and deed restrictions;

d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures; and

e) Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.


A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

1. No such use shall be expended, changed, enlarged, or altered in a way which increases its nonconformity.

2. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure of use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 through FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 10.13 below.

3. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Subd. 6 and Subd. 7 of this Ordinance for new
structures depending upon whether the structure is in Floodway or Flood Fringe, respectively.

4. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of non-conforming uses which have been discontinued for a period of twelve (12) months.

5. If any nonconforming use or structure is destroyed by any means, including floods, to an extent 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Subd. 6, 7 or 8 will apply depending upon whether the use of structure is in the Flood-way, Flood Fringe, or General Flood Plain District, respectively.

Subd. 13. **Penalties for Violation.**

A. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variance or Conditional Uses) shall constitute a misdemeanor and shall be punishable as defined by law.

B. Nothing herein contained shall prevent the City of Detroit Lakes from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

1. In responding to a suspected ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the Natural Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

2. When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources’ and
Federal Emergency Management Agency Regional Office along with the Community’s plan of action to correct the violation to the degree possible.

3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either:

a) Issue an order identifying the corrective actions that must be made within a specific time period to bring the use or structure into compliance with the official controls;

b) Notify the responsible party to apply for an after-the-fact permit/development approval with a specified period of time not to exceed thirty (30) days.

C. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

Subd. 14. Amendments. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

A. All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency’s (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

(Ordinance No. 102, Amended 11/2/1993)
Section 17. “W” Wetland Systems District

Subd. 1. Purpose. A district relating to lowlands, marshes, wetlands, drainage ways, water bodies, and water courses regulating alteration and development of such lands and providing for the issuance of permits therefor, and specifically to:

A. Reduce danger to the health, safety, and welfare of the residents of Detroit Lakes by protecting surface and ground water supplies from the impairment which results from incompatible land uses and alterations, and by providing safe and sanitary drainage.

B. Restrict and control land development so it will not impede the flow of flood water or cause danger to life or property.

C. Designate suitable land uses that are compatible with the preservation of the natural vegetation and marshes which are a principal factor in the maintenance of constant rates of water flow through the year and which sustain many species of wildlife and plant growth.

D. Regulate runoff of surface waters from developed areas to prevent pollutants such as motor oils, sand, salt, and other foreign materials from being carried directly into the nearest natural stream, lake, or other public or private waters.

E. Regulate the alteration of wetland systems to prevent excessive sediment pollution and to maintain the aesthetic appearance of the wetlands.

F. Prevent the development of structures in areas which adversely affect the public passage and use of creeks, marshes, lowlands, and water courses within the City.

Subd. 2. District Application.

A. The “W” Wetland Systems District shall be applied to and superimposed upon the agricultural-residential, residential, commercial, or industrial district contained herein existing or amended by the text and map of this ordinance. The regulations and requirements imposed by the “W” Wetland Systems District shall be in addition to floodplain and shoreland and those established for the district which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

B. The Wetland Systems District within the City of Detroit Lakes is defined and established to include those areas which include any water course, natural drainage system, water body, or wetland, that may be subject to periodic flooding, overflow, or seasonally high water-tables. The district boundary lines shall be established at the edge of the aforesaid areas as
depicted on the Detroit Lakes “wetland systems map”. The “wetland systems map” is based upon geographical, hydrological, and surficial geological data obtained from the United States Department of Agriculture Soil Conservation Service and Soil Survey, Becker County, Minnesota. The wetland systems areas indicated on said map are composed of wet soils as defined by the United States Department of Agriculture Soils Conservation Service. These specific soil groups are characterized as unsuitable for development due to their poor drainage qualities, flooding proneness, poor texture, high water table depth, and general organic content.

Subd. 3. Permitted Uses. The following operations and uses are permitted in the “Wetland Systems District” as a matter of right, subject to any other applicable code, ordinance, or law:

A. Grazing, farming, nurseries, gardening, and harvesting of crops.

B. Sustained yield of forestry and tree farms.

C. Conservation of soil vegetation, water, fish, and wildlife.

D. Scientific research and educational activities that teach principles of ecology and conservation.

E. Leisure activities such as hiking, nature studies, canoeing, boating, camping, water skiing, skin diving, horseback riding, field trails, and general outdoor recreation including play and sporting areas that are inconsistent with the intent of this ordinance.

F. Essential services.

Subd. 4. Prohibited Uses. Except as may hereinafter be conditionally permitted, it shall be unlawful for any person to:

A. Place, deposit, or permit to be deposited debris, fill or any material including structures, into, within, or upon any water body, water course, or wetland, flood-plain, or natural drainage system.

B. Dig, dredge, or in any other way alter or remove any material from water bodies, water courses, wetlands, floodplains, or natural drainage system.

C. Erect structures for human habitation.

D. Create ponds, dams, or relocate any water course, or change the natural drainage system.
E. Clear and/or cut trees or other vegetation.

F. Permanently store materials.

G. Erect signs.

H. Dispose of waste materials, including but not limited to sewage, garbage, rubbish, and other discarded materials.

Subd. 5. **Development Regulations.**

A. Land owners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any of the wetlands district within the City of Detroit Lakes shall first submit a conditional use permit application as regulated by Section 22, of this ordinance and a plan of development, hereinafter referred to as a "wetlands system impact plan", which will set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to improve or maintain the proposed changes requested by the applicant and affirmatively disclose what, if any change will be made in the natural condition of the earth, including loss or change of earth ground cover, destruction of trees, grade changes and its effect, if any, upon lakes, streams, water courses and marshes, lowlands and wetlands in the area. The plan shall mini-mize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or re-planting of as many trees as possible which are proposed to be removed. The purpose of the wetland systems impact plan shall be to eliminate as much as possible potential pollution, erosion and siltation.

B. **High Water Elevation.** For lakes, ponds, or flow-ages, no structure, except boat houses, piers and docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than three (3) feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Building Inspector.
Section 18. “S” Shoreland District


A. Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

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

Subd. 2. General Provisions.

A. Jurisdiction. The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 4.1 of this ordinance, and to the shorelands of public water bodies greater than 10 acres in unincorporated areas in which the city may, in the future extended the application of its zoning regulations by ordinance as provided by MS 462.357 Subd 1. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government’s shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

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

C. Enforcement. The City of Detroit Lakes is responsible for the administration and enforcement of this ordinance. Enforcement may be by
stop work order issued by the City, abatement or by Civil Action and the City is authorized to pursue any remedy available at law or in equity, including but not limited to temporary restraining orders, injunctions both mandatory and prohibitory as well as damages. In addition, any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be a separate offense for each day during which the violation continues, and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.2 of this ordinance.

D. **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

E. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

F. **Definitions.** Unless specifically defined in Section 2 of the Detroit Lakes Zoning Ordinance, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Subd. 3. **Administration.**

A. **Purpose.** The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with the purpose of the ordinance.

B. **Permits.**

1. A building permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 8.3 of this ordinance.
2. A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of property where a sewage treatment system has been or will be installed. A sewage treatment system shall be considered compliant if the only deficiency is the system’s improper setback from the ordinary high water level.

3. A mitigation permit may be issued in accordance with subsection 8.43 of this ordinance.

C. Application materials. Application for permits and other zoning applications such as variances shall be made to the City on the forms provided. The application shall include the necessary information so that the City can evaluate how the application complies with the provisions of this ordinance.

D. Zoning Compliance. Any use, arrangement, activity or construction which does not conform with that authorized by building permit, mitigation permit, variance or conditional use permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 2.3 of this ordinance.

E. Variances. Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and are subject to the following:

   1. A variance may not circumvent the general purposes and intent of this ordinance; and

   2. For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system’s improper setback from the ordinary high water level.

F. Conditional Uses. All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

   1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

   2. The visibility of structures and other facilities as viewed from public waters is limited;
3. There is adequate water supply and on-site sewage treatment; and

4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

G. **Mitigation.**

1. In evaluating all variances, conditional uses, mitigation permits and building permit applications, the zoning authority shall require the property owner to address, when related to and proportional to the impact, the following conditions to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

   a) Storm water runoff management and treatment;

   b) Reducing impervious surfaces;

   c) Increasing setbacks from the ordinary high water level;

   d) Restoration of wetlands;

   e) Limiting vegetation removal and/or riparian vegetation restoration;

   f) Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and

   g) Other conservation-designed conditions the zoning authority deems necessary.

2. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions 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 shall be attached to permits.

H. **Nonconformities.**

1. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, Sections 462.357 Subd. 1e, Section 3 of the City of Detroit Lakes Zoning Ordinance,
and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.

2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, impervious surface, and other requirements of Sections 5.0 to 8.0 of this ordinance. Any deviation from these requirements must be authorized by a mitigation permit, expansion permit, or variance.

I. Notifications to the Department of Natural Resources.

1. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner’s designated representative at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

2. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner’s designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

3. Any request to change the shoreland management classification of public waters within the jurisdiction of Detroit Lakes must be sent to the commissioner or the commissioner’s designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.

4. Any request to reduce the boundaries of shorelands of public waters within the jurisdiction of Detroit Lakes must be sent to the commissioner or the commissioner’s designated representative for approval. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

J. Mandatory Environmental Assessment Worksheet. An Environmental Assessment Worksheet (EAW) consistent with Minnesota Rules, Chapter
4410, must be prepared for projects meeting the thresholds of Minnesota rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.

Subd. 4. Shoreland Classification System and Land Uses.

A. Shoreland Classification System.

1. Purpose. To ensure that shoreland development on the public waters of Detroit Lakes is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.

2. The shoreland area for the waterbodies listed in Sections 4.13 are defined in Section 2 of the Zoning Ordinance and as shown on the Official Zoning Map.

3. Lakes, Rivers and Streams are classified and listed on the attached “Appendix A, List of Public Waters” as may be amended from time to time. For the purpose of this ordinance Public Ditch #13 is included in the Pelican River.

4. All public watercourses in Detroit Lakes shown on the Public Waters Inventory Map for Becker County, a copy of which is hereby adopted by reference, not given a classification in Appendix A shall be considered “Tributary.”

B. Land Uses.

1. Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.

2. Shoreland district land uses listed in Section 4.23 and 4.24 are regulated as:

   a) Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;

   b) Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section 3.6 of this ordinance and any additional conditions listed in this ordinance; and

   c) Not permitted uses (N). These uses are prohibited.
3. Land uses for lake classifications:

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>General Development</th>
<th>Recreational Development</th>
<th>Natural Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single residential</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Duplex, triplex, quad residential</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Residential PUD</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Water-dependent commercial - As accessory to a residential planned unit development</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Commercial</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Commercial PUD - Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 10.0 of this ordinance are satisfied.</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Parks &amp; historic sites</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Public, semipublic</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Industrial</td>
<td>C</td>
<td>C</td>
<td>N*</td>
</tr>
<tr>
<td>Agricultural: cropland and pasture</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Agricultural feedlots - New</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Agricultural feedlots - Expansion or resumption of existing</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Forest management</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Forest land conversion</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Extractive use</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Mining of metallic minerals and peat</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

*Except that in the Shoreland District of unnamed Lake 401 industrial uses will be permitted as a conditional use.
### 4. Land uses for river and stream classifications:

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Remote</th>
<th>Forested</th>
<th>Transition</th>
<th>Agriculture</th>
<th>Urban</th>
<th>Tributary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single residential</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Duplex, triplex, quad residential</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Residential PUD</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Water-dependent commercial - As accessory to a residential planned unit development</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Commercial</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Commercial PUD - Limited expansion of a commercial PUDs involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 10.0 of this ordinance are satisfied.</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Parks &amp; historic sites</td>
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<td>C</td>
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<tr>
<td>Public, semipublic</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Industrial</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Agricultural: cropland and pasture</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Agricultural feedlots - New</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Agricultural feedlots - Expansion or resumption of existing</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Forest management</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Forest land conversion</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Extractive use</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Mining of metallic minerals and peat</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Subd. 5. **Special Land Use Provisions.**

A. **Commercial, Industrial, Public, and Semipublic Use Standards.**

1. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

   a) The use complies with provisions of Section 7.0;

   b) The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
c) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

d) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, provided that:

1) No advertising signs or supporting facilities for signs may be placed in or upon public waters;

2) Signs conveying directional information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the local jurisdiction;

3) Signs may be placed within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information and:
   i) Must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size; and
   ii) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

4) Other lighting may be located within the shore impact zone or over public waters if it is used 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.

2. Except with regard to properties that are riparian to the Pelican River, commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

B. Agriculture Use Standards.
1. Buffers.

   a) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial 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 districts or the Natural Resource Conservation Service, as provided by a qualified individual or agency.

   b) The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

2. New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:

   a) Must be designed consistent with Minnesota Rules Chapter 7020;

   b) Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,

   c) Old feedlots not currently in operation may resume operation consistent with Minnesota Statute Section 116.0711

C. Forest Management Standards.

1. The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.

2. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.
D. **Extractive Use Standards.** Extractive uses are conditional uses and must meet the following standards:

1. **Site Development and Restoration Plan.** A site development and restoration plan must be developed, approved, and followed over the course of operation. The plan must:
   
   a) Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
   
   b) Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
   
   c) Clearly explain how the site will be rehabilitated after extractive activities end; and

2. **Setbacks for Processing Machinery.** Processing machinery must meet structure setback standards from ordinary high water levels and from bluffs.

E. **Metallic Mining Standards.** Mining of metallic minerals and peat is a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

Subd. 6. **Dimensional and General Performance Standards.**

A. **Purpose.** To establish dimensional and performance standards that protect shoreland resources from impacts of development.

B. **Lot Area and Width Standards.** After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in Sections 6.25 and 6.26, subject to the following standards:

1. Only lands above the ordinary high water level can be used to meet lot area and width standards;

2. Lot width standards must be met at both the ordinary high water level and at the building line;

3. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;
4. Subdivisions with dwelling unit densities exceeding those in Sections 6.25 and 6.26 are allowed only if designed and approved as a PUD under Section 10.0 of this ordinance;

5. Lake Lot Area and Width Standards (lot area is measured in square feet and lot width in feet):

   a) Natural Environment Lakes:

<table>
<thead>
<tr>
<th></th>
<th>Riparian lots</th>
<th>Nonriparian lots</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unsewered</td>
<td>Sewered</td>
</tr>
<tr>
<td></td>
<td>Area  Width</td>
<td>Area  Width</td>
</tr>
<tr>
<td>Single</td>
<td>80,000  200</td>
<td>40,000  125</td>
</tr>
<tr>
<td>Duplex</td>
<td>120,000  300</td>
<td>70,000  225</td>
</tr>
<tr>
<td>Triplex</td>
<td>160,000  400</td>
<td>100,000 325</td>
</tr>
<tr>
<td>Quad</td>
<td>200,000 500</td>
<td>130,000 425</td>
</tr>
</tbody>
</table>

   |                | Unsewered     | Sewered          |
   |                | Area  Width   | Area  Width      |
   | Single         | 80,000  200   | 20,000  125      |
   | Duplex         | 160,000  400  | 200,000 125      |
   | Triplex        | 200,000 500   | 320,000 800      |
   | Quad           | 240,000 600   | 52,000  315      |

   b) Recreational Development Lakes:

<table>
<thead>
<tr>
<th></th>
<th>Riparian lots</th>
<th>Nonriparian lots</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unsewered</td>
<td>Sewered</td>
</tr>
<tr>
<td></td>
<td>Area  Width</td>
<td>Area  Width</td>
</tr>
<tr>
<td>Single</td>
<td>40,000  150</td>
<td>20,000  75</td>
</tr>
<tr>
<td>Duplex</td>
<td>80,000  225</td>
<td>35,000  135</td>
</tr>
<tr>
<td>Triplex</td>
<td>120,000  300</td>
<td>50,000  195</td>
</tr>
<tr>
<td>Quad</td>
<td>160,000 375</td>
<td>65,000  255</td>
</tr>
</tbody>
</table>

   |                | Unsewered     | Sewered          |
   |                | Area  Width   | Area  Width      |
   | Single         | 40,000  150   | 15,000  75       |
   | Duplex         | 80,000  265   | 26,000  135      |
   | Triplex        | 120,000 375   | 38,000  190      |
   | Quad           | 160,000 490   | 49,000  245      |

1) Based on an orderly annexation agreement, the following standards shall apply to sewered lots on Long Lake:

<table>
<thead>
<tr>
<th></th>
<th>Riparian lots</th>
<th>Nonriparian lots</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area  Width</td>
<td>Area  Width</td>
</tr>
<tr>
<td>Single</td>
<td>24,000  120</td>
<td>20,000  100</td>
</tr>
<tr>
<td>Duplex</td>
<td>39,000  180</td>
<td>31,000  160</td>
</tr>
<tr>
<td>Triplex</td>
<td>54,000  240</td>
<td>43,000  215</td>
</tr>
<tr>
<td>Quad</td>
<td>69,000  300</td>
<td>54,000  270</td>
</tr>
</tbody>
</table>
c) General Development Lakes:

<table>
<thead>
<tr>
<th></th>
<th>Riparian lots</th>
<th>Nonriparian lots</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unsewered</td>
<td>Sewered</td>
</tr>
<tr>
<td></td>
<td>Area</td>
<td>Width</td>
</tr>
<tr>
<td>Single</td>
<td>20,000</td>
<td>100</td>
</tr>
<tr>
<td>Duplex</td>
<td>40,000</td>
<td>180</td>
</tr>
<tr>
<td>Triplex</td>
<td>60,000</td>
<td>260</td>
</tr>
<tr>
<td>Quad</td>
<td>80,000</td>
<td>340</td>
</tr>
</tbody>
</table>

6. River/Stream Lot Width Standards. There are no minimum lot area requirements for rivers and streams. The lot width standards are:

<table>
<thead>
<tr>
<th></th>
<th>Urban River</th>
<th>Forested River</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unsewered</td>
<td>Sewered</td>
</tr>
<tr>
<td>Single</td>
<td>100</td>
<td>75</td>
</tr>
<tr>
<td>Duplex</td>
<td>150</td>
<td>115</td>
</tr>
<tr>
<td>Triplex</td>
<td>200</td>
<td>150</td>
</tr>
<tr>
<td>Quad</td>
<td>250</td>
<td>190</td>
</tr>
</tbody>
</table>

C. Special Residential Lot Provisions.

1. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:

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

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

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

   d) No more than 25 percent of a lake’s shoreline can be in duplex, triplex, or quad developments.

