

# REMER LAND USE AND SUBDIVISION ORDINANCE

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SECTION I

TITLE

This Ordinance shall be referred to and cited as the Remer Land Use, Zoning and Subdivision Ordinance, except herein where it shall be cited as the "Ordinance".

Updates. The following updates have been made to this Ordinance since its adoption on November 11, 2019:

## SECTION II

### INTENT AND PURPOSE

This Ordinance is established pursuant to the authority granted by Minnesota Statutes, in particular the Municipal Planning Act, Minnesota Statutes Sections 462.351 to 461.364, the Municipal Shoreland Act, Minnesota Statutes Section 379, Minnesota Statutes Sections 462.351 to 462.364, The Land Subdivision and Condominiums Acts, Chapters 462, 505, 515, 515A and 515B and Policies in Minnesota Statutes, Section 105,115 and 116, and any Amendments thereto. This Ordinance hereby repeals Ordinance #901, Ordinance #904 and Ordinance #507 for the City of Remer.

2.1 This Ordinance is adopted for the purpose of:

- (1) Protecting the public health, safety, comfort, convenience and general welfare.
- (2) Promoting order in development by dividing the area of the City into zones and regulating therein the location, construction, reconstruction, alteration and use of the structures and land.
- (3) Conserving the natural and scenic beauty and attractiveness of the City, for the health and welfare of the public.
- (4) Providing for adequate light, air and access to property by regulating the use of the land and buildings and the bulk of structures in relation to surrounding properties.
- (5) Providing for the administration of the provisions of the ordinance and defining the authority and duties of the Administrator, Planning Commission, Board of Adjustment, Parks Committee and City Council under this ordinance.
- (6) Providing standards and criteria for shorelands to preserve and enhance the quality of surface waters, conserve the economic and natural environment values of shorelands and provide for the wise use of water and related land resources for the City.

SECTION III  
RULES AND DEFINITIONS

3.1 Rules

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

1. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The masculine gender includes the feminine gender and the neuter gender.
3. The singular includes the plural and the plural includes the singular.
4. The present tense includes the past and future tenses and the future includes the present.
5. The word “may” is permissive. The word “shall” is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
6. All horizontal and vertical measured distances shall be expressed to the nearest tenth of a foot and its metric equivalent, unless specifically stated otherwise.
7. The words “lot,” “plot,” “piece” and “parcel” of land are interchangeable.
8. The words “used for,” shall include the phrases “arranged for,” “designed for,” “intended for,” “improved for,” “maintained for,” and “occupied for.”

3.2 Definitions

The following words shall be defined as follows for the purpose of this Ordinance:

1. Abandoned Motor Vehicle. An abandoned motor vehicle as defined in Minnesota Statutes.
2. Abandoned Structure. A structure as defined hereinafter on public or private property, which no longer serves a practical use and, due to its location or structural condition, is considered a safety hazard.
3. Abutting. Making direct contact with or immediately bordering.
4. Accessory Structure: A building or other structure that is supportive, secondary and subordinate in use and/or size to the principle structure on the same parcel or lot which, because of the nature of its use, can reasonably be located at or greater than minimum structure setbacks. Includes all structures not considered the principle structure including, but not limited to, T.V. towers antennas, dish antennas, outdoor swimming pools, outdoor hot-tubs, detached garages, sheds, guest quarters and boathouses.
5. Accessory Use. A use naturally and normally incident and subordinate to the main use of the premises.
6. Addition. A physical enlargement of an existing structure.
7. Adjacent. In close proximity to or neighboring, not necessarily abutting.
8. Adult Book and/or Media Store. An establishment which has a substantial portion (25% of utilized floor area) of its stock in trade or stock on display books, magazines, films, videotapes, or other media which are characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
9. Adult Cabaret. An establishment which provides dancing or other live entertainment, and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
10. Adult Establishment. Any business which offers its patrons services, entertainment, or the sale of merchandise characterized by an emphasis on

matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, and other adult establishments.

11. Adult Hotel or Motel. Adult Hotel or Motel means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
12. Adult Mini-Motion Picture Theater.
  - a) A theater in an enclosed building, with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
  - b) Any business which presents motion pictures, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpt of motion pictures offered for sale or rent.
13. Adult Modeling Studio. An establishment whose major business is the provision, to customers, or 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 or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
14. Adult Motion Picture Arcade. Any place wherein coin or token operated or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image producing devices are maintained 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.
15. Adult Motion Picture Theater. A theater in an enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein.
16. Adult Novelty Business. A business which sells, offers to sell, or displays devices which stimulate human genitals or devices which are designed for sexual stimulation.
17. Adult Use. Any of the adult activities and businesses described in the Section constitute "Adult Oriented Businesses" which are subject to the regulation of this Ordinance.
18. Agent. Any person acting on behalf of a landowner in dealing with activities under the jurisdiction of the Ordinance, including but not limited to realtors, contractors or attorneys.

19. Agricultural Use. The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, tree farming and lumbering, viticulture and animal and poultry husbandry and the necessary accessory uses used for packing, treating or storing the product, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
20. Airport. Any premises used or intended for use for the landing and taking off of aircraft including any structures used or intended for use for aircraft services.
21. Allowed Use. A use that is allowed by this Ordinance and does not require a permit.
22. Alteration. A change or rearrangement of structural or non-structural parts of an existing structure within the previously permitted footprint.
23. Animals, Domestic. Common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.
24. Animals, Food. Fish, fowl, cattle, swine, sheep and others raised for the purposes of food consumption.
25. Animals, Wild. Animals, such as wolves, tigers, lions and snakes, that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo or found in the wild.
26. Animal Boarding Facility. An establishment that houses animals, other than those belonging to the occupant, overnight or over an extended period of time.
27. Animal Grooming Establishment. An establishment principally engaged in grooming animals in which overnight boarding is prohibited.
28. Animal Husbandry. The care or breeding of domestic animals such as cattle, hogs, sheep, horses, poultry, dogs (more than two) or cats (more than three) for the occupants of a property.
29. Animal Unit. A unit of measure based on the approximate production of wastes from 1000 pounds of live weight of poultry or animals.
 

Animal Units:		
One (1) slaughter weight steer or heifer		1
One (1) mature dairy cow or horse		1.4
One (1) swine over 55 pounds	0.4	
One (1) sheep	0.1	
One (1) goose	0.1	
One (1) duck		0.05
One (1) turkey	0.18	
One (1) chicken		0.1
One (1) dog		0.1
One (1) cat		0.05
30. Antenna. A metallic apparatus for sending or receiving electromagnetic waves.
31. Apartment. A room or suite of rooms that is designed for, intended for, or occupied as a dwelling unit by a family or individual, and is equipped with sanitary facilities.
32. Appeal. An application for the review of an order, requirement, decision, determination or interpretation of this Ordinance made by an administrative officer in the application and/or enforcement of this Ordinance.
33. Architectural Projection. A non-functional or ornamental feature on a building or other structure that does not extend to, or from, the ground.



34. Artist's Studio. A fine arts workshop of a painter, sculptor, potter, weaver, carver, jeweler, photographer or other similar art that requires artistic skill, where the public is received or where the artist is engaging in retail sales. Not generally utilitarian, related to personal hygiene or adornment.
35. Attached. Two buildings or structures that combine to form one building or structure through the use of at least one common wall, not including a breezeway.
36. Automobile Sales & Repair. An open or enclosed area (building or structure), other than a street, used for the display, sale, rental, or repair of new and used motor vehicles in operable condition.
37. Auto Salvage Yard. A lot or yard where four or more motor vehicles are stored while parts are removed, where crushing occurs or where storage pending crushing may occur.
38. Auto Trip. Transport in a vehicle that includes both an arrival and a departure from a location.
39. Balcony. Same as a deck.
40. Banner. A temporary sign constructed out of paper, plastic, cloth, cardboard or some other non-permanent material and affixed to poles or the side of a building in a manner than can be easily moved, modified or rearranged.
41. Bathroom. A room containing a shower or bathtub or a sink and toilet.
42. Basement. The space below the first story of a structure which is greater than four (4) feet in height.
43. Bed and Breakfast Dwelling. A dwelling, single family, licensed through the Minnesota Department of Health, where, for compensation, meals and lodging are provided for three or more unrelated persons, but not exceed to eight persons. The owner of the parcel must live on the premises.
44. Bedroom. A portion of a dwelling unit that reasonably can be dedicated to sleeping purposes.
45. Billboards. A commercial sign which directs attention to a business, activity, service, entertainment or a product not exclusively related to the premises or property where such sign is located.
46. Block. An area of land bounded by streets, exterior boundary lines and/or bodies of water.
47. Bluff. A topographic feature such as a hill, cliff or embankment having all of the following characteristics:
  - A. Part or all of the feature is located in a shoreland area.
  - B. The slope rises at least twenty-five (25) feet above the ordinary high water mark of the water body.
  - C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet above the ordinary high water level averages thirty (30) percent or greater.
  - D. The slope must drain towards the water body.
  - E. An area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff.
48. Bluff Impact Zone. A bluff and the land located within twenty (20) feet inland from the top of the bluff.
49. Boarding House. Same as Bed and Breakfast dwelling.
50. Board of Adjustment. The Board, appointed by the City Council, to hear appeals from actions of the Zoning Administrator, and variance requests.
51. Boat Access. A ramp, road or other conveyance on a lot which allows the launching and removal of a boat with a vehicle and trailer.