2. One guest cottage may be allowed with a conditional use permit on lots meeting or exceeding the duplex lot area and width dimensions.
presented in Sections 6.25 and 6.26, provided the following standards are met:

a) For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;

b) A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and

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

d) A guest cottage must meet the same setback requirements as a principal structure.

3. Controlled access lots are prohibited.

D. Placement, Height, and Design of Structures.

1. Placement of Structures and Sewage Treatment Systems on Lots.
   When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following provisions:

   a) **OHWL Setbacks.** Structures and sewage treatment systems must meet the following setbacks from the Ordinary High Water Level (OHWL):

   For all unsewered lots the sewage treatment system setbacks are the same as the structure setbacks.

<table>
<thead>
<tr>
<th>Structural setback from OHWL (unsewered)</th>
<th>GD Lakes</th>
<th>RD Lakes</th>
<th>NE Lakes</th>
<th>Urban River</th>
<th>Forested River</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure setback from OHWL (sewered)</td>
<td>75</td>
<td>75</td>
<td>150</td>
<td>100</td>
<td>200</td>
</tr>
<tr>
<td>Structure setback from top of bluff</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Structure setback from side lot line</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Structure setback from unplatted cemetery</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Structure setback from federal, state, or county right-of-way</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Structure setback from right-of-way of other roads</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

   *Deck, patio, and pool setbacks from the OHWL on a sewered GD Lake may be 60 feet.
b) **Setback averaging.** Where like structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL using structure setback averaging, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone;

![Structure Setback Averaging Diagram]

\[
\text{Existing structure} \quad \text{Pro\text{posed structure}} \quad \text{Existing structure}
\]

\[
\text{Shore impact zone} \quad \text{Structure setback} \quad X + Y + 2
\]

\[
\text{OHWL}
\]

\[
X \quad Y
\]

\[
\text{c) Deck additions to nonconforming structures in shoreland district.} \quad \text{Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:}
\]

1) The structure existed on the date the structure setbacks were established;

2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

3) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach into the shore impact zone, whichever is more restrictive; and

4) The deck is constructed as a pervious deck and is not roofed or screened.
d) **Bluff Impact Zones.** Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

2. **Height of Structures.** Maximum structure height is listed below as the base standard based on lot type and shall apply to all structures except religious institutions.

<table>
<thead>
<tr>
<th>Residential Height</th>
<th>Riparian</th>
<th>Nonriparian</th>
</tr>
</thead>
<tbody>
<tr>
<td>“R-A”, “R-MH”, “R-1” &amp; “R-2”</td>
<td>25ft</td>
<td>25ft</td>
</tr>
<tr>
<td>“R-M” &amp; “R-4”</td>
<td>25ft</td>
<td>39ft</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial Height</th>
<th>Riparian*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial / Industrial Districts</td>
<td>25ft</td>
</tr>
</tbody>
</table>

*Maximum building height on nonriparian lots in Commercial / Industrial Districts is regulated by the underlying applicable zoning district.

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

b) For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

c) If the structure is floodproofed instead of elevated under items A and B above, then it must be floodproofed in accordance with Minnesota Rules, part 6120.5900 Subp. 3 (D).

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

E. **Impervious Surface.**
1. Maximum impervious surface is listed below as the base standard based on lot type. Surface coverage between the base standard and the mitigation limit is allowed with offsetting mitigation as prescribed in Section 8.43.

<table>
<thead>
<tr>
<th>Residential Impervious Surface</th>
<th>Riparian lots</th>
<th>Nonriparian lots</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Base standard</td>
<td>Mitigation limit</td>
</tr>
<tr>
<td>Residential Districts on Detroit Lake</td>
<td>25%</td>
<td>30%</td>
</tr>
<tr>
<td>All other areas</td>
<td>25%</td>
<td>Variance required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial Impervious Surface</th>
<th>Riparian lots</th>
<th>Nonriparian lots</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Base standard</td>
<td>Mitigation limit</td>
</tr>
<tr>
<td>Commercial / Industrial Districts on Detroit Lake</td>
<td>35%</td>
<td>Variance required</td>
</tr>
<tr>
<td>All other areas</td>
<td>30%</td>
<td>Variance required</td>
</tr>
</tbody>
</table>

F. Water Supply and Sewage Treatment.

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

2. Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules Chapters 7080 – 7081.

Subd. 7. Performance Standards For Public and Private Facilities.

A. Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:

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

2. Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;
3. Private facilities must comply with the grading and filling provisions of Section 8.3 of this ordinance; and

4. For public roads and driveways, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

B. Pools. Pools must meet the following design requirements:

1. Pools are considered impervious.

2. May not be constructed within the Shore Impact Zone.

3. May not be constructed in a side yard setback and must be constructed thirty (30) feet from the road right-of-way.

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

1. Not more than one stairway and one lift that does not exceed four feet in width is allowed on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;

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

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

4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of subitems 7.21 to 7.25 and the requirements of Minnesota Rules, Chapter 1341.

D. Water-oriented Accessory Structures. Water-oriented accessory structures are not allowed.

E. Fences, Landscape Walls, and Other Similar Features. Fences, landscape walls, and other similar features, in addition to the fence provisions of Section 3 of the Zoning Ordinance, shall be restricted within the required setback between the structure and Ordinary High Water Level to no greater than 3 feet in height. Such improvements shall not be constructed in the shore impact zone.


A. Purpose. Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

B. Vegetation Management.

1. Removal or alteration of vegetation must comply with the provisions of this subsection except for:

   a) Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;

   b) The construction of public roads and parking areas if consistent with Section 7.1 of this ordinance;

   c) Forest management uses consistent with Section 5.3 of this ordinance; and

   d) Agricultural uses consistent with Section 5.2 of this ordinance.

2. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section 5.3 of this ordinance.
3. Limited clearing and trimming of trees, shrubs and groundcover in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, and beach and watercraft access areas, provided that:

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

   b) Existing shading of water surfaces along rivers is preserved; and

   c) Cutting debris shall not be left on the ground in the shore impact or bluff impact zones.

   d) Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.

   e) Vegetation removal will not increase erosion.

   f) No more than 25 feet of shoreline or 25% of the lot width, whichever is less, may have intensive vegetation removal. For the intent of this ordinance, if more than 25 feet or 25% whichever is less, of the shoreline has already been cleared, then additional clearing will not be allowed.

   g) A view corridor, defined as a line of sight on a riparian lot extending from the lakeward side of the principal residence toward the Ordinary High Water Level of a lake or river, is allowed provided that:

      1) The area of intensive vegetation removal must be within the view corridor.

      2) the total cumulative view corridor shall not exceed 50 feet or half the lot width, whichever is less; and

      3) the total amount of tree/shrub removal within the view corridor shall not exceed 25% of the trees greater than 5 inches in diameter at 4 ½ feet above the ground and 25% of the trees/shrubs less than 5 inches in diameter.
4. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

C. Land Alterations.

1. Land alterations must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 7.1 of this ordinance.

2. Permit Requirements.

   a) Grading, filling and excavations necessary for the construction of structures and sewage treatment systems, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section 8.33 of this ordinance must be incorporated into the permit.

   b) For all other work, a grading and filling permit is required for:
1) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and

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

3. Grading, filling and excavation activities must meet the following standards:
   
a) Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;

b) Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:

1) Limiting the amount and time bare ground exposure;

2) Using temporary ground covers such as mulches or similar materials;

3) Establishing permanent vegetation cover as soon as possible;

4) Using sediment traps, vegetated buffer strips or other appropriate techniques;

5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;

6) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued
slopes of 30 percent or greater;

7) Fill or excavated material must not be placed in bluff impact zones;

8) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;

9) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

10) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is allowed if:

   i) the finished slope does not exceed three feet horizontal to one foot vertical; and

   ii) the landward extent of the riprap is within ten feet of the ordinary high water level; and

   iii) the height of the riprap above the ordinary high water level does not exceed three feet; and

   iv) the riprap material meets DNR specifications; and

![Riprap Guidelines](image)
v) the riprap is necessary to control an existing erosion problem.

11) Alterations of ice ridges are allowed only for the purpose of repairing shore line damage resulting from ice action within the past year except that a four foot wide walkway can be constructed upon an ice ridge.

4. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with Minnesota Rules, Chapter 6115.

D. Stormwater Management.

1. General Standards:

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

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

   c) When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific Standards:

   a) Except for Planned Unit Developments specified in Section 10 in tiers 2, 3, 4, and 5 impervious surfaces of lots must comply with the standards in Section 6.5 of this ordinance.
b) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the Minnesota Stormwater Manual.

c) New constructed stormwater outfalls to public waters must be consistent with Minnesota Rules, part 6115.0231.

3. Mitigation. Mitigation may be used, as provided by this ordinance, to deviate from certain base performance standards for impervious surface coverage and building height.

   a) Mitigation for impervious surface coverage may be awarded as follows:

      1) Stormwater Volume Reduction for Impervious Surface Mitigation for residential and Commercial Uses, Commercial Planned Unit Developments and Residential Planned Unit Developments. Impervious surface in excess of the base standard will be mitigated by stormwater volume reduction up to the mitigation limit. Volume reduction shall be by onsite infiltration and/or other volume reduction methods (e.g. rainwater harvesting). The volume is equal to the runoff generated by the 2-year, 24-hour storm event (as prescribed by NOAA Atlas 14 Point Precipitation Frequency Estimate) over the impervious surface exceeding the base standard listed in Section 6.5. Infiltration systems and/or other volume reduction methods shall be designed, constructed, and maintained in accordance with the Minnesota Stormwater Manual. Certification by a licensed professional engineer or a licensed landscape architect may be required. If this volume reduction standard cannot be met, impervious surface is limited to the base standard listed in Section 6.5.

      2) On-site Stormwater Management as presented in this section can be used as mitigation up the mitigation limit in Section 6.5, for individual residential lots not included in a new subdivision or PUD greater than one acre on Detroit Lake only.

         i) For Nonconforming Riparian Lots on Detroit Lake and all nonriparian lots on
Detroit Lake, the net increase in impervious surface over the base amount must be mitigated with an onsite stormwater facility (rain garden) that treats a 1.1 inch rainfall as follows:

(1) Up to 2% net increase must be treated on a 2:1 basis

(2) 2% to 4% must be treated on a 3:1 basis

(3) Over 4% must be treated on a 4:1 basis

ii) For Conforming Riparian Lots on Detroit Lake, the net increase in impervious surface over the base amount must be mitigated as follows:

(1) Up to 2% net increase must be treated with onsite stormwater facility (rain garden) that treats a 1.1 inch rainfall on a 2:1 basis

(2) If the net increase is 2% or over, the entire increase must be mitigated with a riparian Natural Buffer that is the length of the Shoreline with a minimum depth of 15 feet. An access open area through the Natural Buffer with a maximum width of 6 feet is allowed.

b) Implementation. For all of the above noted mitigation measures the land owner must apply for and obtain a Mitigation Permit in addition to all other required permits and pay all fees associated with the application for those permits. The land owner must also sign a Mitigation Measures Maintenance Agreement that will be recorded against the property. Installed mitigation measures will be inspected at the time of installation and at the point of sale. Failure to maintain the agreed upon mitigation measures is a violation of this ordinance and will be treated accordingly.
Subd. 9. Subdivision/Platting Provisions.

A. Purpose. To ensure that new development minimizes impacts to shoreland resources and is safe and functional.

B. Land suitability. Each lot created through subdivision, including planned unit developments authorized under Section 10.0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

C. Consistency with other controls. Subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose and so that it complies with the City of Detroit Lakes Subdivision Ordinance.

D. Water and Sewer Design Standards.

1. A potable water supply and a sewage treatment system consistent with Minnesota Rules, Chapters 7080 – 7081 must be provided for every lot.

2. Each lot must include at least two soil treatment and dispersal areas that support systems described in Minnesota Rules, parts 7080.2200 to 7080.223 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

3. Lots that would require use of holding tanks must not be approved.

E. Information requirements.

1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

2. The surface water features required in Minnesota Statutes, Section 505.021, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

3. Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most...
current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

6. A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

F. **Dedications.** When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

G. **Platting.** All subdivisions that cumulatively create one or more lots or parcels that are 5 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

Subd. 10. **Planned Unit Developments (PUDs).**

A. **Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.

B. **Types of PUDs Permissible.** Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum standards of Section 6 of this ordinance is allowed if the standards in this Section are met.

C. **Processing of PUDs.** Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density
evaluation procedures in Section 10.5. Approval cannot occur until all applicable environmental reviews are complete.

D. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action on the application request, in addition to meeting the requirements as provided in Section 20 of the Zoning Ordinance.

1. Site plan and/or plat showing:
   a) Locations of property boundaries;
   b) Surface water features;
   c) Existing and proposed structures and other facilities;
   d) Land alterations;
   e) Sewage treatment and water supply systems (where public systems will not be provided);
   f) Topographic contours at two-foot intervals or less; and
   g) Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).

2. A property owners association agreement (for residential PUD’s) with mandatory membership, and consistent with Section 10.6 of this ordinance.

3. Deed restrictions, covenants, permanent easements or other instruments that:
   a) Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
   b) Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.6 of this ordinance.

4. A master plan/site plan describing the project and showing floor plans for all commercial structures.
5. Additional documents necessary to explain how the PUD will be designed and will function.

E. Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

1. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines approximately parallel to the ordinary high water level at the following intervals, proceeding landward:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Tier Depth</th>
<th>No Sewer (ft)</th>
<th>Sewer (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Development Lakes – 1st tier</td>
<td></td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>General Development Lakes – all other tiers</td>
<td></td>
<td>267</td>
<td>200</td>
</tr>
<tr>
<td>Recreational Development Lakes</td>
<td></td>
<td>267</td>
<td>267</td>
</tr>
<tr>
<td>Natural Environment Lakes</td>
<td></td>
<td>400</td>
<td>320</td>
</tr>
<tr>
<td>All Rivers</td>
<td></td>
<td>300</td>
<td>300</td>
</tr>
</tbody>
</table>

2. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.

3. Step 3. Determine Base Density

   a) For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base entity, for each tier. For rivers, divide the tier by the minimum single residential lot width.

   b) For commercial PUDs:

      1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

         i) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
ii) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

1) For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.

2) For recreational vehicles, campers or tents, use 400 sf.

2) Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section 10.53 B(1):

<table>
<thead>
<tr>
<th>Inside Living Floor Area or Dwelling Site Area (sf)</th>
<th>General Development Lakes w/Sewer – all tiers</th>
<th>General Development Lakes w/no sewer – 1st tier</th>
<th>General Development Lakes w/no sewer – all other tiers</th>
<th>Recreational Development Lakes Forested and Transition Rivers</th>
<th>Natural Environment Lakes Remote Rivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ 200</td>
<td>.040</td>
<td>.020</td>
<td>.010</td>
<td>.012</td>
<td>.010</td>
</tr>
<tr>
<td>300</td>
<td>.048</td>
<td>.024</td>
<td>.014</td>
<td>.016</td>
<td>.014</td>
</tr>
<tr>
<td>400</td>
<td>.056</td>
<td>.028</td>
<td>.016</td>
<td>.019</td>
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</tr>
<tr>
<td>500</td>
<td>.065</td>
<td>.032</td>
<td>.019</td>
<td>.019</td>
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<td>600</td>
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<tr>
<td>700</td>
<td>.082</td>
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<tr>
<td>900</td>
<td>.099</td>
<td>.050</td>
<td>.025</td>
<td>.027</td>
<td>.027</td>
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<tr>
<td>1,000</td>
<td>.108</td>
<td>.054</td>
<td>.027</td>
<td>.029</td>
<td>.029</td>
</tr>
<tr>
<td>1,100</td>
<td>.116</td>
<td>.058</td>
<td>.029</td>
<td>.029</td>
<td>.029</td>
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<tr>
<td>1,200</td>
<td>.125</td>
<td>.064</td>
<td>.032</td>
<td>.032</td>
<td>.032</td>
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<tr>
<td>1,300</td>
<td>.133</td>
<td>.068</td>
<td>.034</td>
<td>.034</td>
<td>.034</td>
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<tr>
<td>1,400</td>
<td>.142</td>
<td>.072</td>
<td>.036</td>
<td>.036</td>
<td>.036</td>
</tr>
<tr>
<td>≥ 1,500</td>
<td>.150</td>
<td>.075</td>
<td>.038</td>
<td>.038</td>
<td>.038</td>
</tr>
</tbody>
</table>

3) Multiply the suitable area within each tier determined in Section 10.52 by the floor/dwelling site area ratio to yield the total floor/dwelling site area for each tier to be used for dwelling units or dwelling sites.
4) Divide the total floor/dwelling site area for each tier calculated in Section 10.53 B(3) by the average inside living floor area for dwelling units determined in 10.53 B(1). This yields the base number of dwelling units or dwelling sites, or base density, for each tier.

c) Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.

d) All PUDs with densities above the base density must meet the design standards in Section 10.6.