52. Boat House. A structure designed and used solely for the storage of boats or boating equipment.
53. Breezeway. A covered or enclosed walkway that physically connects two or more buildings or structures. Shall not materially connect the two or more buildings or structures.
54. Buffer Area. Land set aside in its natural state, enhanced by screening, or containing topographical features designed to buffer the impacts of a more intense land use on a less intense use such as between Commercial and Residential uses.
55. Buildable Area. Any site, lot, parcel or any portion thereof that does not contain designated flood plain, wetlands or areas in excess of twenty-five (25) percent slope.
56. Building. Any structure used or intended for storage, shelter or occupancy.
57. Building Envelope. The buildable area on any lot that is outside of the setbacks.
58. Building Height. The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height between the eaves and the highest ridge of gable, hip or gambrel roofs or ten feet below the peak, whichever is higher.
59. 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.
60. Building Permit. A permit authorizing an Applicant under this Code to undertake construction or other development activity.
61. Campground. Any area, whether publicly or privately owned, consisting of designated campsites with appropriate facilities and management services designed for temporary occupation by tents or recreational vehicles.
62. Campground Memberships. A land use under single ownership consisting of designated campsite with appropriate facilities designed for temporary occupation by members in tents or recreational vehicles with management services and with site rentals by members. See also Recreational Camping Area.
63. Camping. Habitation of a temporary structure.
64. Campsite. A parcel within a resort or campground designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle.
65. Cemetery. A place for burying the dead. A graveyard.
66. Cemetery, Unplatted. Any human remains or burials found outside of platted, recorded or identified cemeteries pursuant to Minnesota Statutes, Chapter 307.08.
67. Certified Home Inspection. An inspection completed by a licensed building inspector and signed off by the same.
68. Chairperson. The individual elected by the Planning Commission to chair their meetings.
69. Child Care, Center. A facility that is maintained, for the whole or part of the day, for the care of five or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term shall not include any facility licensed as a foster care home or any facility defined as a Child Care, Family Home.
70. Child Care, Family Home. A primary residence where, for the whole or part of the day, an owner of the residence, licensed as a child care provider, cares

for five or more children who are eighteen (18) years of age or younger and who are not related to the owner, whether such facility is operated with or without compensation for such care.

71. 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 and related community activities.
72. City Clerk. The appointed person responsible for administration of the City affairs.
73. City Council. The duly elected governing body of the City.
74. City Sewer or Water System. A system of municipally maintained utilities, approved by the State, and serving more than one building or property.
75. Clear Cutting. See Vegetation Removal, Clear Cutting.
76. Commercial Use. The principle use of land or buildings for the sale, lease, rental, trade of products, goods or services.
77. Commissioner. The Commissioner of the Department of Natural Resources.
78. Common Open Space. Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by the residents of the development. Common Open Space shall not be included as parts of individual residential lots. The Common Open Space shall be substantially free of structures, but may contain historic structures and archaeological sites including Native American mounds and/or such recreational facilities for residents as indicated on the approved development plan.
79. Community Park. A park designed to provide recreational opportunities to serve the entire community.
80. Comprehensive Plan. Also referred to as Community Plan. A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City and its environs and may include, but is not limited to, the following items: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution.
81. Conditional Use. A land use or development as defined by the Ordinance that would not be appropriate without restriction, but may specifically be allowed without restrictions of conditions as determined by the Planning Commission and the Council upon a finding that (a) the use or development is an appropriate conditional land use in the land use zone, (b) the use or development, with conditions, conforms to the comprehensive land use plan, (c) the use, with conditions, is compatible with the existing neighborhood and (d) the use, with conditions, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the City.
82. Condominium Ownership or Common Interest Community. A form of ownership within a multi-owner building or complex wherein the boundaries are defined by a condominium plan or common interest community in accordance with Minnesota Statutes 1980, Chapter 515A or 515B or subsequent revisions.
83. Conservation Easement. A Conservation Easement is a legally binding agreement that imposes any limitation or affirmative obligation on any

- holder's interest in real property. The easement is typically held by a party other than the property owner. The purpose of such an easement can include retaining or protecting natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, or preserving the historical, architectural, archaeological, or cultural aspects of real property.
84. Conservation Subdivision. A residential development that is characterized by compact lots and the retention of common open space, where the natural features of the land are maintained to the greatest extent possible.
  85. Contiguous. The sharing of a common border at more than a single point. Lots, parcels or boundaries may be considered contiguous where separated by rights-of-way, rivers or streams.
  86. Controlled Access Lot. Any lot which is designated for the exclusive use by non-riparian landowners within a subdivision as a means to gain access to a lake, river or stream.
  87. Conventional Subdivision. A residential development that contains more than two lots not done by Conservation Design.
  88. Council. The City Council, as established by State Law.
  89. Crawl Space. The space below the first story of a structure not more than four feet high and not intended for human habitation.
  90. Cul-de-sac. A vehicular turnaround.
  91. DBH. Diameter at Breast Height. The width of a tree or shrub as measured at 4.5 feet above the ground surface.
  92. Deck. An above grade, uncovered, unscreened structure not including walks four (4) feet wide or less.
  93. Development Envelope. Designated area in which grading, lawns, pavement, and buildings are planned to be located.
  94. Dock. A platform extending water ward from the shoreline intended for ingress and egress for moored watercraft or to provide access to water for swimming, fishing or other water orientated activities.
  95. Drainageway. A watercourse, gully, dry stream, creek or ditch which concentrates and carries storm/rain water runoff from the land in a manner which creates the potential for significant erosion, siltation, flooding or ponding. A drainageway may be fed by natural overland flow or by constructed means, such as culverts, road ditches, outlets of storm water treatment ponds, or other similar facilities.
  96. Duplex, Triplex or Quad. A structure on a single lot having two, three or four dwelling units respectively being attached by common walls, and each being equipped with separate sleeping, cooking, eating, living and sanitation facilities.
  97. Dwelling, Guest Quarters. A structure, not for sale or lease, used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling on the lot. Any accessory structure with kitchen or bathroom facilities shall be considered a dwelling, guest quarters.
  98. Dwelling, Multi-Family. Two or more dwelling units attached together by any point including duplexes, triplexes, townhouses and multi-level units regardless of type of ownership.
  99. Dwelling, Single Family. A dwelling unit totally separated from any other dwelling unit.

100. Dwelling, Townhouse. A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by Plat or Condominium Plan.
101. Dwelling Unit. A structure or portion of a structure or other shelter designed as a short or long term living quarters for one or more persons including rental or time share accommodations such as a motel, hotel resort rooms, resort cabins and apartments.
102. Dwelling Width. The smallest horizontal dimension of the major portion of a dwelling.
103. Earth Tone. A shade of color that, when viewed from a distance, blends with the colors of the surrounding landscape.
104. EAW. An environmental assessment worksheet as defined by State Statutes Chapter 116.
105. EIS. An environmental impact statement as defined by State Statutes Chapter 116.
106. Exterior Storage. Storage of goods, materials, equipment, manufactured products outside a fully enclosed building.
107. Extractive Use. The use of land for removal of sand, gravel, rock, industrial minerals, other non-metallic minerals or peat not regulated under Minnesota Statutes Sections 93.44 to 93.51.
108. Facility. A structure, building or appurtenance that allows an activity; i.e. parking facility.
109. Family. An individual, or two or more persons related by blood, marriage, adoption, or a relationship legally recognized in Minnesota, or not more than five unrelated persons maintaining a common household.
110. Farm Machinery Sales & Repair. An open or enclosed area (building or structure), other than a street, used for the display, sale, rental, or repair of new and used farm machinery.
111. Feedlot. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.
112. Fee Schedule. The official schedule of land use related fees and penalties adopted by the City Council.
113. Fence. A constructed barrier intended to prevent escape or intrusion, or to mark a boundary, to shield or screen view, or to perform any similar function.
114. Filling. The act of depositing any earthen material.
115. Final Floor Plan. A drawing prepared by a Registered Architect, Registered Engineer, or Registered Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minnesota Statutes 1980, Section 515A.2-110.
116. Final Condominium Plat. A drawing prepared by a Registered Architect, Registered Engineer or Registered Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minnesota Statutes 1980, Section 515A.2-110.
117. Final Plat. A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by the Subdivision Ordinance to be presented to the Planning Commission and the

- City Council for approval, and which, if approved, may be duly filed with the County Recorder.
118. Fish House. A structure placed on a lake during the winter for use in fishing. A structure will only be considered a fish house if it is 160 square feet or less, is moveable and has a current license.
  119. Floodplain. The areas adjoining a water course, intermittent or permanently flowing, which have been or will be covered by the runoff waters of a storm with a 1% chance of occurrence any year (100 year storm).
  120. Floodway. The channel of the water course and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood (100 year chance of occurrence.)
  121. Footprint. The horizontal extent to which a structure covers the ground plane as represented in a plan view including cantilevered building elements but excluding eaves and similar architectural projections of the roof plane.
  122. Forb. A broad leafed, non-woody plant other than grass, sedge or rush. Forbs include native herbs, ephemerals and wildflowers.
  123. Forest Land Conversion. The clear cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stand.
  124. Foundation. A concrete, concrete and concrete block, or treated wood portion of a structure that supports the bearing loads of the superstructure and penetrates the ground providing frost protection. Must meet the provisions of the building code adopted by the State of Minnesota. Concrete pillars may be used as a foundation for manufactured homes so long as the installation is done to the manufacturer's specifications and skirting is provided around the perimeter to provide the look of a completely enclosed foundation.
  125. Frontage. The uninterrupted front boundary line of a lot, or the length of such line, that abuts on a street or protected water.
  126. Garage, Attached. A part of the principle structure designed for the storage of motor vehicles.
  127. Garage, Detached. An accessory structure not attached to the principle structure on the property designed and used for storage.
  128. Garage Sale. A sale of used household belongings, typically held outdoors or in a garage at the home of the seller.
  129. Gazebo. A freestanding accessory structure with no kitchen, sleeping, sanitary facilities or pressurized water intended as weather and insect protection for such activities as picnicking and lake viewing.
  130. Grading. The movement of dirt, by mechanical means, so as to alter the existing topography of a property.
  131. Green Space. Privately owned property permanently dedicated by covenant or deed restriction to vegetate ground coverage with allowance for use as recreational facilities, tree coverage, water course, sewage disposal or similar uses. Public property permanently dedicated to park, vegetative buffer, tree coverage or water courses.
  132. Gross Acreage. The total area of a parcel.
  133. Group Care Facilities. A facility which provides residential services for individuals that are handicapped, aged, disabled or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters and half-way houses. The facility is indistinguishable in outward appearance from a residential dwelling. The owner lives on the premises.