4. Step 4. Determine if the Site can Accommodate Increased Density

   a) The following increases to the dwelling unit or dwelling site base densities determined in Section 10.53 are allowed if the design criteria in Section 10.6 of this ordinance are satisfied, as well as the standards in Section 10.54 B.

<table>
<thead>
<tr>
<th>Shoreland Tier</th>
<th>Maximum density increase within each tier (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>50</td>
</tr>
<tr>
<td>2nd</td>
<td>100</td>
</tr>
<tr>
<td>3rd</td>
<td>200</td>
</tr>
<tr>
<td>4th</td>
<td>200</td>
</tr>
<tr>
<td>5th</td>
<td>200</td>
</tr>
</tbody>
</table>

   b) Structure setbacks from the ordinary high water level:

      1) Are increased to at least 50 percent greater than the minimum setback; or

      2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

c) Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.
F. **Design Criteria.**

1. **General Design Standards.**

   a) All residential planned unit developments must contain at least five dwelling units or sites.

   b) On-site water supply and sewage treatment systems must be centralized and meet the standards in Section 6.6 of this ordinance. Sewage treatment systems must meet the setback standards of Section 6.41 A of this ordinance.

   c) Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.

   d) Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections 6.3 and 6.4.

   e) Shore recreation facilities:

      1) Must be centralized and located in areas suitable for them based on a suitability analysis.

      2) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).

   f) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

   g) Accessory structures and facilities must meet the required structure setback and must be centralized.

2. **Open Space Requirements.**
a) Open space must constitute at least 50 percent of the total project area (and must include:

1) Areas with physical characteristics unsuitable for development in their natural state;

2) Areas containing significant historic sites or unplatted cemeteries;

3) Portions of the shore impact zone preserved in its natural or existing state as follows:
   
i) For existing residential PUD’s, at least 50 percent of the shore impact zone
   
ii) For new residential PUDs, at least 70 percent of the shore impact zone
   
iii) For all commercial PUD’s, at least 50 percent of the shore impact zone; and

b) Open space may include:

1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

2) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and

3) Non-public water wetlands.

c) Open space shall not include:

   i) Dwelling units, building lots, building sites, road rights-of-way, land covered by road surfaces, parking areas or structures, and other lots or sites;

   ii) Land below the OHWL of public waters; and

   iii) Commercial facilities or uses.
3. **Open Space Maintenance and Administration Requirements.**

   a) Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of restrictive deed covenants, permanent easements, public dedication, or other equally effective and permanent means and prohibit:

   1) Commercial uses (for residential PUD’s);

   2) Vegetation and topographic alterations other than routine maintenance;

   3) Construction of additional buildings or storage of vehicles and other materials; and

   4) Uncontrolled beaching of watercraft.

   b) Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:

   1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;

   2) Each member must pay a pro rata share of the association’s expenses, and unpaid assessments can become liens on units or dwelling sites;

   3) Assessments must be adjustable to accommodate changing conditions; and

   4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

4. **Erosion Control and Stormwater Management.**

   a) Erosion control plans must be developed and must be consistent with the provisions of Section 8 of this ordinance and all other city regulations.
b) Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff and must comply with the volume reduction requirements in Section 8.43 A(1).

c) Planned Unit Developments in the 1st tier on all lakes must meet the impervious surface requirements of Section 6.5.

G. **Conversions.** Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

1. Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;

2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;

3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

   a) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

   b) Remedial measures to correct erosion, improve vegetative cover and screening of buildings and other facilities as viewed from the water; and

   c) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced; and

4. Existing dwelling unit or dwelling site densities that exceed standards in Section 10.5 of this ordinance may be allowed to continue but must not be
allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.
Section 19. Administration and Enforcement

Subd. 1. **Administrating Officer.** This ordinance shall be administered and enforced by the zoning administrator who shall be appointed by the Council.

Subd. 2. **Duties of the Zoning Administrator.** The zoning administrator shall enforce this ordinance through the proper legal channels and in addition thereto and in furtherance of said authority he shall:

A. Determine that all building permits comply with the terms of this ordinance.

B. Issue certificates of occupancy for any use, structure, or building after determinations of above.

C. Maintain permanent and current records of this ordinance, including but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications therefor.

D. Receive, file, and forward all applications for appeal, variances, conditional uses, and other matters to the designated official bodies.

E. Institute in the name of the City of Detroit Lakes any appropriate actions or proceedings against a violator as provided by law.
Section 20. Administration-Amendments and Conditional Use Permits

Subd. 1. Procedure.

A. Request for amendments or conditional use permits, as provided within this ordinance, shall be filed with the zoning administrator on an official application form. Such application shall be accompanied by a fee as outlined in Section 22. This fee shall not be refunded. Such application shall be accompanied by written and graphic materials fully explaining the proposed change, development, or use. The zoning administrator shall refer said application along with all related information to the City Planning Commission for consideration and a report and recommendation to the City Council.

B. The Planning Commission shall consider the request at its next regular meeting unless the filing date falls within fifteen (15) days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The zoning administrator shall refer said application, along with all related information, to the City Planning Commission for consideration and a report and recommendation to the City Council.

C. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use.

D. The amendment or conditional use application shall be referred to the City staff for a report and recommendation to be presented to the Commission. A preliminary draft of the City staff's report and recommendations shall be given to the City Planning Commission at least ten (10) days prior to the meeting at which said report and recommendations are to be presented. The final report and recommendations to the City staff are to be entered in and made a part of the permanent written record of the Planning Commission meeting.

E. The Planning Commission shall consider possible adverse effects of the proposed amendment or conditional use. Its judgment shall be based upon (but not limited to) the following factors:

1. Relationship to municipal comprehensive plan.

2. The geographical area involved.

3. The character of the surrounding area.

4. The demonstrated need for such use.
F. 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, information to be declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance.

G. Notice of a public hearing shall be published in conformance with the state law and individual notices, if it is a district change or conditional use permit request shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property, according to the Becker County assessment records, within seven hundred (700) feet of the parcel included in the request. (Ordinance No. 307, Amended 2/13/2007)

H. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this ordinance.

I. The Planning Commission shall make a finding of fact and recommend such actions and conditions relating to the request as they deem necessary to carry out the intent and purpose of the ordinance. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff.

J. The City Council shall not grant a conditional use permit until they have received a report and recommendation from the Planning Commission and City staff or until sixty (60) days after the first regular Planning Commission meeting at which the request was considered.

K. Upon receiving the report and recommendation of the Planning Commission and 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 part of the permanent written record of the City Council meeting.

L. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall be the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and shall impose any condition it considers necessary to protect the public health, safety and welfare.

M. If, upon receiving 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 final recommendation of the City Council will differ from that of the Planning Commission, the
City Council shall, 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 one time on a singular action.

N. Approval of a request shall require a passage by a majority vote except that changing an existing residential to a commercial or industrial zone shall require a two-thirds (2/3) vote of the full City Council. The zoning administrator shall notify the applicant of the Council's decision in writing. (Ordinance No. 226, Amended 7/2/2002)

Subd. 2. Amendments, Rezoning.

A. Initiation. The City Council and Planning Commission may, on their own motion initiate a request, amend the text or the district boundaries (rezoning) of this ordinance. Any person owning real estate or having a Ordinance so as to affect such real estate. (Ordinance No. 97, Amended 8/3/1993) (Ordinance No. 307, Amended 2/13/2007)

Subd. 3. Conditional Use Permit.

A. Purpose. The purpose of a conditional use permit is to provide the City of Detroit Lakes with a reasonable degree of discretion in determining the suitability of certain designated uses upon 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 whether or not a similar use is already in existence and located on the same premises or on other lands immediately close by, the affect upon traffic into and from the premises, or on any adjoining roads, and all such other or further factors as the City shall deem a prerequisite of consideration in determining the effect of such use on the general welfare, public health, and safety.

B. Lapse of Conditional Use Permit by Non-Use. Whenever within one (1) year after granting a Conditional Use Permit, the work as permitted by the permit shall not have been started, then such permit shall become null and void unless a petition for extension of time in which to start the work has been granted by the City Council. Such extension shall be requested in writing and filed with the City Administration at least thirty (30) days before the expiration of the original conditional use permit. The request for extension shall state facts showing a good faith attempt to complete the work 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. (Ordinance No. 425, Adopted
Subd. 4. Planned Unit Development.

A. **Purpose.** The purpose of the City’s Planned Unit Development regulation is to encourage and allow more creative and imaginative design of land developments than is possible under district regulations. Planned Unit Developments are intended to allow substantial flexibility in planning and designing a proposal. This flexibility often accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements.

1. Uses permitted in a planned unit development may consist of one or a mixture of land uses clearly designated by type on the approved final development plan. Mixed uses may occur among or within buildings as long as the uses are compatible with each other and with planned and existing uses surrounding the Planned Unit Development.

B. **Objectives.** Through proper planning and design, each Planned Unit Development should include features which further, and are in compliance with, the following objectives:

1. To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.

2. To combine and coordinate architectural styles, building forms and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.

3. To provide for abundant, accessible, and properly located public open and recreation space, private open and recreation space, schools, and other public and private facilities.

4. To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of physical and natural resources.

5. To enable land developments to be compatible and congruous with adjacent and nearby land developments.
6. To ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction.

C. Conditions for Planned Unit Developments. The Planned Unit Development must meet the following conditions:

1. Site and Ownership. The site of the Planned Unit Development must be under single ownership and/or unified control. The site must be a minimum of two (2) acres in size. A site of less than two (2) acres may qualify if one (1) or more of the following conditions exist:

   a) The Planned Unit Development is to include two (2) or more principal land uses;

   b) Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features;

   c) The land is adjacent to or across the street from property which has been developed as a Planned Unit Development and is to be developed in relationship to such prior development; or

   d) The Planned Unit Development process is desirable to ensure compatibility and careful consideration of the effect of a development on surrounding land uses;

2. Compatibility. The uses permitted in a Planned Unit Development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.

3. Density. The net density of a Planned Unit Development shall generally correspond to the net density regulations imposed by the underlying zoning district.

4. Space between Building. The minimum horizontal distance between the buildings shall be:

   a) 10 feet between single family detached buildings, duplexes, triplexes or four-plexes.

   b) 20 feet between buildings with five (5) or more dwellings.
c) 20 feet between commercial buildings

d) 40 feet between industrial buildings

5. Yards. The required yards along the periphery of the Planned Unit Development shall be at least 30 feet or the height of the building, whichever is greater. Commercial and industrial buildings shall be 50 feet from any class of residential property.

6. Open Space. At least 20 percent of the area of the residential portion of a Planned Unit Development shall be usable open space. Open space shall be of a size, shape, location, and usability for its proposed purpose. In the Shoreland District 50 percent of the area for residential PUD’s shall be preserved as open space and at least 20% of the total space shall be useable open space.

7. Homeowners Association. Membership in a homeowner’s association shall be mandatory for all residents of the Planned Unit Development. The homeowners association shall own and maintain all common open space and private interior drives.

8. Parking Requirements. Adequate parking shall be provided and at a minimum, two (2) spaces shall be provided for each unit plus one half (½) space per unit for additional parking. Additional parking space for guests, customers, the handicapped, recreational vehicles, and other common storage and/or parking uses in Planned Unit Developments may be required by the City Council acting upon the recommendation of the Planning Commission, if warranted by the particular characteristics of the proposed Planned Unit Development.

9. Traffic and Access. Adequate provision shall be made to provide ingress and egress so designed as to minimize both internal and external traffic hazards and congestions. All land uses shall abut on a public street or have adequate access to a public street by means of a private drive. All streets and drives must tie in effectively with the City’s existing street system and with those arterial and collector streets proposed in its Future Lane Use Plan.

10. Sewer and Water. All PUD’s are required to connect to City sewer and water systems.

D. Procedure for Planned Unit Developments. The unique character of a Planned Unit Development requires their administrative processing as conditional use permits. Planned Unit Developments are more complex and require the establishment herein of specific procedures different than
those used to process other conditional uses. The procedure, standards, objectives and purpose set forth in this subdivision when in conflict with other provisions of this Ordinance, as they may pertain to Planned Unit Development, and only Planned Unit Developments, shall be superseding.

**STEP ONE: Application.** Before the Planning Commission may review a Planned Unit Development, an application shall be submitted to the Community Development Director at least thirty (30) days prior to the Planning Commission meeting. The application shall be signed by the property owner and/or the developer and shall include the following items:

**Submission Requirements:**

1. **Application.** An application for a Planned Unit Development on forms supplied by the Community Development Director listing all shareholders, partners and mailing addresses.

2. **Fee.** A fee, established by the City Council that is suitable to cover costs incurred by the City of review for the specific proposal.

3. **Ownership.** A statement of present and proposed ownership of all land within the development.

4. **Legal Description.** A legal description of the subject site including an address and location map.

5. **Taxes.** Proof shall be furnished to indicate that there are no delinquent taxes constituting a lien on the whole or any part of the property. Such proof may take the form of paid tax bills to the date of submission of the Planned Unit Development Application, a statement from the title insurance company indicating that no liens affect the subject site, or a letter from the County Assessor Treasurer affirming that there are not delinquent taxes of the property.

6. **Detailed Plan.** A drawing of the Planned Unit Development shall be prepared at a scale of not less than 1” = 50’ unless approved at another scale by the City and shall show such designations as proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one (1) or more sheets and drawings, and must include:

   a. Boundary lines and dimensions of the subject site
b. Existing and proposed easements – general purpose and widths

c. Streets on adjacent or proposed for the tract

d. Utility extensions of water lines, sanitary sewers, and storm sewers

e. Land use designations for the subject site

f. Stormwater retention and detention areas

g. Residential lots (average lot size and minimum lot size shall be specified)

h. General location, purpose and height, in feet or stories, of each building

i. Map Data – Name of development, name of site planner, north point, scale, date of preparation

j. Description and quantity of land uses

k. Acreage of site

l. Number of dwelling units proposed and anticipated population

m. Area of industrial, commercial, institutional, recreational, and circulation land uses proposed

n. Densities of residential areas

o. Bedroom mixes

p. Impervious surface calculations

7. **Objective.** A statement indicating how the proposed Planned Unit Development corresponds to and complies with objectives for Planned Unit Developments as stated in this Section.

8. **Schedule.** Development schedule indicating:

   a. Phases in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each
stage shall be shown on the Plat and through supporting graphic material.

b. Approximate dates for beginning and completion of each phase

c. If different land use types are to be included within the Planned Unit Development, the schedule must include the mix of uses anticipated to be built in each phase.

9. **Environmental Information.** Data identifying existing natural and environmental site conditions including:

a. **Topography.** A topographic map, underlying the concept plan, at a minimum of two (2) foot contour intervals.

b. **Flood Plain.** Information from the most current source indicating the location of extent of the regulatory flood plain.

c. **Soils.** Information from the most current US Department of Agriculture Soil Conservation Service Soils Catalog indicating the location and species of soils. If said information is not available, soil borings may be submitted.

d. Location and extent of existing vegetation

e. Wetland Delineation

f. A depiction of existing surface drainage patterns and proposed retention and detention areas

g. Shoreland delineations, shore impact delineations and bluff impact zones where appropriate

10. **Utilities.** Statement indicating that sanitary sewer, storm sewer, and water are directly available to the site.

11. **Traffic Information.** Information on the existing road network, and vehicle volumes, and the effect the proposed Planned Unit Development will have on the existing road network.

12. **Land Use and Zoning Exhibit.** A graphic portrayal of existing land use and zoning patterns within a minimum 350’ of the proposed site.
13. **Building Elevation.** Drawings and building elevations showing all building sides adjacent, or the closest sanitary sewer, storm sewer, and water main, as well as documentation of these facilities points of origin.

14. **Property Owner’s Association Agreement.** A property owner’s association agreement (for residential PUD’s) with mandatory membership, and all in accordance with the requirements of Section 18 of this Ordinance.

15. **Deed Restrictions.** Deed restrictions, covenants, permanent easements, or other instruments that:

   a. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD’s.

   b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 18 of this Ordinance.

16. **Community Benefit Statement.** A written statement comparing the relative benefits that will accrue to the community as a result of this site being developed under Planned Unit Development provisions as opposed to conventional zoning. Specific mention should be made of open space, natural features, and architectural design. The “Community Benefit Statement” which accompanies a detailed site plan, provides a developer the opportunity to define with particularity which his proposal merits approval and how it will serve the Community better than a conventional development.

**STEP TWO: Public Hearing**

The Community Development Director shall place the Planned Unit Development request on the next Planning Commission agenda for review and recommendation to the City Council. Following the public hearing, the Planning Commission shall submit its recommendation to the City Council for action.

The Planning Commission shall, after the public hearing, set forth to the City Council, the reasons for its recommendation and said recommendation shall set forth with particularity what respects the proposal would be in the public interest, including but not limited to finding of fact on the following:
1. In what respects the proposed plan is consistent with the stated purpose of the Planned Unit Development regulations and with the objectives stated in Section 20, Subdivision 4B.

2. The extent to which the proposed plan meets the conditions of the Planned Unit Development regulations as set forth in Section 20 herein.

3. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property.

**STEP THREE: City Council Action**

The City Council shall approve or disapprove the proposed Planned Unit Development and state its reasons for approval or denial. The City Council may require such special conditions as it may deem necessary to ensure conformance with the objectives and standards established in this Article.

It is emphasized that no building or construction, excluding public improvements, may take place within the proposed Planned Unit Development, and no permits may be issued, until the Final Plat, if required and accompanying data has been submitted, approved, and recorded.