134. Handicap Ramp. A temporary structure that allows access to a dwelling as per physician's prescription.
135. Home Occupation. A use of commercial nature conducted by an occupant entirely within the dwelling or accessory buildings which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the residential character thereof.
136. Home Occupation, Type I. A home occupation, the commercial nature of which involves providing a service to a limited number of people who are predominantly acquaintances. Generates less than ten auto trips per week. No employees beyond owner. No signage or other advertising done either on or off-site. Would include businesses that are similar in nature to tutoring or music lessons performed on an individual basis.
137. Home Occupation, Type II. A home occupation, the commercial nature of which involves providing a service to people or organizations that do not receive the service at the property from which is it being provided. Generates less than twenty-five auto trips per week, including deliveries and employees. No more than two employees, in addition to the owner, working on site. No signage done either on or off-site. Would include businesses that are similar in nature to telephone sales, consulting, or web design.
138. Home Occupation, Type III. A home occupation, the commercial nature of which involves providing a service or product to people or organizations within the home. Generates less than sixty auto trips per week, including deliveries. No more than two employees, in addition to the owner working on site. May include on-site signage. May include retails sales of items manufactured on-site. Would include businesses that are similar in nature to chiropractic service, artist studio or craft shop.
139. Home Occupation, Type IV. A home occupation, the commercial nature of which involves providing a service or product to people or organizations off site. Generates less than sixty auto trips per week, including deliveries. All employees do the majority of their work off-site. May include on-site storage or warehousing of work related materials. Would include businesses that are sim
140. Homeowners Association (HOA). A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property and/or facilities.
141. Hotel. A building containing three (3) or more individual rooms, used for overnight lodging by the general public on a short-term basis for a fee, with or without meals, and which has common reservation and cleaning services, combined utilities, and on-site management and reception services.
142. House of Worship. Same as church.
143. Ice Ridge. A long, narrow crest of earth along the shoreline that has been created by the movement of ice on the lake.
144. Ice Ridge, Historic. An ice ridge that has been in existence twelve months or longer.
145. Ice Ridge, Perennial. An ice ridge that has existing less than twelve months.
146. Impervious Surface. The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of stormwater, including gravel drives and parking.
147. Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

148. Intensive Vegetation Clearing. The complete removal of trees or shrubs in a continuous path, strip row or block.
149. Interval Ownership. Form of ownership of real property, condominium land or space further defined by a reoccurring time interval, resulting in more than one owner of the same property, also known as "timeshare".
150. ISTS. Individual sewage treatment system.
151. Junk Vehicle. A vehicle that; is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission; is apparently inoperable; does not have a valid, current registration plate; and has an approximate fair market value equal only to the approximate value of the scrap in it.
152. Junk Yard. An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of materials in conjunction with the construction of a manufacturing process shall not be included. Three or more automobiles without current licenses constitute a junk yard. Such use shall not include putrid wastes such as garbage.
153. Lake Access Corridor. The designated area within the shore impact zone that is utilized to traverse between the water body and the building site on the property.
154. Lake Classification. The formal classification provided by the Department of Natural Resources for each body of public waters within the City.
155. Landscaping. Plantings and placements such as trees, grass, shrubs, and decorative timbers, arbors, rocks and water displays.
156. Leaseback by Owner. An arrangement between an owner of property and a leasing agent or resort to promote and operate the property for rental purposes.
157. LEED. Leadership in Energy and Environmental Design of the United States Green Building Council.
158. Licensed Engineer. A person licensed as a professional engineer by the State of Minnesota.
159. Licensed Sewage Treatment Inspector. A person licensed by the State of Minnesota to inspect sewage treatment systems.
160. Licensed Surveyor. A person licensed as a professional surveyor by the State of Minnesota.
161. Light Industrial. An industry using equipment similar to that which could reasonably be found in an individual's garage or home workshop.
162. Light Manufacturing. A manufacturing operation which uses small equipment in its process, similar to equipment which might be found in an individual's home or garage.
163. Litter. Waste materials including but not limited to, cans, bottles, plastic and paper wrappings or containers.
164. Lot. A parcel, piece or portion of land described by metes and bounds, registered land survey, auditor's plat, or subdivision plat and separated from other parcels or portions of land by said description for purposes of sale, lease, mortgage, building or separation.
165. Lot Area. The horizontal area of a lot bounded by the lot lines and the ordinary high water line if bounded by water.
166. Lot, Corner. A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of one street with the internal angle less than 135 degrees.



167. Lot, Front. The boundary of a lot which abuts on a public right of way, or if a corner lot, the shortest of the two boundaries. If the lot abuts public water, the lake side shall be considered the lot front.
168. Lot Line. The property lines bounding a lot except that where the description extends into a public right of way, the right of way line shall be considered the lot line.
169. Lot, Pre-existing. A lot which is one unit of a subdivision plat heretofore duly approved and filed or one unit of an auditor's subdivision, or registered land survey, or a lot created by metes and bounds that has been recorded in the office of the County Recorder prior to the effective date of this Ordinance.
170. Lot Tier Depth. The lot depth of a normal lot conforming to the shoreland requirements; General Development Lake first tier - 200 feet, second and additional tiers - 267 feet; Recreational Development Lake - 267 feet, Natural Environmental Lake - 400 feet.
171. Lot Tiers. Successive strips of land parallel with the ordinary high-water line, each one tier depth wide, and extending across the parcel.
172. Lot Width. The shortest distance between lot lines measured at the midpoint of the building line.
173. Maintenance. The normal upkeep of a structure including the replacement of windows, siding, roofs, nonbearing walls or interior remodeling that does not expand the footprint of the existing structure, add volume to the usable living space or intensify a non-conforming use.
174. Manufactured Home. A dwelling, transportable in one or more sections, meeting the requirements of the State of Minnesota.
175. Marina. A dock or set of docks on a single parcel that contains more than three slips or more slips than first tier dwelling units, whichever is greater.
176. Mature Tree. A living tree greater than four (4) inches in diameter.
177. Metes and Bounds. A method of property description utilizing directions and distances commencing from and terminating at an identifiable point.
178. Interim Use. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.
179. Mobile Home. See definition of Manufactured Home.
180. Mobile Home Park. A form of planned unit development designed for mobile homes including two possible types of ownership: single ownership with site rentals or individual site ownership with a homeowner's association owning common property.
181. Motel. A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with parking space reserved for each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests.
182. Natural Drainage way. All land surface areas which, by nature of their contour or configuration, collect, store and channel surface or runoff water.
183. Neighborhood. The area adjacent to or surrounding existing or proposed development characterized by common use or uses, density, style and age of structures and environmental characteristics.
184. Non-conforming. The building, structure or land lawfully existing prior to and not in conformance with the provisions of this ordinance.
185. Non-profit Conservation Organization. Any charitable corporation, charitable association, or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for

- agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.
186. Nuisance. By authority and direction of Minnesota Statute, 1980, Section 412.221, Subdivision 23 and 24; and Section 429.31, nuisance is anything that interferes with the use or enjoyment of property, endangers personal health or public safety, or is offensive to the senses such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact and other similar interferences or offenses.
  187. Nursery. A business growing and selling trees, flowering or decorative plants and shrubs.
  188. Nursing Home. Any institution or facility required to be licensed as such under Minnesota Statutes, Sections 144.50 to 144.56 by the State Board of Health.
  189. Off-street parking. A designated space or area of land with a paved or all-weather surface not within a public street or right-of-way and used for the parking of vehicles.
  190. Open District. A zoning district defined by natural features to be unsuitable for any dwelling and unsuitable for any other development except in accordance with the conditional use permit process. Corresponds to the DNR Special Protection District.
  191. Open Space. Space designated as reserved from development.
  192. Open Storage. Storage of material outside of a building.
  193. Ordinary High Water Mark (OHW). The boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses the ordinary high water level is the elevation of the top of the bank of the channel, for reservoir and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
  194. Overlay Map. An official map of the City that describes the location of an overlay zone.
  195. Owner. An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land and/or building.
  196. Parent Parcel. The existing parcel of record, as identified by individual parcel numbers, as of the effective date of this Ordinance, that is proposed to be developed.
  197. Parking Space. A 10 foot by 20 foot site off public right of way, maintained and sized to accommodate the parking of one automobile.
  198. Park Model Trailer. See definition of Recreational Vehicle.
  199. Party Wall or Floor. A common wall which divides two independent dwelling units or businesses.
  200. Park Committee. The committee duly appointed by the City Council to oversee and make recommendations on parks and recreation issues within the City.
  201. Passive Recreation. Outdoor activities that include walking, hiking, cross-country skiing, horseback riding, and other non-motorized outdoor recreational activities that do not materially alter the landscape, degrade environmental quality, or involve commercial recreational use.