Prior to granting an Planned Unit Development, the Planning Commission may recommend, and the City Council may stipulate, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation, best management practices and other elements of the Planned Unit Development as deemed necessary for the protection of the public interest improvement of the development protection of the adjacent area and to secure compliance with the conditions in Section 20.

In some cases, a plat may be required for a Planned Unit Development in order to dedicate utility easements, ponds, or park space to the public. If a plat is required, normal platting procedures shall be followed except that a preliminary and final plat may be submitted at the same time.

E. **Revocation & Extension.** A Planned Unit Development Conditional Use shall become null and void in any case where said Planned Unit Development has:
1. Received approval and where the Final Plat of said Planned Unit Development has not been submitted for approval within one (1) year after the date of approval of said Preliminary Plat; or

2. Received Final Plat approval and where the construction of said Planned Unit Development, as authorized by the issuance of a building permit, has not begun within (1) year after the date of approval of said Final Plat.

(Ordinance No. 425, Adopted 4/10/2018)
Section 21. Administration-Varniances and Appeals

Subd. 1. Board of Zoning Adjustment. The Planning Commission shall be the Board of Appeals and Adjustments for this City, and as provided my Minn. Stat. Sec. 462.354, Subd. 2 shall have the powers granted under Minn. Stat. Sec. 462.357, Subd. 6, as they may be amended from time to time. The board shall serve without compensation.

Subd. 2. Written Reports and Recommendations. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code, subject to approval of the City Council. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

Subd. 3. Consideration of Variance Request.

A. Variance shall only be permitted when:

1. They are in harmony with the general purposes and intent of the ordinance and

2. The variances are consistent with the comprehensive plan;

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance;

Subd. 4. Practical difficulties as used in connection with the granting of a variance means that:

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

3. 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.

Subd. 5. Approval or Denial of Variance. Variances shall be granted for earth sheltered construction as defined in Section 216C, Subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person’s land is located. The board may permit a variance the
temporary use of a one family dwelling as a two family dwelling. The board may impose conditions in the granting of variances.

Subd. 6. **Appeals.** Any person, firm, or corporation objecting to the ruling of any official on the administering of the provisions of this ordinance shall have the right to appeal to the board of zoning adjustment. The board of zoning adjustment shall, after receiving the written report and recommendation of the Planning Commission and the City staff, make a finding of fact and made a decision on appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this ordinance. However, said appeal shall be filed not later than ninety (90) days after the applicant has received a written notice from the Building Inspector or said appeal shall be considered void.

Subd. 7. **Procedures.**

A. Requests for a variance or appeal shall be filed with the zoning administrator on an official application form. Such application shall be accompanied by a fee as outlined in Section 22 of this ordinance. This fee shall not be refunded. Such application shall also be accompanied by detailed written and graphic materials necessary for the explanation of the request.

B. Upon receiving said application, the zoning administrator shall refer the application, along with all related information, to the City Planning Commission acting as the board of zoning adjustment for a public hearing.

C. The Planning Commission, acting as the board of zoning adjustment, shall consider the variance or appeal request at its next regular meeting, unless the filing date falls within 21 days of said meeting, in such case the request would be placed on the agenda at the regular meeting following the next regular meeting. The zoning administrator shall refer said request, along with all related information, to the Planning Commission at least 10 days prior to the regular meeting.

D. The request shall be referred to the city staff for a report and recommendation to be presented to the Commission. The report and recommendations of the City staff are to be entered in and made a part of the permanent written record of the Planning Commission meeting.

E. The Planning Commission acting as the Board of Adjustment shall reach a decision within 60 days after the first regular meeting at which the variance or appeal request was considered by the Commission.

F. The Planning Commission acting as the Board of Zoning Adjustment shall hold a hearing on all variance requests. Notice of such hearing shall be mailed not less than 10 days prior to the hearing to all owners of property
according to the Becker County assessment record, within 700 feet of the property to which the variance relates.

G. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this ordinance.

H. The City Council, after receiving the board of zoning adjustment’s recommendation shall make a finding of fact and shall decide whether to approve or deny a request for a variance or an appeal within thirty (30) days after the public hearing on said request.

I. If, upon receiving 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 shall, 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 one time on a singular action.

Subd. 8. Lapse of Variance or Appeal. Whenever within one (1) year after granting a Variance or appeal, the work as permitted by the Variance or appeal, shall not have been started, then such variance or appeal shall become null and void, unless a petition for extension of time in which to start the work has been granted by the City Council. Such extension shall be requested in writing and filed with the zoning administrator at least thirty (30) days before the expiration of the original Variance or appeal. The application fee for an extension shall be set by resolution. (Ordinance No. 425, Adopted 4/10/2018)(Ordinance No. 407, Adopted 4/11/2017 replaced Ordinance No. 355, Adopted 10/11/2011)
Section 22. Administration Fees

Subd. 1. **Administrative Costs.** To defray administrative costs of processing of requests for conditional uses, amendments, variances, or appeals a base fee as set by resolution the City Council per application shall be paid by all applicants.

Subd. 2. **Processing Application.** In order to defray the additional cost of processing applications (amendments, conditional uses, variance, appeal) for developments, the City shall have the option of assessing all applicants the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.

A. “Materials” shall include, but not be limited to, maps, graphs, charts, drawings, etc. and all printing or reproduction of same.

B. “Staff and/or consulting time” shall include any time spent in either researching for or actual production of materials.

C. The hourly rate for “staff and/or consulting time” shall be established and made available to the applicant by the zoning administrator prior to production of any materials and the applicant shall be given a reasonable estimate of project time and/or material costs.

Subd. 3. **Fees Payable.** Fees shall be payable at the time applications are filed with the zoning administrator and are not refundable unless application is withdrawn prior to referral to the Planning Commission. A deposit to cover staff or consulting time and special materials will be established and required by the zoning administrator at the time the base fee is paid.
Section 23. Violation and Penalties

Subd. 1. Violations and Fines. The violation of any provision of this ordinance is a misdemeanor punishable as provided by Minnesota Statues. Alternatively the City may charge an Administrative penalty for the violation of any provision of this ordinance. The amount of said penalty shall be set forth in Section 210 – Fees of the City Code. Each day that a violation is permitted to exist shall be a separate violation.

(Ordinance No. 431, Amended 8/13/18, Ordinance No. 230, Amended 9/3/2002)
Section 24. Regulating and Controlling the Use of Signs

Subd. 1. Purpose.

A. The purpose of this section is intended to establish an effective means of communication in the City, to maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effects of signs on nearby public and private property, and to enable fair and consistent enforcement of these sign regulations. It is the intent of this section to protect and promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the City’s goals;

B. Establish standards which permit businesses a reasonable and equitable opportunity to advertise their name and service;

C. Ensure that signs do not create safety hazards;

D. Ensure that signs are designed, constructed, installed, and maintained in a manner that does not adversely impact safety and unduly distract motorists;

E. Preserve and protect property values;

F. Ensure that signs are in proportion to the scale of, and are architecturally compatible with the principal structures;

G. Limit temporary commercial signs and advertising displays which provide an opportunity for grand opening and occasional sale events while restricting signs that create continuous visual clutter and hazards at public rights-of-way.

Subd. 2. Findings. The City finds it necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the City finds:

A. Permanent and temporary signs have direct impact on, and a relationship to, the image of the community;

B. The manner of installation, location and maintenance of signs affects the public health, safety, welfare, and aesthetics of the community;

C. An opportunity for a viable identification of community businesses and institutions must be established;
D. The safety of motorists, cyclists, pedestrians, and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of the drivers;

E. Installation of signs suspended from, projecting over, or placed on top of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire fighting and emergency service;

F. Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermines economic value and growth;

G. Uncontrolled and unlimited signs, particularly temporary signs, which are commonly located adjacent to public rights of way, or are, located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information.

H. Studies concluded that drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. (Ordinance No. 322, Amended 6/10/2008)

Subd. 3. **Applicability/Effect.** A sign may be erected, placed, established, painted, created or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of this ordinance. The effect of this ordinance as more specifically set forth herein, is:

A. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;

B. To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;

C. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;

D. To prohibit all signs not expressly permitted by this ordinance; and
E. To provide for the enforcement of the provisions of this ordinance.

Subd. 4. Definitions.

A. **Dissolve.** A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

B. **Fade.** A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

C. **Frame.** A complete, static display screen on an Electronic Message Display

D. **Frame Effect.** A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

E. **Scroll.** A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.

F. **Signs.** A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public.

G. **Signs Abandoned.** Any sign which identifies or advertises a business, lessor, service, owner, product, or activity, which is no longer available at the indicated location or no longer available on the premises or for which legal owner can be found.

H. **Signs Advertising (Off Premise).** A sign which directs attention to a message, business, commodity, service, activity, or entertainment not necessarily conducted, sold, offered or related to the premises where such sign is located. Only one sign face is allowed per facing, with no double decking of signs. These are also referred to as off-premise signs.

I. **Signs Banner.** A sign made of fabric or other non-rigid materials with no enclosing framework.

J. **Signs Business (On Premise).** A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where such a sign is located. These are also referred to as on-premise signs.
K. **Signs Electronic Changeable Copy.** A sign or portion thereof that displays electronically, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED’s), fiber optics, light bulbs or other illumination devices within the display area. Electronic Changeable Copy Signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs.

L. **Signs Electronic Graphic Display.** 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 (LED’s), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. Electronic Graphic Display Signs include computer programmable, microprocessor controlled electronic displays.

M. **Signs, Flashing.** An illuminated sign which has intermittent flashing lights, revolving beacons, zip flashers or exhibits a noticeable change in color or light intensity.

N. **Signs, Free Standing.** Any sign that is attached directly to the ground or is supported vertically by any structurally sound support having its source or support independent of any building.

O. **Signs, Illuminated.** Any sign lighted with an artificial light source or which has luminous tubes as a part of a sign.

P. **Signs, Motion.** A sign which revolves, rotates, has moving parts or gives the illusion of motion.

Q. **Signs, Nameplate.** Any sign which states the name or address of both of the business or occupant of the lot where the sign is placed.

R. **Signs, Portable.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or T-frames; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicles used in the normal day to day operations of baseness. Banners attached to buildings are not included in this definition.
S. **Signs, Surface Area of.** The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

T. **Signs, Time and Temperature.** Any sign which displays exclusively current time and temperature information.

U. **Transition.** A visual effect used on an electronic message display to change from one message to another

V. **Travel** A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface. *(Ordinance No. 322, Amended 6/10/2008)*

Subd. 5. **Business Signs, Advertising Signs and Free Standing Signs.**

A. Business signs and advertising signs that are permitted by the zoning ordinance are subject to the following regulations: *(Ordinance No. 321, Adopted 4/16/2008)*

1. Business signs are considered an accessory for all businesses other than home occupations or other businesses permitted in residential districts.

2. No business sign shall be permitted within 30 feet of any property line that abuts an adjoining residential district.

3. No advertising sign is allowed between Highway 10 and the railroad tracks from Roosevelt Avenue to County State Aid Highway 54. No advertising sign shall be permitted within three hundred (300) feet of an adjoining residential zoning district. No advertising sign shall be erected within five hundred (500) feet of a church, school, public park or library, except for the area within one hundred (100) feet of the Highway 10 Right of Way. *(Ordinance No. 321, Adopted 4/16/2008)*

4. No free standing sign shall be located within a 25 foot sight triangle at street intersections unless the bottom of any sign is at least 9 feet above grade.

5. The total surface area of all signs on a lot shall not exceed the sum of two (2) square feet per lineal foot of lot frontage or 15% of the building facing area, or 75 feet in area, whichever is greater; nor shall two (2) or more smaller signs be so arranged and integrated.
as to create a surface area in excess of these limitations. In the case of corner lots, such signs may be on both street sides of the building facing; however, the least width of a corner lot shall be the front for purposes of this ordinance. Such signs may be illuminated. (Ordinance No. 321, Adopted 4/16/2008)

6. Business signs may be placed on the roof of a covered walk or marquee of a building provided that they do not extend above the roof or parapet line of said building and provided that they do not exceed the area maximum set forth for this district, and business signs may be hanging below such covered walk or marquee provided they are at least eight (8) feet from the walk or ground grade line, and provided they do not exceed six (6) square feet in surface area, and provided further that all marquees or signs shall be at least two (2) feet inside all curb lines.

7. No advertising sign located on the same side of a street or highway shall be located within 300 feet of another advertising sign. Said 300 feet is to be measured along the nearest edge of the street or highway right of way and between the points directly opposite the centers of the advertising signs. Advertising signs are required to be at least 300 feet a part regardless of lot size.

8. Any free standing advertising sign face shall not exceed 30 feet in total length nor 15 feet in height nor 300 square feet in total area. (Ordinance No. 321, Adopted 4/16/2008)

9. Any free standing business sign face shall not exceed 30 feet in total length nor 15 feet in height nor 300 square feet in total area.

10. No sign shall project higher than 32 feet above average grade at the base of the sign.

11. The base of all free standing signs shall be screened with suitable plantings.

12. No advertising sign (billboard) shall be permitted within 1000 feet of the right of way of the Lake Country Scenic Byway which starts at the intersection of Highway 59 North and Highway 34 and runs east along Highway 34 to Park Rapids and Walker. (Ordinance No. 306, Adopted 12/12/2006)

13. Advertising signs are allowed only in the following districts:
   a) “B-2” General Business District
b) “B-3” Auto Oriented Business District

c) “I-1” Light Industrial District

d) “I-2” Heavy Industrial District (Ordinance No. 321, Adopted 4/16/2008)

14. Non-commercial speech signs are permitted anywhere that other signs are permitted subject to the same regulations and restrictions applicable to such signs. (Ordinance No. 322, Adopted 6/10/2008)

B. Portable Signs. Portable signs are allowed on a temporary basis provided:

1. The sign not exceed 54 square feet per side, except that inflatable signs used for promotions may exceed this square foot limitation;

2. A sign permit is issued;

3. The sign is not located in the public right-a-way;

4. The sign may be illuminated, but shall not contain any strobe or rotating lights;

5. Only two portable signs shall be allowed per lot of record or business;

6. No more than two (2) permits per lot of record or business shall be granted during any calendar year;

7. Each sign permit shall be valid for no more than 60 days;

8. Permits will not be renewed for signs that are not maintained as required in Subd. 6 below;

9. Temporary signs shall be removed when the permit expires; and

10. The fee for a temporary portable sign permit shall be set forth in Section 210 of the City Code.

C. Inflatable Signs. Inflatable signs and balloon signs shall not require a permit unless they are for a period of more than 10 days.

Subd. 6. Signs in Residential Districts. In all classes of residence districts, no sign, business sign, nameplate sign, or advertising sign shall be erected except the following:
A. Nameplate.

1. A nameplate sign, or professional nameplate sign identifying the owner or occupant of a building or dwelling unit, provided the surface area of such sign does not exceed four (4) square feet. Such sign may be placed in any front yard, but in no case may it be placed in any side yard. Such sign may be illuminated.

2. One (1) nameplate sign for a dwelling group of five (5) or more units not exceeding five (5) square feet in surface area. Such signs may indicate the names and addresses of the buildings or they may be a directory for occupants. Such sign may be placed in any front yard, but in no case may it be placed in any side yard. Such sign may be illuminated.

3. One identification sign, not to exceed fifty (50) square feet in area, for the following uses: planned unit development, subdivisions, church, school, hospital, sanitarium, club, library, or similar uses. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. Such sign may be illuminated but lighting shall be directed on to the sign face only unless the sign is internally lighted. Such sign may be placed in any front yard but, in no case, may it be placed in any side yard.  

(Ordinance No. 321, Adopted 4/16/2008)

B. Temporary Signs.

1. A sign pertaining to the lease or sale of a building or property provided such sign shall not exceed 12 square feet in surface area. Such sign shall not be illuminated.

2. Temporary signs advertising a new subdivision or development may be placed in any front yard; in no case shall such sign be placed in any side yard, nor shall such sign be illuminated. Each subdivision or development shall be allowed the following signs:

   a) One sign not to exceed 96 square feet in surface area, no more than 15 feet in height or less than two (2) feet above ground.

   b) One sign not to exceed 12 square feet in surface area, no more than 15 feet in height or less than two (2) feet above ground.

   c) Directional signs not to exceed two (2) square feet in surface area, provided that each subdivision shall be
limited to one such sign per major thoroughfare approach to the subdivision or development. No such sign shall be allowed adjacent to minor residential streets.

3. Temporary signs identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such signs shall not exceed 12 square feet each in surface area, except where a larger dimensioned sign is required by state or federal regulations, and are no more than 15 feet in height or less than two (2) feet above the ground, and provided that such signs are removed prior to occupancy of the building. Such signs may be placed in any front yard, but in no case may they be placed in any side yard. Such signs shall not be illuminated.

C. Directional Signs.

1. Directional unilluminated signs not to exceed four (4) square feet in surface area for the following uses: church, school, hospital, sanitarium, club, library, or similar uses, provided that each shall be limited to one such sign per major thoroughfare approach. No such sign shall be allowed adjacent to minor residential streets.

2. Directional signs in any parking area necessary for the orderly movement of traffic, provided that such sign shall not be used as advertising space. Such sign may be illuminated.

Subd. 7. General Provisions.

A. Prohibited Signs. The following signs are specifically prohibited:

1. Flashing Signs.

2. Portable Signs except as permitted by Subdivision 4B

3. Signs which are structurally unsafe in disrepair or abandoned. (See Subdivision 6B Electronic Changeable Copy Signs except as allowed by subdivision 4C.)

4. Illuminated signs that cause glare onto the public right of way or adjacent property.

5. Signs and decorations shall not be permitted that contain words or pictures of obscene, pornographic or immoral character.

6. Signs which by reason of size, location, movement, content, coloring or matter of illumination may be confused with the light
of an emergency or road equipment vehicle, a traffic sign, signal or device;

7. Signs and decorations within the public right of way or easement except that the City Council may grant a conditional use permit for a period not to exceed one (1) year to allow advertising on newspaper sale stands and special permits for temporary signs and decorations to be strung across the right of way;

8. Signs that resemble any official marker erected by a governmental agency such words as “Stop” or “Danger”; 

9. Signs which obstruct any window, door, fire escape, stairway, or opening intended to provide air, ingress or egress of any building or structure;

10. Any sign with any form of audio speakers or pyrotechnics

11. Images projected onto buildings or other objects

12. Any signs not listed as permitted are prohibited (Ordinance No. 384, Amended 1/13/2015)

B. Sign Maintenance.

1. Any signs, including signs painted on buildings which may be or hereafter become rotted, unsafe or unsightly shall be repaired, repainted, or removed. Also, in the event a business ceases operation for a period of time in excess of ninety (90) days, the sign owner or lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby; provided, however, this requirement shall not apply where under the provisions of this ordinance an existing conforming sign may be altered to advertise a new business or product sold thereby and there is evidence that a new business will be in operation on the premises within sixty (60) days. Upon failure of a sign owner or lessee, or property owner, to comply with this section, the Building Official shall issue a written notice, which shall state that such a sign shall be removed within thirty (30) days. If the sign owner or lessee, or property owner, fails to comply with such written notice to remove, the Building Official shall report that fact forthwith to the Council. Thereafter, the Council, after notice and hearing, may cause removal of such sign. The Council may also grant a building owner an extension of the time necessary to remove the sign. Any expense incidental to such removal shall be charged to the owner of the property upon which
the sign is located and shall constitute a lien upon the property. For the purpose of this section, the word “remove” shall mean:

a) The sign face, along with posts, columns, or supports of freestanding signs, shall be taken down and removed from the property.

b) The sign face and supporting structures of “projecting”, “roof”, or “wall” signs shall be taken down and removed from the property.

c) The sign face of “painted wall signs” shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

2. Notwithstanding the provisions above a sign owner, lessee, mortgagee, or contract for deed vendor of the same may petition the Council in lieu of removal to cover the sign face or to remove all writing from the sign, or in cases where a successive business may use the same sign, to allow the same sign to remain for a period not to exceed one year. The Council, upon consideration of the petition, may grant or refuse the exception requested, after weighing the public and private interest.

C. Illumination. Lighting shall be directed to illuminate the sign face only

D. Election Season Pre-Emption. Notwithstanding any other provisions of this sign ordinance, all signs of any size containing non-commercial speech may be posted as allowed by Minnesota Statute 211B.045 Such signs shall be located on private property. (Ordinance No. 346, Amended 8/11/2010) (Ordinance No. 384, Amended 1/13/2015)

E. Time and Temperatures Signs. Time and Temperature Signs are permitted provided they meet the following standards:

1. Location. The sign must be located on the site or the use advertised or identified by the sign;

2. District Limitations. The signs are only allowed in the following Districts “B-1”, “B-2”, “B-3”, “I-1” and “I-2”;

3. Duration. Time And Temperature Signs must have a minimum display duration of three seconds that is static during each individual message. No portion of the message may flash, scroll,
twirl, change color, fade in or out or in any manner imitate movement; and

4. Lights. The lights displayed must all be one color;

F. **Electronic Changeable Copy Signs and Electronic Graphic Display Signs in Residential Districts.** Electronic Changeable Copy Signs and Electronic Graphic Design Signs are permitted in residential districts provided they meet the following standards:

1. **Location.** The sign must be located on the site of the use identified or advertised by the sign.

2. **Size.** The electronic changeable portion of a sign in a residential district is limited to 50 square feet.

3. **Limitations.** Only one electronic changeable copy sign or electronic graphic display sign is allowed per zoning lot, except that businesses with more than one street front are allowed up to two electronic changeable copy signs but only one can be located on any street front.

4. **Setback.** Electronic Changeable Copy Signs or Electronic Graphic Display Signs are required to be at least 100 feet from a principal residential structure.

5. **Duration.** The message must have a display duration of six seconds that is static during each individual message. No portion of the message may flash, scroll, twirl, change color fade in or fade out or imitate movement. The transition from one static display to another must be instantaneous.

6. **Spacing.** Electronic Changeable Copy Signs and Electronic Graphic Display Signs must be separated from other Electronic Changeable Copy Signs and Electronic Graphic Display Signs by at least 100 feet.

7. **Messages.** The message or image displayed must be complete in themselves without continuation in content to the next message. The text of the message must be limited to twelve words or less to allow the entire copy to be read with minimal distraction.

8. **Text Size.** Every line of copy and graphics in a display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour.
miles per hour, 12 inches on a road with a speed limit of 45 miles per hour or more.

9. Malfunction. Every Electronic Changeable Copy Sign and Electronic Graphic Display Sign must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the City that it is not complying with the standards of this ordinance.


a) No sign may be of such location intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

b) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

c) The message area of an Electronic Changeable Copy Sign and an Electronic Graphic Display Sign may be illuminated by incandescent lamps, LED (light emitting diodes) or magnetic discs. Whatever the light source, undue brightness is prohibited. For the purpose of enforcing this provision, “undue brightness” will be construed to mean illumination of white portion of the sign in excess of the intensity levels specified below:

1) Day: 7,500 nits

2) Night: 500 nits

To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an Electric Changeable Copy Sign message board sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password-protected software or other method as
deemed appropriate by the Community Development Director or Building Official.

d) Signs in residential districts must be turned off between the hours of 10:00 PM and 7:00 AM.

G. **Electronic Changeable Copy Signs and Electronic Graphic Display Signs in Commercial and Industrial Districts.** Electronic Changeable Copy Signs and Electronic Graphic Display Signs are permitted in the “B-1”, “B-2”, “B-3”, “I-1” and “I-2” Districts provided the meet the following standards:

1. **Location.** The sign must be located on the site of the use identified or advertised by the sign. These are defined as business signs or on-premise signs.

2. **Size.** The electronic changeable portion of a sign is limited to 75 square feet or 50% of the sign face, whichever is greater.

3. **Limitations.** Only one electronic changeable copy sign or electronic graphic sign is allowed per zoning lot, except that businesses with more than one street front are allowed up to two electronic changeable copy signs or electronic graphic display signs but only one can be located on any street front.

4. **Setback.** Electronic Changeable Copy Signs and Electronic Graphic Display Signs are required to be at least 100 feet from a principal residential structure.

5. **Duration.** The message must have a minimum display duration of three seconds that is static during each individual message. The transition from one static display to another must be three seconds or less.

6. **Spacing.** Electronic Changeable Copy Signs and Electronic Graphic Display Signs must be separated from other Electronic Changeable Copy Signs and Electronic Graphic Display Signs by at least 100 feet.

7. **Messages.** Such displays shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text or images that appear to move or change in size, or be revealed sequentially rather than all at once are allowed only during the 3 second transition from one message to another.
8. **Text Size.** Every line of copy and graphics in a display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 miles per hour or more.

9. **Malfunction.** Every Electronic Changeable Copy Sign and Electronic Graphic Display Sign must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with the standards of this ordinance.

10. **Brightness Standards.**

   a) No sign may be of such location intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver’s operation of a motor vehicle.

   b) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

   c) The message area of an Electronic Changeable Copy Sign and an Electronic Graphic Display Sign may be illuminated by incandescent lamps, LED (Light emitting diodes) or magnetic discs. Whatever the light source, undue brightness is prohibited. For the purpose of enforcing this provision, “undue brightness” will be construed to mean illumination of white portion of the sign in excess of the intensity levels specified below:

   1) Day: 7500 nits

   2) Night: 500 nits

   To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic message board sign, the applicant shall provide written certification from the sign manufacturer that the light
intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Community Development Director or Building Official.

H. **Off-Premise Electronic Changeable Copy Signs and Off Premise Electronic Graphic Display Signs.** Off Premise Electronic Changeable Copy Signs and Off Premise Graphic Display Signs are permitted provided they meet the following standards:

1. **Location.** The sign must be located in a “B-2”, “B-3”, “I-1”, or “I-2” District. These are defined as advertising signs or off premise signs.

2. **Size.** The electronic portion of a sign is limited to the allowable size for advertising or off premise signs.

3. **Limitations.** Any free standing advertising sign face shall not exceed 30 feet in total length, nor 15 feet in height nor 300 square feet in total area.

4. **Setback.** Off premise electronic changeable copy signs and all off-premise electronic graphic display signs are required to be at least 300 feet from any residential zoned district.

5. **Duration.** The message must have a display duration of 7 seconds that is static during each individual message. No portion of the message may flash, scroll, twirl, change color fade in or fade out or imitate movement. The transition from one static display to another must be instantaneous.

6. **Spacing.** Off premise electronic changeable copy signs or off premise electronic graphic display signs must be separated from other electronic off premise electronic changeable copy signs or off premise graphic display signs by at least 2000 feet.

7. **Messages.** The text of the message must be limited to allow the entire copy to be read with minimal distraction.

8. **Text Size.** Every line of copy and graphics in a display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 miles per hour or more.
9. Malfunction. Every Electronic Changeable Copy Sign and Electronic Graphic Display Sign must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with the means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with the standards of this ordinance.


   a) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver’s operation of a motor vehicle.

   b) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, devise or signal.

   c) The message area of an Electronic Changeable Copy Sign and an Electronic Graphic Display Sign may be illuminated by incandescent lamps, LED (Light emitting diodes) or magnetic discs. Whatever the light source, undue brightness is prohibited. For the purpose of enforcing this provision, “undue brightness” will be construed to mean illumination of white portion of the sign in excess of the intensity levels specified below:

      1) Day: 7500 nits

      2) Night: 500 nits

   To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic message board sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Community Development Director or Building Official.
I. **Electronic Sign Conformance with Amended Regulations.** Any Electronic Signs with a building permit dated after June 10, 2008, will be required to conform with any future amendments to the Sign Ordinance regulating the operation of such signs. *(Ordinance No. 323, Amended 6/10/2008)* *(Ordinance No. 384, Amended 1/13/2015)*

Subd. 8. **Licenses and Permit Fees.** When this ordinance becomes effective, the owner or other persons having control of any sign defined in Sections 2 and 3, except residential, professional, and institutional nameplate and advertising sign shall file an application for a permit for the maintenance of such sign. Application for such permits shall be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations and a permit shall be issued upon payment of the required permit fee to be determined by the lawful governing body.

Subd. 9. **Violations and Penalties.** The violation of any provision of this section is a misdemeanor punishable as provided by Minnesota Statutes. Each day that a violation is permitted to exist shall be a separate violation.

A. **Enforcement.** The City shall take whatever action or institute remedies that are necessary to enforce the provisions as set forth in this ordinance *(Ordinance No. 262, Adopted 11/3/2004)* *(Ordinance No. 384, Amended 1/13/2015)*

Subd. 10. **Severability.** If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have adopted the Article in each section, subsections, sentences, clauses, or phrases be declared invalid. *(Ordinance No. 323, Adopted 6/10/2008)*
Section 25. Wetlands Conservation Act Permanent Program

Subd. 1. Intent. Wetlands provide a valuable service by improving water quality, providing for floodwater retention, reducing runoff, reducing stream sedimentation, and preserving wildlife habitat. For these reasons it is the intent of this article to establish a program that will protect, enhance, and conserve our wetlands by implementing a policy calling for the replacement of all wetlands lost due to any draining, burning, or filling.

Subd. 2. Purpose. The ordinance is adopted to implement the Wetland Conservation Act of 1991, (Minnesota Law 1991, Chapter 354, as amended), and the accompanying rules of the Minnesota Board of Water and Soil Resources (Minnesota Rules, Chapter 8420, as amended).

Subd. 3. Incorporation by Reference. This Ordinance incorporates by reference the Act and the Rules. Terms used in this Ordinance which are defined in the Act or Rules have the meanings given there.

Subd. 4. Scope. This Ordinance regulates the draining and filling of wetlands and parts of wetlands within the City of Detroit Lakes. It is part of the official controls of the City of Detroit Lakes. Conflicts with other official controls must be resolved in favor of providing the most wetland protection.

Subd. 5. Procedures

A. Exemption and no-loss determinations. Exemptions and no-loss determination under Minnesota Rule, parts 8420.0210 and .0220 shall be made by the Zoning Administrator. The Administrator should seek the advice of the technical evaluation panel on questions of wetland delineation and type. The Administrator's decision is final unless appealed to the board of Adjustment within 30 days.

B. Sequencing and Replacement Plan Decisions. Sequencing and replacement plan decisions under Minnesota Rule, parts 8420.0520-.0550 shall be made following the same procedures as for conditional use permits plus the additional notice and time requirements of part 8420.0230. If the amount of wetland to be drained or filled is less than one-tenth of an acre, the sequencing determination under Minnesota Rule, part 8420.0520 shall be made by the Zoning Administrator.

C. Monitoring. The Zoning Administrator shall assure that the replacement plan monitoring and enforcement requirements of Minnesota Rule, parts 8420.0600-.0630 are fulfilled.

D. Wetland Banking. Wetlands may be restored or created within the City of Detroit Lakes for purposes of deposit in the wetland bank in accordance
with Minnesota Rules, parts 8420.0700-.0760. The Zoning Administrator is responsible for approving bank plans, certifying deposits, and monitoring of banked wetlands and enforcement under the rule.

E. **Appeals.** Decisions made under this Ordinance may be appealed to the board of Water and Soil Resources under Minnesota Rules, part 8420.0250, after administrative appeal rights under the official controls have been exhausted.

F. **Variance.** The Board of Adjustment may issue variances from the official controls of the City of Detroit Lakes so long as the variances do not vary requirements of the Act or the rules.

G. **Technical Evaluation Panel.** The City Council of the City of Detroit Lakes shall appoint a person to serve on the technical evaluation panel. The person must be a technical professional with expertise in water resources management.

Decisions under this Ordinance must not be made until after receiving the determination of the technical evaluation panel regarding wetland public values, location, size, and/or type if the decision-maker, the landowner, or a member of the technical panel asks for such a determination. This requirement does not apply to wetlands for which such data is included in an approved comprehensive wetland management plan per part 8420.0240.

The planning commission may seek and shall consider recommendations, if any, made by the technical evaluation panel in making replacement plan decisions.

**Subd. 6. High Priority Areas.** Decisions regarding sequencing, replacement plans, and banking shall particularly favor preservation, restoration, and creation of wetlands in high priority areas as identified in water management plans pursuant to Minnesota Rule, part 8420.0350

**Subd. 7. Delegation.** The City of Detroit Lakes intends to administer the Wetland Conservation Ordinance. However, the City Council may, By Joint Powers Agreement, delegate to the Soil and Water Conservation District under Minnesota Statutes, Section 471.59 and 103C.331, Subdivision 19, the authority to administer all or any part of this Ordinance. *(Ordinance No. 103, Amended 1/4/1994)*
Section 26. Regulating & Controlling Towers

Subd. 1. Purpose. In order to accommodate the tower needs of residents and business while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary in order to:

A. Facilitate the provision of telecommunication and other services to the residents and businesses of the City;

B. Minimize adverse visual effects of towers through careful design and sitting standards;

C. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,

D. Maximize the use of existing and approved towers and buildings in order to reduce the number of towers needed to serve the community.

Subd. 2. Definitions. The following words and terms when used in this Section shall have the following meanings unless the context clearly states otherwise:

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

B. Commercial Wireless Telecommunication Services. Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

C. Public Utility. Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or landline telephone service to the general public. For the purpose of this ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

D. Tower. Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts.

E. Tower, Multi-Use. A tower to which is attached the antennas or devises of more than one user or entity.
F. **Tower, Single-Use.** A tower to which is attached only the antennas or devices of single user, although the tower may be designed to accommodate the antennas and devices for multiple users as required in this Code.

Subd. 3. **Towers In Residential Zoning Districts.** All towers erected, constructed, or located within the City shall comply with the following requirements:

A. Towers supporting amateur radio antennas and conforming to all applicable provisions of this Code shall be allowed only in the rear yard of residentially zoned parcels provided they are not more than 20 feet above the roofline.

B. Towers supporting commercial antennas and devices and conforming to all applicable provisions of this Code shall be allowed only in the following residentially zoned locations:

1. Church sites, when camouflaged as steeples or bell towers;

2. Park sites, when compatible with the nature of the park; and,


Subd. 4. **Co-Location Requirements.** All commercial towers erected, constructed, or located within the City shall comply with the following requirements:

A. A proposal for a new commercial telecommunication service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius (one half mile search radius for towers under 120 feet in height, one quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licenses profession engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

5. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant’s antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

Subd. 5. Tower Construction Requirements. All towers erected, constructed, or located within the City, and all wiring therefore, shall comply with the following requirements:

A. Permits.

1. It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, replace, or repair any tower without first making application to the Building Officials Office and securing permit therefore as hereinafter provided.

2. The application shall provide at the time of application sufficient information to indicate that construction installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.

3. Permits are not required for:

   a) Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.

   b) Antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations, provided that all requirements of Subdivision 5.D. are met. Temporary antennas shall be removed within 72 hours following installation.
B. **Fee.** The fee to be paid is that prescribed under Building Permit Fees

C. **Construction Requirements.** All antennas devices and towers erected, constructed, or within the City, and all wiring therefore, shall comply with the following requirements:

1. All applicable provisions of this Code

2. Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.