202. Patio. An uncovered, unscreened platform (without railings) of wood or cement which is no more than one step (16" maximum) above grade at its highest point. It may adjoin a dwelling or may be unattached and free standing.
203. Permitted Use. A land use conforming to the character of a zoning district which is allowed by ordinance requiring only a zoning permit issued by the Zoning Administrator.
204. Pet. An animal commonly associated with human habitation, not considered under animal units and not raised for production of income.
205. Planned Unit Development (P.U.D.). A land use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common green space, density increases, and mix of structure types and land uses. Does not include a duplex where specifically allowed in a zoning district on a single parcel of land.
206. Planned Unit Developments, Commercial. Uses that provide transient, short-term lodging spaces, rooms, or parcels and their operation are essentially service orientated. These shall include but not be limited to hotel/motel accommodations, resorts, recreational vehicle and camping parks and other primarily service oriented activities.
207. Planned Unit Development, Residential. Residential Planned Unit Development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives and full fee ownership residences would be considered as Residential Planned Unit Developments. Includes time share condominiums not part of a resort.
208. Planning Commission. The body duly appointed by the City Council to determine the development of the City and make recommendations to the City Council on comprehensive plans, zoning district boundaries, conditional use permits, subdivision of land and capital improvements.
209. Porch. A covered platform attached to a structure.
210. Portable. Capable of being transferred or moved from one place to another.
211. Pre-Built Home. Same as Manufactured Home.
212. Practical Difficulties. The property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of 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.
213. Preliminary Plat or Plan. A plan prepared in accordance with the Subdivision Ordinance depicting the proposed subdivision of property by Final Plat or Final Floor Plan.
214. Principal Structure or Use. The single primary structure or use on a lot, as distinguished from accessory uses or structure. To be considered a principle structure, the structure must be at least 400 square feet.
215. Privy. An aboveground structure with an underground cavity meeting the requirements of State Rules part 7080.0172, subpart 2, that is used for the storage or treatment and disposal of toilet wastes, excluding water for flushing and greywater.

216. Privy, Portable. A temporary structure provided and maintained by a state licensed individual that is designed for temporary handling of waste.
217. Protective Covenants. Restrictions placed on the property by the owner and duly filed with the County Recorder. These may also be used in planned unit developments to establish homeowners associations, restrict shoreline development and provide for common facilities.
218. Public Waters. Any waters as defined in Minnesota Statutes Sec. 105.37, Subd. 14 & 15. However no lake, pond or flowage of less than 10 acres in size in municipalities need be regulated for the purposes of the shoreland management rule. A body of water created by a private user where there was no previous shoreline may, at the discretion of the local government, be exempted from the shoreland management. The official determination of the size and physical limits of drainage areas of rivers and streams should be made by the DNR Commissioner.
219. Recorder. The County Recorder of Crow County.
220. Recreational Center. A structure or other facility designed for the purpose of recreation, such as a movie theater, bowling center, meeting hall, teen center or community center.
221. Recreational Vehicle. Vehicles for recreational use that can be driven, towed or hauled. These vehicles are designed to be temporary living space for camping or travel use. RV's shall include travel trailers, camper trailers, truck campers, self-propelled motor homes and other similar vehicles.
222. Resort. Any buildings, structures or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreations, for periods of one day, one week or longer, and having for rent three or more cottages, rooms or enclosures along with any related facilities such as restaurants, bars, golf courses or other recreational amenities.
223. Restaurant. An establishment where the principle business is the preparation, service and sale of food and beverages to be consumed by customers at tables or counters located within the building on the premises.
224. Right-of-Way. A parcel of property dedicated to the public, connecting to other public right of ways, which affords primary access by pedestrians and vehicles to abutting properties.
225. Satellite Dish. A dish antenna used to receive and transmit signals relayed by satellite.
226. Screening. Fencing, an earthen berm or vegetative growth that visually separates one object from another.
227. Semi Public Use. The use of land by private non-profit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
228. Sensitive Resource Management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, acceptability to flooding or occurrence flora or fauna in need of special protection.
229. Setback. The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line or other facility. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.

230. Setback, Road. The closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
231. Setback, Waterfront. The closest horizontal distance between the ordinary high water mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
232. Sewage Treatment System. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080 of the State Rules and Regulations.
233. Sewer System. Pipe lines or conduits, pumping stations and forcemain and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.
234. Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the normal required structure setback.
235. Shoreland. Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the water for lesser distances and when approved by the DNR Commissioner.
236. Shoreline Property. A lot directly abutting a public water, generally located in the first lot tier adjoining the public water.
237. Signs. A name, identification, description, display, illustration, advertisement or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution or business.
238. Signs, Directory. A sign erected at an intersection that lists the residences or businesses that reside along the intersecting roadway.
239. Signs, Offsite. Any sign not located on the contiguously owned property with the use which is advertised.
240. Signs, Onsite. Any sign located on the contiguously owned property with the use which is advertised.
241. Signs, Portable. A sign that is intrinsically designed to be moved or a sign that is not permanently affixed to the ground or a building.
242. Significant Historical Site. Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the State Register of Historical Sites or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes Sec. 307.08. A Historical Site meets this criteria if it is presently listed on either Register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.
243. Sketch Plan. A plan drawn to scale used for planning and discussion purposes only.
244. Specified Anatomical Areas (Adult Use) include any less than completely and opaquely covered human genitals, pubic region, or pubic hair, buttocks and

- female breast below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if opaquely covered.
245. Specified Sexual Activities (Adult Use) are any of the following conditions:
- a. An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
  - b. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
  - c. Masturbation or lewd exhibitions of the genitals including any explicit, close-up presentation of a human genital organ clothed or unclothed.
  - d. Physical contact or simulated physical contact with the clothed or unclothed pubic area or buttocks of a human male or female, or the breasts of a female, whether alone or between numbers of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
246. Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness due to the site's soil characteristics as mapped and described in available County Soils Surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, but which are not bluffs.
247. Stoop. An entry platform into a structure.
248. Storage Shed. Refer to Accessory Structure.
249. Story. That part of a building included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.
250. Street. A public right-of-way that provides primary vehicular access to abutting property and shall include avenue, road or highway. Street classifications are defined in the Comprehensive Plan unless defined in a roadway classification plan or other similar road specific plan.
251. Street, Arterial. A street that has the primary function of rapidly move traffic to or through the City. May provide access to abutting land. Arterial streets are, in general, county or state highways that begin and terminate outside of the City limits or connect to other arterial streets within the City.
252. Street, Collector. A street that has the primary function of receiving and distributing traffic to and from local streets and providing distribution of traffic within. May provide access to abutting lots. In general, collector streets begin and terminate at arterial streets or other collector streets.
253. Street, Local. A street, the function of which is to provide localized access to individual parcels. Does not normally carry through traffic. Traffic volumes and traffic speeds are expected to be low.
254. Structure. Any building, appurtenance including decks or other facility constructed, placed or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than 4 feet wide outside of the shore impact zone, stoops not exceeding 30 square feet, temporary furniture, planter, or

- decorative material and retaining walls consisting of wood or decorative block.
255. Subdivider. The owner, agent, person, corporation, partnership or legal entity proposing to subdivide property under his control.
  256. Subdivision. The division of real estate into two or more parcels for the purpose of sale, rent or lease, including planned unit development.
  257. Subdivision by Plat. The subdivision into two or more parcels of any size by the authority of Minnesota Statutes, Chapter 505, with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Council.
  258. Subdivision by Condominium Plan. The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of Minnesota Statutes, Chapter 515A, with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Council.
  259. Subdivision by metes and bounds. Any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and signed by a Registered Land Surveyor.
  260. Substandard Lot. A lot that is non-conforming.
  261. Substandard Use. A use that does not conform to this ordinance.
  262. Surface Water Oriented Commercial Use. The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal operation of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.
  263. Temporary. A use or structure that lasts longer than three days and is discontinued within 14 days. Any use or structure existing longer than 14 days, except where specifically provided for in this Ordinance, shall be considered permanent unless a specific date of discontinuation, agreeable to the Planning and Zoning Administrator to be reviewed by the Planning Commission, has been submitted, in writing, to the City.
  264. Temporary Structure. A structure of a temporary character including but not limited to house boats, fish houses, recreational vehicles and tents.
  265. Toe of Bluff. a) The lower point of a 50 foot segment with an average slope exceeding 18%.
  266. Top of the Bluff. The higher point of a 50 foot segment with an average slope exceeding 18%.
  267. Townhouse Dwelling. See Dwelling, Multi Family.
  268. Travel Trailer. Refer to Recreational Vehicle.
  269. Tree. A woody plant 4 inches or more in diameter or 8 feet or more in height.
  270. Variance. A legally permitted deviation from the provisions of this ordinance as deemed necessary by the Board of Adjustment.
  271. Vegetation Removal, Clear Cutting. The removal of more than 75% and up to 100% of a stand of trees and brush over 10 feet in height on a lot or parcel of land up to 40 acres.
  272. Vegetation Removal, Open Cutting. The removal of more than 25% and up to 75% of a stand of trees and brush over 10 feet in height on a lot or parcel of land up to 40 acres.
  273. Vegetation Removal, Select Cutting. Removal of dead, diseased or damaged trees or shrubs, removal of trees for placement of structures and drives, and further removal of only individual trees to uniformly thin up to 25% of a stand, on a lot or parcel of land up to 40 acres. Complete brush removal is allowable including trees under 10 feet in height.

274. Vegetation Removal, Steep Slopes. Removal of dead, diseased or damaged trees or shrubs and further removal of only individual trees to uniformly thin up to 25% of a stand, on a lot or parcel of land with a bluff. Brush removal is only allowable where required to accommodate stairways, lifts and landings.
275. View to the lake. View to be construed to be the line of site from the center of a riparian property at the lake setback to the lakeward concerns of that property.
276. Warehousing. The principle use is the storage of materials or equipment within an enclosed building.
277. Warehousing, Commercial. The rental or sale of warehousing space.
278. Watercraft Sales & Repair. An open or enclosed area (building or structure), other than a street, used for the display, sale, rental, or repair of new and used watercraft in operable condition. Watercraft may include motorboats, personal watercraft, and non-motorized watercraft.
279. 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 is located closer to public waters than the normal structure setback. Examples of such structures and facilities include boat houses, gazebos, screen houses, fish cleaning houses and detached decks.
280. Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have the following three attributes:
1. have a predominance of hydric soils,
  2. are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, and
  3. under normal circumstances support a prevalence of such vegetation.
281. Yard. A required green space occupied and unobstructed by a structure or portion of a structure provided that fences, signs, utility poles, lawn lights, antenna and related minor equipment may be permitted in any yard provided that they do not create a safety hazard or constitute a nuisance.
282. Yard Sale. Same as Garage Sale.
283. Zoning Administrator. The duly appointed person responsible for the enforcement and administration of this Ordinance.
284. Zoning District. An area of the City of Remer defined on the zoning map, having uniform zoning provisions.
285. Zoning District Overlay. A zoning district containing regulations superimposed upon other zoning district regulations and superceding the underlying zoning district regulations.
286. Zoning Map. The map of the City of Remer, amended from time to time, which defines the boundaries of the zoning districts.
287. Zoning Permit. A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this ordinance have been met, when approval of any conditional use permits or variances have been granted and when the fees are paid. A zoning permit may have administrative conditions specific to the subject site when called for by the Ordinance.