3. With the exception of necessary electric and telephone service and connection lines approved by the Issuing Authority, no part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, Public Street, highway, sidewalk, or property line.

4. Towers and associated antennas and devices shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

5. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.

6. Every tower affixed to the ground shall be protected to discourage climbing of the tower by a security fence of not less than 6 feet in height.

7. All towers shall be constructed to conform with the requirements of the Occupational Safety and Health Administration.

8. All towers erected within the city must conform to the applicable performance standards of this Code.

D. **Existing Antennas and Towers.** Antennas and towers in existence as of August 7, 2001, which do not conform to or comply with this Section are subject to the following provisions:
1. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Section.

2. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this Section, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be ten percent or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Section unless they receive a special exemption from the City Council.

E. **Lights and Other Attachments.** No antenna or tower on any residential parcel shall have affixed or attached to it in any way except during time of repair or installation any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency or the Federal Communications Commission, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow’s nest, or like structure, except during periods of construction or repair.

F. **Inspections.** All towers may be inspected at least once each year by an official of the Building Inspector’s Office to determine compliance with original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Section.

G. **Notices.** Notice of violations will be sent by registered mail to the owner and he will have 30 days from the date the notification is issued to make repairs. The owner will notify the Building Inspector’s Office that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner will be notified of the results.

H. **Interpretation.** It is not the intent of this Section to interfere with, abrogate, or annul any covenant or other agreement between parties, provided, however, where this Section imposes or required by other ordinances, rules, regulations, or permits, or by covenants or agreements, the provision of this Section shall govern.

**Subd. 6. Tower & Antenna Design Requirements.** Proposed or modified towers and antennas shall meet the following design requirements.

A. Towers and antennas and devices shall be designed to blend into the surrounding environment through the use of color and camouflaging.
architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

B. Commercial wireless telecommunication service towers shall be of self-supporting design.

Subd. 7. **Tower Setbacks.** Towers shall conform with each of the following minimum setback requirements:

A. Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.

B. Towers shall be set back from existing public rights of way and from the planned public rights of way, as shown on the most recently adopted Master Street Plan of the City, by a minimum distance equal to the height of the tower including all antennas and attachments.

C. Towers shall not be located between a principal structure and public street, except that in industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street provided they meet the required setback from the right of way.

D. A tower’s setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device or similar structure.

Subd. 8. **Tower Height.** All proposed towers shall meet the height restrictions set forth in Subdivision 16 of this chapter.

Subd. 9. **Tower Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

Subd. 10. **Signs and Advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Subd. 11. **Accessory Utility Buildings.** All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning
district. Ground mounted towers and equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

Subd. 12. Abandoned or Unused Towers or Portions of Towers. Abandoned or unused towers or portions of towers shall be removed as follows:

A. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Building Official. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

B. Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new building permit.

Subd. 13. Antennas Mounted On Roofs, Walls, and Existing Towers. The placement of telecommunication antennas and other devices on roofs, walls, and existing towers may be approved by the Building Official, provided the antennas meet the requirements of this Code, after submittal of:

A. A final site a building plan as specified by this subdivision,

B. A report prepared by a qualified and licensed professional engineer indicating the existing structure or tower’s suitability to accept the antenna,

C. The proposed method of affixing the antenna and other devices to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

Subd. 14. Interference with Public Safety Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the City at least ten calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.
Subd. 15. **Additional Submittal Requirements.** In addition to the information required elsewhere in this Code, development applications for towers shall include the following supplemental information:

A. A report from a qualified and licensed professional engineer which

1. describes the tower height and design including a cross section and elevation;

2. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

3. describes the tower’s capacity, including the number and type of antennas that it can accommodate;

4. documents what steps the applicant will take to avoid interference with established public safety telecommunications;

5. includes an engineer’s stamp and registration number; and

6. includes other information necessary to evaluate the request.

B. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

C. Before the issuance of a building permit, the following supplemental information shall be submitted:

1. Proof that the proposed tower complies with regulations administered by Federal Aviation Administration; and.

2. A report from a qualified and licensed professional engineer which demonstrates the tower’s compliance with the aforementioned structural and electrical standards.

Subd. 16. **Height Limitations.**

A. **Structure Height.** The height of towers shall be determined by measuring the vertical distance from the lowest point of contact with the ground to the highest point of the tower, including all antennas or other devices or attachments. When towers are mounted on roofs or other structures, the combined height of the structure and tower must meet the height restrictions of this section.
B. Height Limitations.

1. Residential Districts: The maximum height of towers in residential districts, permitted by Subdivision 3 of this section, shall not exceed 1 foot for each 2 feet the tower is set back from the property line up to a maximum height of 100 feet.

2. Non-Residential Districts:
   a) Towers on all non-residential property within 600 feet of a residential district including all antennas and attachments shall not exceed 1 foot for each 2 feet the tower is set back from the property line up to a maximum of 150 feet.
   
   b) Towers on non-residential property greater than 600 feet from any residential district shall not exceed one foot for each foot it is set back from the property line less ten feet, up to a maximum height of 180 feet.
   
   c) Conditional use permit. Towers exceeding the height requirements can be permitted by conditional use if the applicant can demonstrate a significant need for the additional height. Such permits will require the off-site view of the tower to be minimized with screening.

3. Exceptions. The height limits established herein shall not apply to the following:
   a) Belfries
   
   b) Church spires, steeples and bell towers
   
   c) Flag poles
   
   d) Monuments
   
   e) Public utility structures including but not limited to water towers, antennas, lights, signals, power poles, and poles supporting emergency warning devices.

   a) No tower shall exceed a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line which serves more than one business or dwelling less 10 feet.
b) Airport Zoning. Much of the City is affected by the Airport Zoning Requirements which have height limitations in addition to those required by this section.

Subd. 17. Violations. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

(Ordinance No. 255, Adopted 6/1/2004)
Section 27. Small Wind Energy Systems

Subd. 1. Purpose. The purpose of this section is to regulate the installation and operation of Small Wind Energy Systems to allow safe effective and efficient use, Small Wind Energy Systems not subject to oversite by the State of Minnesota.

Subd. 2. Findings. The City of Detroit Lakes finds that wind energy is an abundant, renewable, and non-polluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Distributed Small Wind Energy Systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State’s energy supply portfolio. Small Wind Energy Systems also make the electricity supply market more competitive by promoting customer choice.

The State of Minnesota has enacted a number of laws and programs to encourage the use of small-scale renewable energy systems including rebates, net metering and property tax exemptions.

Therefore, we find that it is necessary to standardize and streamline the proper issuance of building permits for Small Wind Energy Systems so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner.

Subd. 3. Definitions.

A. Small Wind Energy System. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10 kilowatts (KW) in a residential district and up to 40 kilowatts in business and industrial districts and which is intended to primarily reduce on-site consumption of utility power.

B. Tower Height. The height above grade to a blade tip at its highest point of travel.

Subd. 4. Conditional Use Small Wind Energy Systems of up to 25KW shall be allowed as a conditional use in all residential, business and industrial districts; subject to the requirements of Section 5 below.

Subd. 5. Standards for Small Wind Energy Conversion Systems

A. Setback. The base of the tower shall be set back from all property lines, public right of ways, and public utility easements a distance equal to the total extended height, plus 10 feet.

B. Tower Height. The total extended height shall meet sound and set-back requirement and shall not exceed 75 feet in residential districts and 100
feet in commercial and industrial districts. The rotor blade sweep shall not be closer than 35 feet above the ground surface. Blades may not extend over parking areas, driveways or sidewalks. Roof mounted or systems mounted on a structure may project a maximum of 10 feet above the roof line of the structure on which they are located.

C. Noise. The highest level of noise generated by the system measured at the property line shall not exceed a decibel level of 55dB(A).

D. Requirement of Engineered Drawings. Building Permit applications for Small Wind Energy Systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Wet stamps shall not be required.

E. Soil Studies. For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 25KW or less and will not require project specific soils studies or an engineer’s wet stamp.

F. Compliance with FAA Regulations. No SWES shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

G. Compliance with Electric Code. Building permit applications for Small Wind Energy Systems shall be accompanied by a line drawing of the electric components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to all state and local building and electrical codes.

H. Utility notification. No Small Wind Energy System shall be installed until evidence has been given that the utility company has been informed of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement. Any SWES that may be interconnected to the utility system shall abide by requirements outlined in the Distributed Generation Policy.

I. Insurance. The owner/operator of the SWES must provide proof of liability insurance at the time of application.

J. Braking Controls. All SWES shall be equipped with both automatic and manual braking controls to prevent uncontrolled rotation and to limit the rotation speed to the design limits of the SWES.
K. Monopole Requirement. Except for roof mounted systems, wind turbines are required to be mounted on monopole structures without guy wires.

L. Roof-Mounted or Building Mounted SWES. All roof mounted building mounted SWES shall require certification from a professional engineer licensed in the State of Minnesota that the structure upon which the proposed Wind Energy Conversion System is to be mounted will have the structural integrity to carry the weight and wind loads of the Wind Energy Conversion System and have minimal vibration impacts on the structure.

M. Color. To minimize off-site visibility to the greatest extent possible, the color of a structure shall be a neutral white or light gray and the surface finish shall be non-reflective.

N. Lighting. The use of flood lights, laser lights, strobe lights, searchlights, beacons and similar lighting is prohibited unless required by the FAA.

O. Removal of Defunct Systems. Facilities shall be well maintained in an operational condition that poses no potential safety hazard.
   1. If a SWES remains nonfunctional for a continuous period of one year, the system shall constitute a public nuisance and shall be removed.
   2. The owner shall remove a defunct system at the owner’s expense.
   3. Removal includes the entire structure and related appurtenances including any foundation and transmission systems.

P. Building Permit Required. Following approval of a special use permit and prior to installing a SWES, the applicant shall obtain a building permit from the Building Department.

Q. Abandonment. If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the Zoning Code.

R. Signage. All signs, other than the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification on a wind generator, tower, building or other structure associated with a Small Wind Energy System visible from any public road shall be prohibited.
S. Lighting. No illumination of the turbine or tower shall be allowed unless required by the FAA.

T. Access. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing.

U. Inspections. All Small Wind Energy Systems including all associated equipment shall be inspected upon initial installation and then every five years by a person licensed to install Small Wind Energy Systems. The report of such inspection shall be provided to the City Building Official.

(Ordinance No. 369, Adopted 4/9/2013)
### Appendix A
List of Public Waters

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*NGVD 29
Appendix B
Ordinance No. 501.00
In the matter of Zoning the Detroit Lakes Airport

The City Council of the City of Detroit Lakes, Minnesota, does hereby ordain:

Subd. 1. **Definitions.** As used in this ordinance, unless the context otherwise requires:

A. **Airport.** Detroit Lakes Airport.

B. **Airport Elevation.** The established elevation of the highest point on the usable landing area.

C. **Airport Hazard.** Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

D. **Airport Reference Point.** The point established as the approximate geographic center of the airport landing area and so designated.

E. **Height.** For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

F. **Instrument Runway.** A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

G. **Landing Area.** The area of the Airport used for the landing, taking off, or taxiing of aircraft.

H. **Nonconforming Use.** Any pre-existing structure, tree, natural growth, or use of land which is inconsistent with the provision of this ordinance or any amendment thereto.

I. **Non-instrument Runway.** A runway other than an instrument runway.

J. **Person.** An individual, firm, partnership, corporation, company, association, joint stock association or public body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

K. **Runway.** The paved surface of an airport landing strip.

L. **Structure.** An object constructed or installed by man, including, but
without limitation, buildings, towers, smoke-stacks, and overhead transmission lines.

M. **Tree.** Any object of natural growth.

Subd. 2. **Zones.** In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zone, and conical zone. Such areas and zones are shown on the Detroit Lakes Airport Zoning Map consisting of two (2) pages prepared by Winston C. Larson & Associates and dated 1970, which is attached to this ordinance and made a part hereof. The variance zones are hereby established and defined as follows:

A. **Instrument Approach Zone.** An instrument approach zone is established at each end of the instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

B. **Non-instrument Approach Zone.** A non-instrument approach zone is established at each end of all non-instrument runway for non-instrument landings and takeoffs. The non-instrument approach zone shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,500 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the center-line of the runway.

C. **Transition Zones (not applicable to VFR airports).** Transition zones are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward from a line 250 feet on either side of the centerline of the non-instrument runway, for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of the instrument runway, for the length of such plus 200 feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to the instrument approach zones for the entire length of the approach zones, and the non-instrument approach extends upward and outward on a seven (7) to one (1) slope until it intersects the horizontal on conical surfaces. These transition zones have variable widths, as shown on the zoning map. Such transition
zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of 5,000 feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.

D. **Horizontal Zone.** A horizontal zone is hereby established as the area within a circle with its center at the Airport Reference Point and having a radius of 7,000 feet. The horizontal zone does not include the instrument and non-instrument approach zones and the transition zones.

E. **Conical Zone.** A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of 5,000 feet. The conical zone does not include the instrument approach zones and transition zones.

F. **Land Use Safety Zone.** In order to carry out the purpose of this ordinance, there are hereby created and established the following safety zones:

1. **Zone A.** All that land in the approach zone of a runway which is located within a horizontal distance of 3,730 feet from each end of the primary zone.

2. **Zone B.** All that land in the approach zones of a runway which is located within a horizontal distance of 5,600 feet from each end of the primary zone and is not included in Zone A.

3. All that land which is enclosed within the perimeter of the horizontal zone and which is not included in Zone A or Zone B.

   **Subd. 3. Height Limitations.** Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

   A. **Instrument Approach Zone.** One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending until it intersects the horizontal zone then extending horizontally until it reaches the periphery of the horizontal zone, then extending upward on a 50 to one (1) slope to a distance of 10,200 feet from the end of the
runway; thence one (1) foot in height for each 40 feet in horizontal distance to a point 50,200 feet from the end of the runway.

B. **Non-instrument Approach Zone.** One (1) foot in height for each forty (40) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the non-instrument runway and extending to a point where it intersects the horizontal zone and continues horizontally until it reaches the periphery of the horizontal zone, then extending upward at a 40 to one (1) slope to a point 10,200 feet from the end of the runway.

C. **Transition Zone.** One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point 250 feet normal to and at the elevation of the centerline of non-instrument runways, extending 200 feet beyond each and thereof and 500 feet normal to and at the elevation of the centerline of the instrument runway, extending 200 feet beyond each end thereof, extending to a height of 100 feet above the airport elevation which is 1,396 feet above the mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edge of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of 5,000 feet from the edge of the instrument approach zone measured normal to the centerline of the runway extended.

D. **Horizontal Zone.** 100 feet above the airport elevation or a height of 1,396 feet above mean sea level.

E. **Conical Zone.** One (1) foot in height for each 20 feet of horizontal distance at the periphery of the horizontal zone, extending to a height of 1,746 feet above the airport elevation.

Subd. 4. **Use Restrictions.**

A. **General.** Subject at all times to the height restrictions set forth in Sub Section 6, Paragraph 3, no use shall be made of any land in any of the safety zones defined with the operations of radio or electronic facilities on the Airport, or with radio or electronic communications between the Airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eye of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
B. **Zone A.** Subject at all times to the height restrictions set forth in Sub Section 6, Paragraph 3k and to the general restrictions contained in Sub Section 4, Paragraph 1. Areas designated as Zone 1, shall contain no buildings and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agriculture, light outdoor recreation (nonspectator), and auto parking.

C. **Zone B.** Subject at all times to the height restrictions set forth in Sub Section 6, Paragraph 3, and to the general restrictions contained in Section 4, areas designated as Zone B shall be used for the following purposes only:

1. For agricultural and residential purposes, pro-vided there shall not be more than one single family dwelling per three acre tract of land.

2. Any commercial or industrial use which meets the following minimum standards:

   a) Each single commercial or industrial use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.

   b) Each single commercial or industrial site shall be of a size not less than three acres.

   c) Each single commercial or industrial site shall contain no dwellings and shall contain no more than one building per three acre tract of land.

   d) The maximum ground area to be covered by a single commercial or industrial building shall not exceed the following minimum ratios with respect to the building site area:

<table>
<thead>
<tr>
<th>At Least (Acres)</th>
<th>But Less Than (Acres)</th>
<th>Ratio</th>
<th>1st Floor Bldg Area (Sq. Ft.)</th>
<th>Max Site Population (15 Persons-A)</th>
</tr>
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<tr>
<td>3</td>
<td>4</td>
<td>12.1</td>
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<td>4</td>
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<td>10</td>
<td>8.1</td>
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<td>10</td>
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<td>20</td>
<td>And up</td>
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3. The following uses are specifically prohibited in Zone B:
churches, hospitals, schools, theatres, stadiums, hotels and motels, trailer courts, campgrounds, and other places of public or semi-public assembly.

D. **Zone C.** Shall contain no lights which would make it difficult for pilots to distinguish between airport lights and other lights, or results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft, or any concentration of smoke that impairs the visibility in the vicinity of the airport.

Subd. 5. **Nonconforming Uses.**

A. **Regulations not Retro-active.** The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance and is diligently prosecuted.

B. **Marketing and Lighting.** Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Commission.

Subd. 6. **Permits.**

A. **Future Uses.** Except as specifically provided in Paragraphs 1, 2, and 3 hereunder, no material change shall be made in the use of the land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted:

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure
less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zone.