## SECTION IV

### GENERAL PROVISIONS

#### 4.1 Application of the Ordinance.

1. The provisions of this Ordinance shall be held to be the minimum requirements for the maintaining of the public health, safety and welfare.
2. Where the provisions of the Ordinance are either more restrictive or less restrictive than applicable provision of other laws, ordinances, statutes, resolutions, covenants or regulations of any kind, the more restrictive condition, standard or requirement shall prevail, except as authorized by the more restrictive agency.
3. Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this ordinance.
4. Any existing structure or use of property subject to conditions of approval for a Variance, Conditional Use Permit or other land use application must have a *Land Use Certificate of Compliance* issued within twelve (12) months of the approval, unless an extension is granted under Section 11.6. The *Land Use Certificate of Compliance*, when issued, shall state that the building or use appears to be in compliance with the conditions of approval.
5. The provisions of this Ordinance shall be applicable to any subdivision of property within the City after the effective date of this Ordinance.
  - a. Subdivision by Plat or Condominium Plat shall be in accordance with Section IX and shall be approved by the Planning Commission and City Council.
  - b. Subdivision by metes and bounds shall be subject to approval by the Planning Commission in accordance with Section IX if either of the resulting parcels is less than 10 acres or 500 feet of width and shall be limited to no more than one split of a parcel into two parcels in a three year period of time. An additional parcel for right of way or commonly owned driveway access may also be allowed. The proposed legal description for subdivision of land by metes and bounds shall be prepared and certified by a Registered Land Surveyor. Approval by the City shall be indicated by the stamp of approval affixed by the City Clerk to said legal description. The County Recorder or Registrar of Deeds may accept each such Certificate for filing and recording upon compliance with these provisions.
  - c. Subdivision by metes and bounds shall be subject to approval, in accordance with Section IX, by the Planning and Zoning Administrator if both of the resulting parcels are greater than 10 acres and 500 feet of width. Such subdivisions shall be limited to no more than one split of a parcel into two parcels in a three year period of time. The proposed legal description for subdivision of land by metes and bounds shall be prepared and certified by a Registered Land Surveyor. Approval by the City shall be indicated by the stamp of approval affixed by the City Clerk to said legal

description. The County Recorder or Registrar of Deeds may accept each such Certificate for filing and recording upon compliance with these provisions.

6. Ambiguities in the Ordinance shall be resolved by interpretation of the Planning and Zoning Administrator. If an applicant wishes to appeal the interpretation of the Administrator, an appeal can be made through a hearing of the Planning Commission.

#### 4.2 Environmental Documents and Concurrent Permits.

1. It shall be the property owner's responsibility to secure necessary concurrent permits such as Pollution Control Agency, State Waste Disposal Permits; Health Department Permits; DNR Planned Unit Development Permits; Corps of Engineers Permits, DNR Public Water Permits and DNR Water Appropriation Permits. Approval by the City does not imply approval by other agencies.
2. The City will prepare an Environmental Assessment Worksheet (EAW) where a proposed project exceeds the limits defined in the Environmental Quality Council's Rules and Regulations for Environmental review program or as requested by the Planning Commission or petitioned by the public.
3. The administration of an EAW or EIS shall be in accordance with the rules and regulations of the Minnesota Environmental Quality Board. The Zoning Administrator shall be responsible to the City Council and have the authority to administer the environmental document. The Planning Commission shall review each document and make recommendations to the City Council whose decision shall be final.

#### 4.3 Use of Pre-Existing Lots.

1. A nonconforming lot that was either of record-in the office of the County Recorder prior to November 11, 2019 or was of record on or after November 11, 2019 but before the effective date of this ordinance and complied with City of Remer standards in effect at the time it was recorded in the office of the County Recorder, shall remain a legal nonconforming lot and shall be allowed as a residential building site without a variance provided that:
  - a. All structure and septic system setbacks can be met, and;
  - b. A Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080 and Section 9.7 of this ordinance can be installed or the lot is connected to a public sewer, and;
  - c. The impervious surface coverage does not exceed that which is allowed in Section 5 of this ordinance.
2. If, in a group of two or more contiguous lots under the same ownership in the Shoreland District that were of record in the office of the County Recorder prior to November 11, 2019, any individual lot does not meet the requirements of this Ordinance for lot size or lot width, 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.

3. Pursuant to Minn. Stat. § 462.357, subd. 1e, contiguous lots under the same ownership are exempt from this section and may be considered as separate parcels for the purposes of sale, transfer or development if each individual lot meets all of the following requirements:
  - a. The lot meets at least 66 percent of the dimensional standards for lot width and lot size for the land use district within which it lies; and,
  - b. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a type 1 subsurface sewage treatment system meeting the standards contained in Section 9.7 of this Ordinance; and,
  - c. Impervious surface coverage does not exceed that which is allowed in Section 5 of this ordinance; and
  - d. Development of the lot is consistent with the City of Remer Comprehensive Land Use Plan.
4. Contiguous lots under the same ownership are exempt from this section and may be considered as separate parcels for the purposes of sale, transfer, or development if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are served by a public sewer, if available, or must be suitable for the installation of a subsurface sewage treatment system meeting the standards contained in Section 9.7 of this Ordinance.

#### 4.4 Non-conforming Structures and Uses.

Any structure or use legally existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued subject to the following:

1. No such structure or use shall be expanded, enlarged or intensified except in conformity with the provisions of this Ordinance and Section 4.4(2), with consideration for variances thereto and consideration given for previously approved Planned Unit Developments.
2. A one-time addition to a non-conforming principle structure shall be permitting subject to the following:
  - a. The non-conformity is due solely to setbacks.
  - b. The addition is not within the shore impact zone.
  - c. The addition will not encroach further into any setback.
  - d. The size of the addition shall not exceed fifty percent of the size of the structure it is being added to.
  - e. The total footprint of the structure, once the addition is completed, shall not exceed 2,500 square feet, including decks, porches, patios and other projections.

- f. For reasons of structural integrity, a basement may be allowed under the addition only where a basement exists in the original structure.
  - g. Additional screening is provided to screen the addition as viewed from adjacent properties, public roads and the surface water.
  - h. A stormwater management plan is implemented that directs stormwater away from adjacent properties and surface waters.
  - i. The height of the addition shall not exceed the height of the existing structure.
  - j. Beyond minor alterations needed to accommodate the addition, no structural modifications shall be made to the original structure.
  - k. No permits shall be granted under this provision for homes constructed after July 1, 1995 or where a previous variance has been approved.
  - l. All other provisions of the Ordinance must be complied with.
3. Where a parcel is voluntarily redeveloped to the extent that 50% or more of the footprint building area, above the foundation, on the parcel, is removed, all non-conforming structures on the parcel must be modified to conform to the Ordinance.
  4. If a non-conforming structure is damaged, by any cause, to an extent where the repair costs exceed 50% of its assessed value immediately prior to damage, the structure may be replaced with a structure of exact dimensions provided a permit is applied for within 180 days of when the property was damaged. Where no land use permit has been applied for within 180 days of when the property was damaged, then the structure or its replacement shall thereafter conform to this Ordinance.
  5. Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this Code, may be continued, including through repair, replacement, restoration, maintenance or improvement so long as the structure or use is not expanded. Replacement of a non-conforming structure will not be allowed where the nonconformity or occupancy has been discontinued for a period of one year or more. Any structural repairs or replacement of non-conforming structures shall require a land use permit.
  6. A lawful, non-conforming use may be changed to lessen the non-conformity of use. Once a non-conforming use has been changed, it shall not thereafter be altered to increase the non-conformity.
  7. In evaluating all variances and zoning permit applications, or conditional use requests, the zoning authority shall 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.
  8. Sewage treatment systems shall be upgraded to a conforming status in conformance with the following schedule:
    - A. Upon issuance of any permit or variance for any improvement on, or use of, the property.
    - B. Upon determination that leakage to the surface or lake or into an adjacent well is occurring, or determination that the system is discharging into the ground at an elevation less than 3 feet above the highest known

- watertable.
- C. Upon determination by Zoning Administrator that a system is inadequate for a change in occupation or use in the structure.
  - D. Upon notice by the Zoning Administrator that the City's records indicate the system is non-conforming.
  - E. Upon availability of a community sewer system to the property, connection to that system shall be made regardless of the conformance or non-conformance of the individual system.
9. Existing water orientated structures, including boathouses and sheds, may be replaced with a permit on the same parcel provided that:
- A. There shall be no increase in horizontal dimensions. The maximum square footage shall not exceed 248 for a rebuilt structure.
  - B. The structure must not exceed ten feet in height and must have a minimum of a 4:12 pitched roof.
  - C. The structure must meet a minimum setback of 10 feet from the ordinary high water mark and 20 feet from the adjacent property.
  - D. The structure must be treated to significantly reduce the visibility, as viewed from public waters and adjacent shorelands, through the use of vegetation, topography and/or color, assuming summer, leaf-on conditions.
  - E. The structure shall be used for storage only and may not include elements designed for human habitation.
  - F. Storm water runoff from the structure shall be drained away from the lake. There shall be no direct flow of stormwater from the structure to adjacent water bodies.