2. In the areas lying within the limits of the instrument and non-instrument approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.

3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transition zones.

4. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limits established by this ordinance except as set forth in Subd. 3.

B. **Existing Uses.** No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation; than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

C. **Nonconforming Uses Abandoned or Destroyed.** Whenever the zoning administrator determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

D. **Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application
or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this ordinance.

E. **Hazard Marking and Lighting.** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be conditioned as to require the owner of the structure or tree in question to permit the Airport Commission at its own expense to install, operate, and maintain thereon such markers and lights as be necessary to indicate to flyers the presence of any airport hazard.

Subd. 7. **Enforcement.** It shall be the duty of the zoning administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the zoning administrator upon a form furnished by him.

*(Adopted: 10/6/1970)*

*(Amended: 9/4/1972)*
APPENDIX C - SUBDIVISION
Ordinance No. 510.00

An Ordinance establishing regulations for the subdivision and platting of land within the City of Detroit Lakes, defining certain terms used therein; providing for the preparation of plats; providing for the installation of streets and other improvements; providing for the dedication of certain land for parks and playgrounds; establishing procedures for approval and the recording of plats; providing penalties for violation of this ordinance; and repealing ordinances or parts of ordinances inconsistent herewith.

The City Council of the City of Detroit Lakes, does ordain:

Section 1. Title

This ordinance shall be known as the “Subdivision Ordinance of the City of Detroit Lakes” and will be referred to herein as “this ordinance”.

Section 2. General Purpose

Subd. 1. Purpose. In order to safeguard the best interests of the City of Detroit Lakes and to assist the subdivider in harmonizing his interest with those of the City at large, the following ordinance is adopted so that the adherence to same will bring results beneficial to both parties. It is the purpose of this ordinance to make certain regulations and requirements for the platting in Minnesota Statutes Annotated, which regulations the City Council deems necessary for the health, safety, and general welfare of this community.

Subd. 2. Jurisdiction. The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City and the unincorporated area within two (2) miles of its limits; provided that where a municipality lies less than four (4) miles from the limits of Detroit Lakes, these regulations shall apply only to a line equidistant from Detroit Lakes and said municipality; and provided further that the governing body or bodies of unincorporated areas adjacent to the City have not adopted ordinances for the regulation of subdivision of land or platting.

Subd. 3. Approvals Necessary for Acceptance of Subdivision Plats. Before any plat shall be recorded or be of any validity, it shall be referred to the City Planning Commission and approved by the City Council of Detroit Lakes as having fulfilled the requirements of this ordinance. No land shall be subdivided which is held unsuitable by the Council of the City of Detroit Lakes for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

Subd. 4. Conditions for Recording. No plat of any subdivision shall be entitled to record in the Becker County Recorder's Office or have any validity until the
plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this ordinance.

Subd. 5. **Building Permits.** No building permits shall be considered for issuance by the City of Detroit Lakes for the construction of any building, structure, or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this ordinance have been fully complied with.

Subd. 6. **Exemptions.** When requesting a subdivision, if the following conditions exist, the City Administrator shall bring the request to the attention of the Planning Commission and the City Council; where-upon, the said request shall be reviewed and the City Council, following receipt of a recommendation from the Planning Commission, may exempt the subdivider from complying with any procedural requirements of this ordinance that are deemed inappropriate.

A. In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two (2) lots and the newly created property line will not cause the other remaining portion of the lot or any structure to be in violation with this ordinance or the zoning ordinance.

B. In the case of a governmental agency that needs to acquire property for a public purpose, said governmental agency shall be exempt from the requirements of this Ordinance. *(Ordinance No. 278, Adopted 8/2/2005)*

Subd. 7. **Separability.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Subd. 8. **Conflict.** Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other official regulations, resolutions, or ordinances of the City, the most restrictive standards shall apply.

Subd. 9. **Amendment.** The Subdivision Ordinance is hereby amended in its entirety.

Subd. 10. **Notification.** Copies of all plats with lands which are all or partially located within the shoreland district shall be submitted to the Commissioner of Natural Resources ten (10) days prior to such hearings as are required under this Ordinance No. 510.00 Sub-division Ordinance of the City of Detroit Lakes, Minnesota. Copies of all plats within the shoreland district shall be submitted to the Commissioner of Natural Resources within ten (10) days after final approval by the City Council.

**Section 3. Rules**

For the purpose of this ordinance, words used in the present tense shall include the future;
words in the singular shall include the plural, and the plural singular; and the word shall is mandatory and not discretionary.

Section 4. Definitions

For the purpose of this ordinance, certain words and terms are hereby defined as follows:

Subd. 1. Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Subd. 2. Applicant. The owner of land proposed to be sub-divided for his representation. Consent shall be required from the legal owner of the premises.

Subd. 3. Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

Subd. 4. Boulevard. The portion of the street right-of-way between the curb line and the property line.

Subd. 5. Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Subd. 6. Building Permit. Is the building permit required under the building code of the City of Detroit Lakes.

Subd. 7. City. Is the City of Detroit Lakes.

Subd. 8. City Council. Is the governing body of the City of Detroit Lakes.

Subd. 9. Comprehensive Plan. The group of maps, charts and text that make up the comprehensive long-range plan of the City.

Subd. 10. Design Standards. The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.

Subd. 11. Easement. A grant by a property owner for the use of strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, watermains, electric lines, telephone lines, storm sewers, or storm drainage ways and gas lines.

Subd. 12. Easement, Slope. Is a grant by a property owner for the use of a strip of land for the purpose of constructing a slope or grade transition from the existing
property grade to a new street grade.

Subd. 13. **Final Plat.** A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by Becker County for the purpose of recording.

Subd. 14. **Individual Sewage Disposal System.** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Subd. 15. **Intersection, Street.** Is the point of crossing or meeting of two or more streets.

Subd. 16. **Lot.** Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current Detroit Lakes zoning regulations, having not less than the minimum area required by said zoning ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street.

Subd. 17. **Lot, Corner.** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Subd. 18. **Lot Improvement.** Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Subd. 19. **Outlot.** A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended and for which no building permit shall be issued.

Subd. 20. **Owner.** Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm association, public or quasi-public corporation, private corporation, or a combination of them.

Subd. 21. **Percentage of Grade.** On street centerline, means the distance vertically from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

Subd. 22. **Pedestrian Way.** A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

Subd. 23. **Planning Commission.** The Planning Commission of the City of Detroit Lakes.

Subd. 24. **Preliminary Plat.** A tentative drawing or map of a proposed
subdivision meeting the requirements herein enumerated.

Subd. 25. **Protective Covenants.** Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

Subd. 26. **Public Improvement.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Subd. 27. **Setback.** The distance between a building and the property line nearest thereto.

Subd. 28. **Street.** A public right-of-way affording primary access by pedestrian or vehicles or both, to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard.

Subd. 29. **Streets; Thoroughfares, Arterial Streets.** Those streets carrying larger volumes of traffic and serving as links between various subareas of the community. Thoroughfares or arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

Subd. 30. **Streets, Collector Streets.** Those streets which carry traffic from local streets to the major system of arterials and highways. Collector streets primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access.

Subd. 31. **Streets, Cul-de-sac.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Subd. 32. **Streets, Local Street.** Those streets which are used primarily for access to abutting properties and for local traffic movement.

Subd. 33. **Streets, Marginal Access Street.** Those local streets which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.

Subd. 34. **Streets, Private.** A private right-of-way affording access by pedestrians and vehicles which is under individual rather than municipal control.

Subd. 35. **Street Width.** The shortest distance between lines of lots delineating the street's right-of-way.
Subd. 36. **Subdivider.** Any individual, firm, association, syndicate, copartners, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

Subd. 37. **Subdivision.** The division of land resulting in a parcel of land less than five (5) acres in area or less than three hundred (300) feet in width, for the purpose of transfer of ownership or building development or, if a new street is involved, any division of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Subd. 38. **Tangent.** Is a straight line departing from a curve which is perpendicular to the radius of that curve.

Subd. 39. **Tract.** A parcel of land intended for division or development of a subdivision.

Subd. 40. **U.S.G.S. Datum.** Refers to United States Geodetic Survey Datum.

Subd. 41. **Vertical Curve.** Is the surface curvature on a street centerline located between lines of different percentage of grade.

**Section 5. Procedures for Filing and Review**

Subd. 1. **Preliminary Plat.**

A. **Filing.** Five (5) copies of the preliminary plat and list of property owners abutting the plat shall be submitted to the City Administrator. The required filing fee as established by City Council resolution shall be paid and any necessary applications by City Council resolution shall be paid and any necessary applications from variances from the provisions of this ordinance shall be submitted with the required fee. The proposed plat shall be placed on the agenda of the first possible Planning Commission meeting occurring after 10 days from the date of submission. The plan shall be considered as being officially submitted when all the information requirements are complied with.

B. **Hearing.** The Planning Commission, upon receipt of said application, shall instruct the City Administrator to set a public hearing for public review of the preliminary plat. Said hearing shall be established once adequate time has been allowed for staff and advisory body review of the plat. The Planning Commission shall conduct the hearing, and report its finding and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description, description of request
and map detailing property location, and be published in the official newspaper at least 10 days prior to the hearing and written notification of said hearing shall be mailed at least 10 days prior to all owners of land within 350 feet of the boundary of the property in question.

C. Technical Assistance Reports. After the public hearing has been set, the City 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.

D. Review by Other Commissions or Jurisdictions. The City Administrator shall refer copies of the preliminary plat to the park board.

E. Planning Commission Action. The Planning Commission shall make a recommendation to the City Council immediately following the close of the public hearing. If the Planning Commission has not acted upon the preliminary plat within 35 days from the opening of the public hearing, the Council may act on the preliminary plat without the Planning Commission's recommendation.

F. City Council Action.

1. If all requirements of this ordinance and as additionally imposed by the Planning Commission are complied with, the Council shall act upon the preliminary plat and may impose conditions and restrictions which are deemed necessary within sixty (60) days of the date of the close of the Planning Commission's public hearing.

2. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this ordinance to be indicated on the final plat. The City Council may require such revisions in the preliminary plat and final plat as it deems necessary for the health, safety, general welfare, and convenience of the City of Detroit Lakes.

3. If the preliminary plat is approved by the City Council, the subdivider must submit the final plat within one hundred (100) days after said approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council.

Subd. 2. Final Plat.
A. **Filing.** After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in the subdivisions which follow.

B. **Approval of the Planning Commission.** Five (5) copies of the final plat shall be submitted to the City Administrator for distribution to the Planning Commission, City Council, and appropriate City staff, 20 days prior to a Commission meeting at which consideration is requested. During the said 20 days, the City shall examine the final plat and prepare a recommendation to the Planning Commission. Nature of approval, disapproval, or any delay in decision of the final plat will be conveyed to the subdivider within 10 days after the meeting of the City Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified in writing of the reasons for such action and what requirements shall be necessary to meet the approval of the Commission.

C. **Approval of the City Council.** After review of the final plat by the Planning Commission, such final plat, together with the recommendations of the Planning Commission, shall be submitted to the City Council for approval. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all agreements for basic improvements, public dedication, and other requirements as indicated by the City Council. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.

D. **Special Assessments.** When any existing special assessments which have been levied against the property described be divided and allocated to the respective lots in the proposed plat, the City Administrator shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the Council of such cost the same shall be paid to the City Administrator before the final plat is approved.

E. **Recording Final Plat.** If the final plat is approved by the City Council, the subdivider shall record it with the Becker County Recorder within 100 days after said approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Becker County.

**Section 6. Premature Subdivision**

Any preliminary plat of a proposed subdivision deemed pre-mature for development shall
be denied by the City Council of the City of Detroit Lakes.

Subd. 1. **Condition Establishing Premature Subdivisions.** A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist:

A. **Lack of Adequate Drainage.** A condition of inadequate drainage shall be deemed to exist if:

1. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structure.

2. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.

3. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.

4. Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to floodplains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

B. **Lack of Adequate Water Supply.** A proposed sub-division shall be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed division if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.

C. **Lack of Adequate Roads or Highways to Serve the Subdivision.** A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:

1. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volumes generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, with due regard to the advice of Becker County and/or the Minnesota Department of Transportation, said roads are inadequate for the intended use.
2. The traffic volume generated by the proposed sub-division would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.

D. **Lack of Adequate Waste Disposal Systems.** A proposed subdivision shall be deemed to lack adequate waste disposal systems if in subdivisions for which sewer lines are proposed, there is adequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five (5) years; or if in subdivisions where sewer lines are neither available nor proposed, there is inadequate on-site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the Detroit Lakes Comprehensive Plan, as may be amended.

E. **Inconsistency with Comprehensive Plan.** The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the duly adopted Comprehensive Plan of Detroit Lakes, as may be amended.

F. **Providing Public Improvements.** Public improvements, such as recreational facilities, or other public facilities, reasonably necessitated by the subdivision, which must be provided at public expense, cannot be reasonably provided for within the next two (2) fiscal years.

G. **MEQC Policies.** The proposed subdivision is inconsistent with the policies of MEQC 25, as may be amended, and could adversely impact critical environmental areas or potentially disrupt or destroy historic areas which are designated or officially recognized by the City Council in violation of federal and state historical preservation law.

**Subd. 2. Burden of Establishing.** The burden shall be upon the applicant to show that the proposed subdivision is not premature.

**Section 7. Plat and Data Requirements**

**Subd. 1. Preliminary Plat.** The subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subdivisions which follow.

A. **General Requirements.**

1. Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing sub-divisions. Location of
boundary lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property.

2. Names and addresses of all persons having property interest, the developer, designer, and surveyor together with his registration number.

3. Graphic scale or plat, not less than one (1) inch to 100 feet.

4. Date and north arrow.

B. Existing Conditions.

1. Boundary line and total acreage of proposed plat, clearly indicated.

2. Existing zone classifications for land within and abutting the subdivision.

3. Location, width, and names of all existing or previously platted streets or other public ways, showing type, width and conditions of improvements, if any, railroad and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract.

4. If the proposed subdivision is a re-arrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original names, shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.

5. Location and size of existing sewers, watermains, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Such data as grade, invert elevations, and locations of catch basins, manholes, and hydrants shall also be shown.

6. Boundary lines of adjoining unsubdivided or sub-divided land.

7. In plats where public water and sewer are not available, the subdivider shall file a report prepared by a registered civil engineer on the feasibility of individual on-site sewer and water systems on each lot, and shall include soils boring analysis and percolation tests to verify conclusions.

C. Proposed Design Features.
1. Layout of proposed streets showing the right-of-way, centerline gradients, typical cross sections, and proposed names of streets in conformance with City and County Street identification policies. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.

2. Locations and widths of proposed alleys and pedestrianways.

3. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions.

4. Location, dimension, and purpose of all easements.

5. Layout, numbers, lot areas, and preliminary dimensions of lots and blocks.

6. Minimum front and side street building setback lines.

7. When lots are located on a curve, the width of the lot at the building setback line.

8. Areas, other than streets, alleys, pedestrianways, and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

9. **Water Supply.** Watermains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be studded into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water by and constructed under the supervision of the City Engineer. In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relationship to the individual sewage disposal facilities on the same and adjoining lots. Well plans must comply with the Minnesota State Well Code, as may be amended, and be submitted for the approval of the City Engineer.
10. **Sewage Disposal, Public.** Sanitary sewer mains and service connections shall be installed by and constructed under the supervision of the City Engineer.

11. **Sewage Disposal, Private.** All on-site septic systems shall be installed in accordance with all applicable State Pollution Control Agency regulations and City ordinances.

D. **Supplementary Information.**

1. Any or all of the supplementary information requirements set forth in this subdivision shall be submitted when deemed necessary by the Planning Commission.

2. Proposed protective covenants.

3. An accurate soil survey of the subdivision prepared by a qualified person.

4. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.

5. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.

6. Provision for surface water disposal, ponding, drainage, and flood control.

7. Complete topographic map with contour intervals not greater than two (2) feet, water courses, marshes, rock outcrops, and other significant features, all superimposed on at least one print of preliminary plat. United States Geodetic Survey datum shall be used for all topographic mapping. High water elevation and date thereof if parts of plat are wet or have been wet. In the case of a subdivision where no new street is involved, the required topographic map may be waived if it is deemed unnecessary by the City Engineer and the Planning Commission.

8. Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could possibly be resubdivided in the future.
9. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of water-ways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system.

10. All vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.

11. A financial statement of the developer/subdivider satisfactory to the City.

12. Such other information as may be required.

Subd. 3. Final Plat. The owner or subdivider shall submit a final plat together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and Becker County regulations, and such final plat shall contain the following information:

A. Names of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.

B. Location by section, township, range, county and state, and including descriptive boundaries of the sub-division, based on an accurate traverse, giving angular and linear dimensions which must be mathematically close. The allowable error closure or any portion of a final plat shall be one (1) foot in seventy-five thousand (75,000).

C. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.

D. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.

E. Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.

F. The exact locations, widths, and names of all streets to be dedicated.
G. Location and width of all easements to be dedicated.

H. Name and address of surveyor making the plat.

I. Scale of plat (the scale to be graphically on a bar scale), date and north arrow.

J. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along the strips marked “utility easements”.

K. Statement dedicating all streets, alleys, and other public areas not previously dedicated as follows: Streets, alleys, and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

Subd. 4. **Certification Required.**

A. Certification by registered surveyor in the form required by Section 505.03, Minnesota Statutes, as amended.

B. Execution of all owners of any interest in the land, any holders of a mortgage thereon of the certificates required by Section 505.03, Minnesota Statutes, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.