#### 4.5 Building Standards.

- 1. All structures and appurtenances shall be constructed in accordance with the Minnesota Building Code. The City does not examine plans, inspect dwellings for conformance with any state codes nor assume liability for the structural stability or quality of any structures.
- 2. All dwelling units shall be a minimum of 20 feet wide, 576 square feet in area and shall be placed on a foundation.
- 3. No building shall be placed closer than 10 feet from any other structure, unless designed to meet the fire separation requirements of the state codes.
- 4. Any new structure constructed or placed after the date of this Ordinance and not on a permanent foundation shall be considered a temporary structure.
- 5. Manufactured homes and mobile homes shall be installed by a licensed installer and a copy of the installation compliance certificate shall be submitted to the City prior to occupancy of the dwelling.
- 6. Dwellings in Transit. For dwellings to be moved onto a property, excluding manufactured homes that have never been occupied, the following shall be applicable:

- A. Prior to permit issuance, the property owner shall provide documentation of a certified home inspection including the following, at a minimum:
    - i. Certification that the electrical wiring meets state codes,
    - ii. Certification that the plumbing meets state codes,
    - iii. An evaluation of foundation adaptability and condition,
    - iv. An evaluation of roof condition,
    - v. An evaluation of structural integrity, and
    - vi. Certification that all doors, windows and siding are in acceptable condition.
  - B. The dwelling, once in place, must meet all municipal ordinances, with consideration given for approved variances.
7. Handicap Ramps. Temporary handicap ramps may be extended for a period longer than 14 days provided a copy of the physician's prescription is provided to the City. The ramp may be located on the subject property until the expiration of the prescription.
  8. Sewage treatment systems shall conform to Minnesota Pollution Control Agency Standards – Minnesota Rules Chapter 7080.
  9. 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 MPCA.
  10. Plumbing and electrical facilities installed after the date of this ordinance in all structures shall conform to the State Plumbing Code and State Electrical Code, respectively.
  11. The provisions of the Ordinance were prepared to be at least as restrictive as the "Statewide Standards for 'Management of Shoreland Areas'" effective July 3, 1989. Where the conditions of the Shoreland Standards are more restrictive, or in case of oversight, exclusion, or question in this Ordinance, the Shoreland Standards shall govern, except for applications involving non-conforming uses or other applications approved by the Commissioner.
- 4.6 Shoreland Regulations. The City has adopted the “City of Remer Shoreland Management Ordinance” (“Shoreland Ordinance”) to regulate the properties, and portions of properties, located within the shoreland areas of the City. The shoreland ordinance is incorporated herein by reference. Properties located within the identified shoreland areas are subject to the regulations of both this Ordinance and the Shoreland Ordinance and, to the extent both ordinances apply to the same matter, the strictest provisions must be complied with.

SECTION V

ZONING DISTRICTS AND DISTRICT PROVISIONS

5.1. General.

1. The City of Remer is hereby divided into Zoning Districts as shown on the official Zoning District map, which may be subsequently amended by the procedures of Section XIII.

2. The boundaries are generally on the center or a set distance from the edge of streets, on lot lines, on shorelines (OHW), on the center of streams or rivers, on the edge of wetlands and following the contours of the land.

3. Zoning Districts. The following Districts are hereby established:

Forest Preservation.....	FP
Forest Residential.....	FR
Neighborhood Residential.....	NR
Rural Preservation .....	RP
Downtown Mixed-Use.....	DM
Commercial Transition/Light Industrial.....	CT
Recreation.....	REC

4. Lakes, Rivers, and Streams. The lakes, rivers, and streams in the City of Remer have been classified as follows:

Forested River:

Willow River

5. Jurisdiction. The jurisdiction of this Ordinance shall include all property within the City of Remer municipal limits.

6. Prohibited Uses. All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses.

7. Criteria. The following land use criteria shall be considered when establishing a zoning classification or amending the official Zoning Map:

- A. Conformance to the City of Remer Comprehensive Plan.
- B. Preservation of natural sensitive areas.
- C. Present ownership and development.
- D. Shoreland soil types and their engineering capabilities.
- E. Presence of rare plant and animal species.
- F. Topographic characteristics.
- G. Vegetative cover.
- H. In-water physical characteristics.
- I. Recreational use of surface water.
- J. Road and service center accessibility.
- K. Public costs, both direct and indirect, of development consistent with the proposed zone.
- L. Availability of public sewer.

- M. The necessity to reserve and restore areas having significant historical or ecological value.
- N. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
- O. Alternative(s) available for desired land use.
- P. Prevention of spot zoning.



5.2 Forest Residential (FR).

1. Intent and Purpose: To establish and maintain a land use district that provides for the sustainable management of forests for scenic beauty, ecological function, wildlife habitat, timber harvesting, and passive recreation as well as to provide for low density, residential development not served by municipal infrastructure.
2. Lot and Use Requirements (FR):

Lot width – feet, minimum	400
Buildable lot area– acres	5
Setback, right of way, City road- feet, minimum	30
Setback, right of way, County or State road - feet, minimum	50
Setback, side yard – feet, minimum	30
Setback, rear yard – feet, minimum	30
Setback, corner side – feet, minimum	75
Setback, un-platted cemetery or archeological site – feet, minimum	75
Setback, sign – feet, minimum	1
Setback, OHW of lake – feet, minimum	200
Setback, wetland – feet, minimum	50
Impervious coverage - percent maximum	10%
Building height, dwelling – feet, maximum	25
Building height, accessory structure – feet, maximum	25
Building above highest groundwater level – feet, minimum	3
Animal unit per acre- maximum	1

3. Performance Standards (FR):
  - A. Screening. Screening consisting of native trees and shrubs covering a minimum of 75 percent of the setback area (leaf on conditions) is required in the road setback and within 50 foot lake, river, stream, wetland, and bluff buffers in order to retain the scenic beauty and rural character as viewed from roads and lakes.
  - B. The “Best Management Practices for Minnesota” for “Agriculture and Water Quality”, Minnesota Pollution Control Agency, shall hereby be adopted as the standard for agricultural uses.
  - C. The “Best Management Practices in Minnesota” for “Water Quality in Forest Management”, Minnesota Department of Natural Resources, shall hereby be adopted as the standard for timber management in forested areas.
  - D. Pre-existing commercial uses normally found in commercial areas shall be required to meet the Performance Standards in the CT District.

5.3 Neighborhood Residential (NR).

1. Intent and Purpose: To establish and maintain a land use district for developed, non-riparian properties, for properties with infrastructure in place to provide for higher density development, and properties developed as a rural neighborhood cluster. Land in this district shall not be further subdivided unless it falls within the Utility Overlay Zone or the land is incorporated into a development on an adjacent property. This zoning classification is non-riparian.

2. Lot and Use Requirements (NR):

Lot width– feet, minimum	100
Buildable lot area – acres, minimum	2
Maximum Density (acres/unit)	1
Maximum Density, Rural Conservation Subdivision (acres/unit)	1
Setback, right of way, City road- feet, minimum	30
Setback, right of way, County or State road, feet, minimum	50
Setback, side yard – feet, minimum	10
Setback, rear – feet, minimum	10
Setback, corner side – feet, minimum	30
Setback, un-platted cemetery or archeological site – feet, minimum	50
Setback, sign – feet, minimum	1
Setback, wetland or stream – feet, minimum	50
Impervious coverage - percent maximum	20%
Building height, dwelling – feet, maximum	25
Building height, accessory structure – feet, maximum	25
Building above highest groundwater level – feet, minimum	3
Maximum animal unit per acre	1

3. Performance Standards (NR):

- A. Dwelling, Guest Quarters. Guest quarters must meet the following restrictions:
  - i. Shall be located along with the principal structure on the smallest lot meeting the above requirements.
  - ii. Shall be a minimum of 400 square feet and maximum of 600 square feet and shall not exceed 15 feet in height.
- B. Impervious Coverage. Impervious coverage may be increased by 5% through a conditional use permit if the following is provided:
  - i. A stormwater retention plan be submitted showing containment of the 5-year, 24-hour storm event on the parcel.
  - ii. Direct runoff of stormwater to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms, filtration strips, swales or other permanent means
- C. Outside Storage. Storage of a fish house and a recreational vehicle is allowed if stored not less than 10 feet distance from any property line and not within the OHW setback.
- D. Fences. Fences not exceeding 60 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches

may be constructed within the OHW setback area so long as the fencing is transparent. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission.

- E. Establishment of Primary Use. All garages permitted without principle dwelling units shall have adequate buildable area for a principle dwelling unit, a sewer treatment system and a well. Applicants for garages without principle dwelling units shall submit a sewer design by a licensed designer for the future principle structure before obtaining a permit.

5.4 Rural Preservation (RP).

1. Intent and Purpose: To establish and maintain a land use district that preserves the City’s rural character and provides low density, rural development adjacent to existing transportation infrastructure but not serviced by municipal sewer and water.

2. Lot and Use Requirements (RP)

Lot width– feet, minimum	100
Buildable lot area - acres, minimum	5
Setback, right of way, City road- feet, minimum	30
Setback, right of way, County or State road, feet, minimum	50
Setback, side yard – feet, minimum	10
Setback, rear – feet, minimum	10
Setback, corner side – feet, minimum	30
Setback, un-platted cemetery or archeological site – feet, minimum	50
Setback, sign – feet, minimum	1
Setback, wetland or stream – feet, minimum	50
Impervious coverage - percent maximum	15%
Building height, dwelling – feet, maximum	25
Building height, accessory structure – feet, maximum	25
Building above highest groundwater level – feet, minimum	3
Animal unit per acre – maximum	1

3. Performance Standards (RP):

- A. Screening. Screening consisting of native trees and shrubs covering a minimum of 75 percent of the area (leaf on conditions) is required in the shore impact zone, bluff impact zone and wetland setback in order to retain the scenic beauty and rural character as viewed from lakes. To obtain a construction permit in this district, a revegetation plan shall be required for existing properties that do not meet this standard.
- B. The “Best Management Practices for Minnesota” for “Agriculture and Water Quality”, Minnesota Pollution Control Agency, shall hereby be adopted as the standard for agricultural uses.
- C. The “Best Management Practices in Minnesota” for “Water Quality in Forest Management”, Minnesota Department of Natural Resources, shall hereby be adopted as the standard for timber management in forested areas.
- D. Outside Storage. Storage of a fish house and a recreational vehicle is allowed if stored not less than 10 feet distance from any property line and not within the OHW setback.
- E. Fences. Fences not exceeding 60 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is not to be used where frequent human contact is anticipated.
- F. Establishment of Primary Use. All garages permitted without

principle dwelling units shall have adequate buildable area for a principle dwelling unit, a sewer treatment system and a well. Applicants for garages without principle dwelling units shall submit a sewer design by a licensed designer for the future principle structure before obtaining a permit.

5.5 Downtown Mixed-Use (DMU).

1. Intent and Purpose: To establish and maintain a land use district for a mix of high-density residential and commercial uses. Development in this zone relies less on automobile traffic and more on walking, biking and other similar modes of transportation. Infrastructure must be in place to provide on-street parking and walkways as well as connection to municipal water and sanitary sewer utilities. Downtown Mixed-Use zones should be clustered to provide the maximum amount of interaction and accessibility between the different establishments.

2. Lot and Use Requirements (DMU):

Lot width– feet, minimum	30
Buildable lot area – square feet, minimum	2,250
Maximum Density (units per acre)	20
Setback, right of way, City road- feet, minimum	1
Setback, right of way, County or State road, feet, minimum	10
Setback, side yard – feet, minimum	0
Setback, rear – feet, minimum	10
Setback, sign – feet, minimum	1
Setback, parking from building or lot line – feet, minimum	0
Setback, wetland – feet, minimum	50
Impervious Coverage with storm sewer available	90%
Impervious Coverage without storm sewer available	50%
Building height – feet, maximum	25
Building above highest groundwater level – feet, minimum	3

3. Performance Standards (DMU):

- A. Parking. Developments shall minimize the appearance of parking areas.
  - i. Location. Parking and vehicle drives shall be located away from building entrances and street corners, and not between a building entrance and the street. Surface parking shall be oriented behind or to the side of a building when possible.
  - ii. Landscape Buffering. Suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks and buildings.
  - iii. Maximum Parking Ratio. Surface parking shall not exceed 125% of the minimum parking requirement for the subject land use(s).
- B. Pedestrian Amenities. Proposed developments shall provide for safe and comfortable sidewalks, paths, and resting areas for pedestrians. Sidewalks and paths shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- C. Lighting. All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting including wall mounted, sidewalk lamps, bollards, or landscape up-lighting.
- D. Fences. Fences not exceeding 72 inches in height may be constructed. Fencing shall only be constructed closer than 10 feet from the surface of a public road with the permission of the Planning Commission.

Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is allowed only with the permission of the Planning Commission.

- E. Impervious Coverage. The impervious coverage may be increased to 75% through a land use permit if the following is provided:
  - a. A stormwater management plan that retains the 25-year, 24-hour rain event is provided on-site. Upon approval, the plan must be fully implemented and maintained.
  - b. Direct runoff to adjacent properties, including publicly owned lands, in a 25-year, 24-hour rain event is eliminated through the use of swales, berms, ditches, grading or other necessary and permitted means.
  - c. Failing to maintain the stormwater management system will be considered a violation of the Land Use Ordinance.
- F. Impervious Coverage. The impervious coverage may be increased to 90% through a conditional use permit if the following is provided and the requirements for a conditional use permit are met:
  - a. A professionally engineered stormwater management plan that retains the 100-year, 24-hour rain event is provided on-site. Upon approval the plan must be fully implemented and maintained.
  - b. Direct runoff to adjacent properties, including publicly owned properties, in a 100-year, 24-hour rain event is eliminated through the use of swales, berms, ditches, grading or other necessary and permitted means.
  - c. Failing to maintain the stormwater management system will be considered a violation of the Land Use Ordinance.

5.6 Commercial Transition/Light Industrial (CT).

1. Intent and Purpose: To establish and maintain a land use district for commercial and light industrial purposes, with independent sanitary facilities, which can provide goods and services needed locally for the residents of the community without negatively impacting the natural resources or small town character of the City.
2. Lot and Use Requirements (CT):

Lot width– feet, minimum	100
Buildable lot area – square feet, minimum	20,000
Setback, right of way, City road- feet, minimum	30
Setback, right of way, County or State road, feet, minimum	30
Setback, between buildings – feet, minimum	10
Setback, side next to residential district – feet, minimum	30
Setback, side yard – feet, minimum	30
Setback, rear – feet, minimum	30
Setback, parking from lot line – feet, minimum	10
Setback, sign – feet, minimum	1
Setback, wetland – feet, minimum	75
Setback, unplatted cemetery or archeological site	50
Impervious surface – percent, maximum	25%
Building height – feet, maximum	25
Building above highest groundwater level – feet, minimum	3

3. Performance Standards (CT):
  - A. Impervious Coverage. Impervious coverage may be increased by up to 15% through a conditional use permit if the following is provided:
    1. A storm water retention plan showing containment of the 5-year, 24-hour storm event on the parcel.
    2. Direct runoff of stormwater to adjacent properties and wetlands shall be eliminated through the use of berms, infiltration ponds, swales, filtration strips or other permanent means.
  - B. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.
  - C. Parking. Adequate off-street parking shall be provided. On-street parking is not allowed under any circumstances. To reduce the visual impacts and amount of surface parking, shared parking and surface parking shall be located behind or to the side of a building. Additionally, suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks, roads, lots and buildings.
  - D. Screening. All sites shall be heavily landscaped to provide 100% screening to adjacent residential parcels and over 50% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.



- E. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.
- F. Fire Lanes. Fire lanes shall remain unobstructed at all times.
- G. Fences. Fences not exceeding 84 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission.

5.7 Public (P).

1. Intent and Purpose: To establish and maintain a land use district for existing public use of land or for land properly suited for public facilities, parks and open spaces and other locations for public or semipublic use

2. Lot and Use Requirements (P):

Lot width – feet, minimum	25
Lot area – square feet, minimum	2,250
Setback, road - feet, minimum	1
Setback, side - feet, minimum	0
Setback, corner side - feet, minimum	0
Setback, sign - feet, minimum	1
Setback, wetland – feet, minimum	30
Impervious surface coverage – percent, maximum	75%
Building Height - feet, maximum	25
Building above highest known groundwater – feet, minimum	3

3. Performance Standards (P): All proposed development in the Public District:

- A. General. All proposed development in the Public zone shall be reviewed by the Planning Commission, which will make recommendations to the City Council
- B. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light, or any other nuisances.
- C. Parking. To reduce the visual impacts and amount of surface parking, parking structures, shared parking, and surface parking located behind or to the side of a building shall be encouraged whenever possible. Additionally, suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks, roads, lots and buildings. No parking shall occur within shoreline setback areas.
- D. Screening. All sites shall be landscaped to provide 50% screening of structures to adjacent residential parcels and 10% screening from the road or any nonresidential parcel, to be established within 3 years. Percentages shall be determined by the amount of structure that can be seen during leaf-on conditions.
- E. Lighting. Lighting shall be downward directional and shall be compatible with the surrounding development. Signs approved with lights must be turned off at the close of business each day.
- F. Fences. Fences not exceeding 96 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick, or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission.

5.8 Land Use Matrix

1. The land use matrix shown in Table 1 establishes the allowable, permitted, accessory, conditional, interim and excluded uses within the City of Remer.
2. All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses.
3. All accessory uses require a permit, unless otherwise indicated.

## SECTION VI

### OVERLAY DISTRICTS AND DISTRICT PROVISIONS

#### 6.1 General.

1. Purpose and Intent. To establish and maintain districts that overlay existing zoning districts to better manage significant areas with specific needs, such as encouraging growth in areas with existing public facilities or preserving areas with valued resources and amenities. All sites within an overlay district shall continue to bear their original zoning but with the provisions of the overlay district appended.
2. Boundaries. The boundaries are established based on district-specific criteria and may not be aligned with roads, lot lines, or other man-made boundaries. The boundaries are designated on overlay maps. Overlay maps are considered part of the official Zoning Map and are therefore approved and amended following procedures in Section XIII.
3. Permits. No subdivision, rezoning, reconstruction, alteration, or addition shall be made to any existing structure, nor shall any additional structure be constructed upon a site in any overlay district, except in accordance with the provisions of the overlay district.
4. Districts. The following overlay districts are hereby established:  
  
Shoreland Overlay District
5. Supremacy. If a provision of an overlay district conflicts with a provision or provisions of the underlying zoning district, the more restrictive provision shall apply.