C. Space for certificates of approval and review to be filled in by the signatures of the chairman of the City Planning Commission and the Mayor and City Administrator. The form of certificate by the Planning Commission is as follows:

**Section 8. Design Standards**

Subd. 1. **Blocks.**

A. **Block Length.** In general, intersecting streets, determining block lengths, shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed 1,325 feet nor be less than 400 feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block.

B. **Block Width.** The width of the block shall normally be sufficient to allow
two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suit-able for their respective use, including adequate space for off-street parking and deliveries.

Subd. 2. Lots.

A. Area. The minimum lot area, width, and depth shall not be less than that established by the Detroit Lakes zoning ordinance in effect at the time of adoption of the final plat.

B. Corner Lots. Corner lots for residential uses shall have additional width to permit appropriate building set-back from both streets are required in the zoning ordinance.

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

D. Frontage. Every lot must have the minimum frontage on a City approved street other than an alley, as required in the Detroit Lakes zoning ordinance.

E. Setback Lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Detroit Lakes zoning ordinance, as may be amended.

F. Water Courses. Lots abutting a water course, wetland, ponding area, or stream shall have additional depth and width, as required under the provisions of the Detroit Lakes zoning ordinance.

G. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar situations which if preserved, will add attractiveness and stability to the proposed development.

H. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

I. Political Boundaries. No singular plat shall extend over a political boundary or school district line without document notification to affected units of government.

J. Frontage on Two Streets. Double-frontage, or lots with frontage on two (2) parallel streets, shall not be permitted except: where lots back on arterial streets or highways, or where topographic or other conditions
render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.

K. **Turn Around Access.** Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn-around access and egress on each lot.

Subd. 3. **Streets and Alleys.**

A. **Streets, Continuous.** Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of area to be served.

B. **Local Streets and Dead-End Streets.** Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Cul-de-sacs shall not be longer than 500 feet, including a terminal turn-around which shall be provided at the closed end, with a right-of-way radius of not less than 70 feet.

C. **Street Plans for Future Subdivisions.** Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

D. **Temporary Cul-de-Sac.** In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turn-around facility shall be provided at the closed end, in conformance with cul-de-sac requirements.

E. **Provisions for Resubdivision of Large Lots and Parcels.** When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resub-division, with provision for adequate utility connections for such resubdivision.

F. **Street Intersections.** Under normal conditions, streets, shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be 80
degrees. Street intersection jogs with an offset of less than 125 feet shall be avoided.

G. **Subdivision Abutting Major Rights-of-Ways.** Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State Highway or thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, provided that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

H. **Sidewalks.** In those cases where the City Council deems appropriate and necessary, sidewalks of not less than six (6) feet in width shall be provided. In all cases where sidewalks are provided, provisions shall be made for handicapped access.

I. **Service Access, Alleys.** Service access shall be provided in commercial and industrial districts for off-street loading, unloading, and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than thirty (30) feet wide. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turn-around facilities are provided at the closed end.

J. **Half Streets.** Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided.

K. **Street Grades.** Except when, upon the recommendation of the City Engineer, the topography warrants a greater maximum, the grades in all streets, thoroughfares, collector streets, local streets and alleys in any subdivision shall not be greater than as follows: Arterial street, four (4) percent; Collector street, five (5) percent; Local street and alley, eight (8) percent. In addition, there shall be a minimum grade on all streets and thoroughfares of not less than 30 percent.

L. **Reverse Curves.** There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.
M. **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.

N. **Street Right-of-Way Width.** For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares, shall be as shown in the Comprehensive Plan for Detroit Lakes, and where not shown therein, the minimum right-of-way width for streets, thoroughfares, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Minimum Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Street</td>
<td>66 feet</td>
</tr>
<tr>
<td>Collector Street</td>
<td>66 feet</td>
</tr>
<tr>
<td>Local Street</td>
<td>66 feet</td>
</tr>
<tr>
<td>Alley</td>
<td>30 feet</td>
</tr>
<tr>
<td>Pedestrian Way</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

Where existing or anticipated traffic on thoroughfares warrants greater widths of right-of-way, these shall be required.

O. **Street Alignment.** The horizontal and vertical alignment standards on all streets shall be as follows:

1. **Horizontal.** Radii of centerline:
   - Arterial Street: 500 feet - minimum
   - Collector Street: 400 feet - minimum
   - Minor Street: 150 feet - minimum

2. **Vertical.** All changes in street grades shall be connected by vertical parabolic curves of such length as follows:
   - Arterial Street: 20 times the algebraic difference in the percent of grade of the two (2) adjacent slopes.
   - Collector Street: 10 times the algebraic difference in the percent of grade of the two (2) adjacent slopes.

3. **Private Streets.** All proposed streets shall be offered for dedication as public streets. No private streets shall be permitted, except as set forth in other ordinances.

Subd. 4. **Easements.**
A. **Width and Location.** An easement for utilities at least six (6) feet wide, shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

B. **Continuous Utility Easement Location.** Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.

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

Subd. 5. **Erosion and Sediment Control.**

A. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

B. Erosion and siltation control measures shall be coordinated with the different stages of construction. 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 area of land shall be exposed at any one period of time.

D. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified by the City Engineer.

E. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Top soil shall be restored or provided to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

F. Natural vegetation shall be protected wherever practical.

G. Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system.

Subd. 6. **Storm Drainage.** All subdivision design shall incorporate adequate provisions for storm water runoff subject to review and approval of the City Engineer.

Subd. 7. **Protected Areas.** Where land proposed for subdivision is deemed
environmentally sensitive by the City, due to the existence of wetlands, drainage ways, water courses, floodable areas of steep slopes, the design of said subdivisions shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.

A. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

B. Floodway/Flood Fringe Determination in the General Flood Plain District: In General Flood Plain District, applicants shall provide the information required in Section 16, Subdivision 6.2 of the Zoning Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the subdivision site.

C. Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA’s requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

D. Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargement or dedication of those sensitive areas in the form of outlots.

E. In general, measures of protection shall include design solutions which allow construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the subdivider shall be required to demonstrate that the proposed design will not require construction on slopes over eighteen (18) percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary. (Ordinance No. 102, Amended 11/2/1993)
Subd. 8.  Shoreland Areas.

A. Land Suitability. Each lot created through subdivision, including planned unit developments authorized under Section 18 of the Zoning Ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision of the community.

B. Consistency with Other Controls. Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment systems is consistent with Sections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

C. Information Requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:

1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limited site characteristics;

2. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

6. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or streams.

D. **Dedications.** When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

E. **Platting.** All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a normal subdivision.

F. **Controlled Access or Recreational Lots.** Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 18 of the Zoning Ordinance.

G. **Notification to the Department of Natural Resources.** *(Ordinance No. 67, Adopted 11/5/1991)*

**Section 9. Required Basic Improvements**

Subd. 1. **General Provisions.**

A. **Approval.**

1. Before a final plat may be approved by the City Council, the owner shall execute and submit to the Council an agreement, which shall be binding on his (or their) heirs, personal representatives and assigns, that he shall cause no private construction on said land except with approval of the City Engineer, until all improvements
required under this ordinance have been petitioned for, arranged for, or have been constructed.

2. No final plat shall be approved by the Council without first receiving a report from the City Engineer certifying that the improvements described herein, together with the agreements and documents required herein will meet the minimum requirements of all applicable ordinances. Refer to special assessment policies, City of Detroit Lakes, February, 1978, as may be amended.

3. A certified copy of the plat restrictions shall be filed with the City Administrator and Register of Deeds which shall include a provision that, in all instruments of sale or conveyance given before all street improvements have been made, the grantee shall agree to and approve such improvements and the assessment of their cost.

B. City Financing.

1. Upon recommendation of the Engineer and with the approval of the City Council, any or all of the required improvements may be financed and assessed by the City pursuant to M.S.A. 429. Length of assessment period and rate of interest shall be as determined by the City Council. Refer to special assessment policies, City of Detroit Lakes, February, 1978, as may be amended.

C. Financing by Developer.

1. If deemed advisable and to be in the best interests of the City, the City Council may require the developer to finance and pay for any or all improvements. Prior to the making of such required improvements, the owner or subdivider shall deposit with the City Administrator an amount equal to the City Engineer’s estimated cost of any or all such improvements which are to be financed by the developer, either in cash or an indemnity bond, with sureties to the satisfaction of the City, conditioned upon the payment of all construction costs incurred by the City in making such improvements and all expense incurred by the City for engineering and legal fees and other expense in connection with the making of such improvements. All improvements shall be contracted through the City of Detroit Lakes.

Subd. 2. Improvements. The following improvements shall be constructed as provided for in this section. Programming of improvements shall be approved by the City Engineer.
A. **City Obligation.** The City of Detroit Lakes will construct, furnish, and install at City expense, the following improvements according to City specifications. Furnishing of these improvements shall be commensurate with available City funds for such work and according to programs and priorities as established by the City Council. If the developer would desire any of these improvements sooner than the City would be able to furnish them, then the costs of the following improvements shall be paid for by the developer.

1. **Storm Sewer.** Storm sewer mains will be constructed by the City as funds are available. Connection shall be made at the boundary of the subdivision, if available, or to some other approved discharge outlet. The developer shall secure or provide the necessary easements or discharge permits. This requirement shall not prevent the City from acquiring necessary easements by eminent domain. Any costs for such easements shall be borne by the developer.

2. **Street Lighting.** Street lighting shall be constructed by the City, preferably after curb and gutter have been installed. If additional or other type of lighting is desired by the developer, he shall pay the increased cost thereof.

3. **Signs.** Street name signs and traffic control signs shall be installed by the City.

B. **Obligation of Developer.** The developer shall pay the proportionate amount of the following improvements on or for his subdivision or development. Financing shall be according to Subdivision 1 of this section and special assessment policies for the City of Detroit Lakes, February 1978, as may be amended.

1. **Site Grading.** Necessary site grading shall be accomplished by the subdivider.

2. **Street Grading.** Streets shall be graded for the total width of the right-of-way and to the elevations as established by the City Engineer. A minimum of four (4) inches of granular base material shall be applied to a width of 40 feet. More base material should be applied if required to stabilize the road bed.

3. **Street Improvements.** Street improvements consisting of base material; curb and gutter storm water inlets and leads; and paving shall be constructed in accordance with plans as prepared by, and under the supervision of the City Engineer.
Temporary construction may, at the discretion of the City Engineer, be required, for just cause, on any street, streets, or portion thereof. Reconstruction or alteration in any way of existing streets affected by the plat or improvements thereupon, shall be subject to the approval of the City Engineer. All costs therein shall be borne by the owner or subdivider. Half streets, if accepted, shall be improved as directed by the City Engineer.

4. **Sanitary Sewer.** Where sanitary sewer is or will be available at the boundary of the subdivision, it shall be constructed in accordance with plans as prepared by and under the supervision of the City Engineer. The cost of any required pumping station, deemed necessary by the engineer shall be assessed against the benefiting property. Where it is neither practical nor economical for the City to extend City sewer, private sewage disposal facilities shall be constructed according to City and State specifications. Consideration shall be given to future availability of City sewer in such installations. Such information shall be recorded on the plat and in deed so affected.

5. **Watermain.** Where City water is or will be available at the boundary of the subdivision, it shall be constructed in accordance with plans as prepared by and under the supervision of the City Engineer.

Where it is neither practical nor economical for the City to extend City water, private water supplies shall be constructed according to City and State specifications.

6. **Trees.** Boulevard trees, if desired, shall be installed by the owner or developer in accordance with park department standards.

C. **Parks and Open Space Criteria.**

1. **Dedication of Parks and Recreational Land for Residential Areas.**
   Upon recommendation by the Planning Commission, in conjunction with the Park Board, and upon approval by the City Council, in consideration of the particular type of residential development proposed, the subdivider shall be required to dedicate and deed to the City such areas of a character, extent and location suitable to the needs created by such development for park and other recreational purposes. It is hereby found and declared that at the time of platting it is reasonable to require an amount of land equal to six (6) percent of the land proposed to be sub-divided for parks and recreation purposes.

As an alternative, if the land proposed for dedication does not meet
the needs of the area, the City Council, after receiving a recommendation from the Planning Commission, may require the subdivider to pay in cash an amount equal to six (6) percent of the fair market value of the undeveloped land as defined in these regulations in lieu of the dedication of the land. The fair market value shall be determined by the City Assessor's Office. For purposes of this section only, undeveloped land shall be defined as bare, platted land after utilities, streets and other normal improvements are in place. The cash payment shall be used for the purchase of the land or the development of existing or future parks and playgrounds in the same general area. When land is dedicated and deeded to the City for Park purposes, it shall be the responsibility of the City Parks Department to maintain such dedicated property.

2. **Dedication of Storm Water Holding Areas or Ponds.** Upon recommendation of the City Engineer and Planning Commission and approval by the City Council, the subdivider may be required to dedicate to the public a portion of the land proposed to be subdivided for storm water holding areas or ponds as required to meet the storm water holding needs of said plat. *(Ordinance No. 271, Adopted 5/3/2005)*

**Section 10. Nonplatted Subdivision**

**Subd. 1. Registered Land Surveys.** It is the intention of this ordinance that all registered land surveys in the City of Detroit Lakes should be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this ordinance for preliminary plats and that the Planning Commission shall first approve the arrangement, sizes, and relationships of proposed tracts in such registered land surveys and that tracts to be used as easements or roads should be so dedicated. Unless a recommendation and approval has been obtained from the Planning Commission and City Council, respectively, in accordance with the standards set forth in this ordinance, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the City may refuse to take over tracts as streets or roads to improve, repair, or maintain any such tracts unless so approved.

**Subd. 2. Conveyance by Metes and Bounds.** No division of one (1) or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are five (5) acres or less in area and three hundred (300) feet or less in width unless such parcel was a separate parcel or record at the effective date of this ordinance. Building permits will be withheld for buildings or tracts which have been subdivided and conveyed by this method and the City may refuse to take over tracts as streets or roads or to improve, repair, or maintain any such tracts.
Section 11. Variances, Planning Commission Recommendations, Standards

Subd. 1. Findings. The Planning Commission may recommend a variance from the minimum standards of this ordinance (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the Commission shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its recommendations, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be recommended when the Planning Commission finds:

A. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

B. That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which property is situated.

C. That the variance is to correct inequities resulting from an extreme physical hardship such as topography, etc. After considerations of the Planning Commission recommendations, the City Council may grant variances, subject to A, B, and C immediately above.

Subd. 2. Procedure.

A. Requests for a variance or appeal shall be filed with the City Administrator on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by 10 copies of detailed written and graphic materials necessary to the explanation of the request.

B. Upon receiving said application, the City Administrator shall refer the application, along with all related information, to the City Planning Commission for a report and recommendation to the City Council.

C. The Planning Commission shall consider the variance at its next regular meeting unless the filing date falls within 15 days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The City Administrator shall refer said application, along with all related information, to the City Planning Commission for consideration and a report and recommendation to the City Council.

D. The applicant or a representative thereof shall appear before the Planning
Commission in order to answer questions concerning the proposed variance request.

E. The variance application shall be referred to the City staff for a report and recommendation to be presented to the Commission. A preliminary draft of the City staff’s report and recommendation shall be given to the City Planning Commission at least seven (7) days prior to the meeting in which said report and recommendations are to be presented. The final report and recommendations to the City staff are to be entered in and made part of the permanent written record of the Planning Commission meeting.

F. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning the variance or to retain expert testimony with the consent and at the expense of the applicant concerning said variance where said information is declared necessary to insure preservation of health, safety, and general welfare.

G. The Planning Commission shall request the City Administrator to set a date for a public hearing. Notice of such hearing shall be published in the official newspaper at least 10 days prior to said hearing and individual notices shall be mailed not less than 10 days nor more than 30 days prior to the hearing to all owners of property within 350 feet of the parcel included in the request.

H. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this ordinance.

I. 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. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff.

J. The City Council shall not grant a variance until they have received a report and recommendation from the Planning Commission and the City staff or until sixty (60) days after the first regular Planning Commission meeting at which the request was considered.

K. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such report and recommendations shall be entered in and made a part of the permanent written record of the City Council meeting.

L. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall make a recorded finding
of fact and impose any condition it considers necessary to protect the public health, safety, and welfare.

M. The City Council shall decide whether to approve or deny a request for a variance or an appeal within thirty (30) days after the public hearing on said request.

N. A variance of this subdivision ordinance or grant of an appeal shall be by majority of the full City Council.

O. The City Administrator shall notify the originator of the variance request or appeal of the City Council's decision in writing.

Section 12. Violations and Penalty

Subd. 1. Enforcement. The County Recorder shall submit to the City’s Zoning Administration Office copies of any documents presented for filing which appear to be in violation of this ordinance. The Zoning Administrator shall examine each such instrument to determine whether the proposed conveyance complies with this ordinance. If the conveyance does not comply with this ordinance, the Zoning Administrator shall give notice by mail of the potential violation to the parties to the conveyance.

Subd. 2. Sale of Lots from Unrecorded Plats. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land in violation of this ordinance.

Subd. 3. Misrepresentation as to Construction, Supervision, or Inspection Improvements. It shall be unlawful for any person, firm, or corporation owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys, or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City when such improvements have not been so constructed, supervised, or inspected.

Subd. 4. Penalty. Anyone violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each calendar month in which a violation occurs, or continues shall constitute a separate offense.

Subd. 5. Civil Enforcement. The City, in addition to other remedies, may institute other appropriate actions or proceedings to prevent, restrain, correct or abate any violations or threatened violations.

(Ordinance No. 207, Amended 1/2/2001)

(Adopted: 5/1/1979)