## SECTION VII

### PERFORMANCE STANDARDS

#### ---GENERAL---

#### 7.1 Signs.

1. Purpose. The purpose of these standards is to protect the general welfare and safety of the City by providing a policy of aesthetic development to prevent signs from intruding on the rural and residential character of the City; to provide adequate signs for direction and property identification purposes; and to provide adequate and effective signs for commercial use.
2. General.
  - A. Non-maintained signs or signs for discontinued business will be removed after notification by the Zoning Administrator or after discontinuance of the business.
  - B. Placement of signs shall consider protecting sight distance at intersections, driveways and curves.
  - C. All flashing, revolving and intermittently lighted signs and all portable signs are prohibited, except as specifically allowed in this section.
  - D. Digital time and temperature signs that are part of an overall sign design are allowed in commercial areas.
  - E. Temporary signs pertaining only to the construction, sale or rental of the premises are allowable provided they do not exceed 9 square feet in any zone and are removed within 30 days of the completion of construction, sale or rental.
  - F. Temporary signs, including banners, streamers and portable signs, are allowed for special events such as grand openings and promotions provided they are not in place longer than 14 days.
  - G. A non-conforming sign may be refaced, removed and replaced for maintenance purposes, however it shall not be increased in size, the support system shall not be improved and the sign shall be removed in its entirety upon the determination by the Zoning Administrator that the sign is in disrepair or the support system is failing.
  - H. Residential and commercial signs may not contain elements commonly used by highway departments to alert, direct or caution traffic such as, but not limited to, octagonal stop signs or speed limit signs.
  - I. Street identification signs, no hunting or trespassing signs and temporary signs endorsing a political candidate, party or issue during an election season are allowed without a permit.
  - J. No signs, except for official traffic signs, shall be placed on or overhang public property, except where specific permission is granted by the Planning Commission.
  - K. All signs must be professionally constructed and painted.
3. Required Permits. All signs are considered structures and require a Zoning Permit, except signs placed by the City, County or State to relate the laws or ordinances, which are exempt, and signs exempted in 7.1(2).
4. Onsite Signs.
  - A. Residential Districts.
    1. Signs shall not be internally or externally lighted but may be

- reflective.
2. No sign shall be larger than 3 square feet, except for a permitted home occupation where 6 square feet is allowed,
  3. Only one sign per parcel shall be allowed.
  4. In addition to other signs exempted under this Ordinance, a temporary sign is allowed to be placed on private property within, and directly adjacent to, newly platted subdivision for 24 months following final plat approval, or until land use permits have been obtained on 50% of the parcels within the subdivision, whichever comes sooner. The property owner may request a 12-month extension for the temporary sign, to be granted at the discretion of the Planning Commission. Signs erected under this Section shall require a permit and shall not exceed 32 square feet in any zone.
- B. Commercial Districts.
1. All signs on a property must be coordinated to create an overall appearance in regards to size and color.
  2. Sign area is calculated as the total area of signage. For two-sided signs, each side shall be counted.
  3. Up to 10% of any principle structure façade area which directly abuts and lies generally parallel the road right-of-way or publicly traveled roadway may be dedicated to signage.
    - a. The permitted sign area may be split up into several signs or used for one sign.
    - b. Any attached sign that protrudes from a structure 2 feet or less will be counted as part of the building façade signage.
    - c. For commercial buildings that are entirely set back more than 100 feet from the edge of the roadway, 15% of the façade area may be covered.
    - d. Façade area may be transferred from one side to another so long as the area used as signage never exceeds 10% of the side it is on.
    - e. No credit is given for façade area not directly abutting and lying generally parallel the road right-of-way or publicly traveled roadway.
  4. Each property is allowed one freestanding sign so long as the sign can meet setbacks and its placement does not obstruct lines of sight or pedestrian corridors.
    - a. Buildings located in a 40 mile per hour speed zone or higher are allowed up to 128 square feet of freestanding sign.
    - b. Buildings located in a less than 40 mile per hour speed zone are allowed up to 96 square feet of freestanding sign and, for multi-business buildings, are allowed an additional 10 square feet for each business after the first.
    - c. For corner lots, one freestanding sign conforming to these standards is allowed on each roadway.
    - d. Any attached sign that protrudes from a structure more than 2 feet will be considered a freestanding sign.
    - e. For parcels located in a 40 mile per hour speed zone or higher, no freestanding sign shall exceed 20 feet in height. For parcels located in a less than 40 mile per hour speed zone, no freestanding sign shall exceed 15 feet in height.

For parcels in more than one zone, the more restrictive standard will apply.

5. There shall be no signage on accessory structures.
  6. Property owners seeking to display more signs than what are allowed in this section or seeking allowances outside of what is allowed in this section, may obtain permission to do so by conditional use permit. Such application for a conditional use permit shall include submittal of a sign concept plan for the entire parcel. In addition to conditional use permit criteria, the basis for approval or denial shall include an evaluation of:
    - a. necessity of the additional signage,
    - b. alternatives to additional signage,
    - c. continuity with signage on adjacent parcels,
    - d. aesthetic impacts, and
    - e. perceived effectiveness of proposed signage.
  7. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards.
    - a. No advertising signs or supporting facilities for signs may be placed upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or a permit issued by the county sheriff.
    - b. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than 10 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
    - c. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent illumination out across public waters. This does not preclude use of navigational lights.
5. Offsite Signs.
- A. Off-site signs are prohibited, except for residential or commercial directory signs. Any existing off-site signs are considered non-conforming structures.

## 7.2 Nuisance Standards.

### 1. Performance Standards.

- A. Compliance Required. Every use permitted by this Ordinance shall be so established and maintained as to comply with the provisions of this section. The Council may require the complaining party to provide such tests or investigations by an independent testing organization

satisfactory to the Council as are necessary to show non-compliance with these standards. The entire cost of such investigations and tests shall be paid for by the complaining party unless the results disclose non-compliance with these standards; in the event, the entire cost shall be borne by the owner or operator. This provision does not preclude the City from making any investigations and tests it finds appropriate to determine compliance with these standards.

- B. Noise. Noise shall be measured on any property line of the tract on which the source of the noise is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness, or intensity. At the property line of the tract on which the source of noise is located, the sound pressure level of noise radiated shall not exceed the following limits measured for 10% (L10) and 50% (L50) of a one hour period, using a sound level meter having the characteristics as specified in standards endorsed by the American National Standards Institute, specification for sound level meters, and using procedures approved by the State of Minnesota Pollution Control Agency. Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7010.

In addition, no persons shall make a cause to be made, any impulsive and loudly audible noise that injures or endangers comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

Adjoining Property Zone - Time				
	Day, 7AM – 10PM		Night, 10PM - 7AM	
	L10	L50	L10	L50
Decibels, Residential Zones	60	55	50	45
Decibels, Commercial Zones	65	60	65	60

- C. Odor. No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.
- D. Glare. Direct or reflected glare, such as from floodlights, spotlights or high temperature process, and as differentiated from general illumination, shall not be visible beyond the sight of origin at any property line. Any lights used for exterior illumination shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted where in view of adjacent property or public right-of-way. Except for public street lights, any light or combination of lights which cast light on a public street shall not exceed one foot-candle as measured from the property line of said street. Any light or combination of lights which cast light on residential property shall not exceed one foot-candle as measured from the property line of said property.
- E. Vibration. Vibration at any property line shall not be discernible to the human sense of feeling for three (3) minutes or more duration in any



one (1) hour period. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (1/10) gravities or result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting" on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.

- F. Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations APC 7017. Open burning shall require a DNR burning permit.
- G. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7011.
- H. Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Chapter 5, "Physiological Effects" that contains such tables, in the "Air Pollution Abatement Manual" published by the Manufacturing Chemists' Association, Inc., Washington D.C., are hereby established as guides for the determination of permissible concentration and amounts. The City may require detailed plans for the elimination of fumes or gases before the issuance of a Zoning Permit.
- I. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.
- J. Wastes.
  - 1. All waste generated shall be disposed of in a manner consistent with all Minnesota Pollution Control Agency rules.
  - 2. Any accumulation of waste generated on any premises not stored in containers which comply with Minnesota Pollution Control Agency rules, or any accumulation of mixed solid waste generated on any premises which has remained thereon for more than one week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored or disposed in a manner consistent with Minnesota Pollution Control Agency rules, is a nuisance and may be abated and the cost of abatement may be addressed against the property where the nuisance is found.
  - 3. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance.
- K. Air Pollution. Every activity shall conform to State regulations relating to air quality standards and air pollution control.

- L. Erosion and Drainage.
  1. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties.
  2. All storm sewer inlets and drainage ways that are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
  3. All on-site storm water conveyance systems must be designed and constructed to withstand the design volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion controls must be provided at the outlets of all storm sewer pipes or drainage ways.
  4. All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.
  5. All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measure.
  6. All temporary erosion control devices, including silt fence, gravel, hay bales or other measures shall be removed from the construction site and properly disposed of or recycled. This removal and disposal must occur within 60 days of the establishment of permanent vegetative cover on the disturbed area.
- M. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. Adverse effects shall be measured by FCC standards.
- N. Fertilizers, herbicides and pesticides. No person shall place, spread or store fertilizers, herbicides and/or pesticides in any manner other than that recommended by the manufacturer or in any manner which allows any escape of nutrients or toxins into the air, ground water or surface water of the City.
- O. Abandoned Buildings. No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorated or a safety hazard. All abandoned, deteriorated or unsafe structures shall be removed. If the owner fails to remove the structure, the City shall do so and assess the cost against the property through the County taxation method.

7.3 Fences.

1. General. Performance standards relating to fences are listed for each District in Section V.
2. Safety Hazards. Fences shall not be erected where they create a visual safety hazard in the opinion of the Zoning Administrator.
3. Location and Orientation. Fences shall sit on the property of the property owner installing the fence; fences may abut but not sit directly on lot lines of adjacent parcels. The “good side” of the fence shall face abutting properties, meaning that the posts shall face in toward the property on which the fence

sits and the finished face of the fence shall face abutting properties. If the fence is within two feet of a property line, the adjoining property owner abutting the fence is allowed to finish the side of the fence facing their property.

4. Maintenance. Fences shall be maintained to retain their aesthetic quality, screening abilities, and function. Missing boards, rusting wire and posts, and peeling paint shall be taken care of at the owner's expense as they occur.

#### 7.4 Storage.

1. Exterior Storage.
  - A. There shall be no exterior storage allowed on lots that do not contain a principle or accessory structure, except where the property owner also owns adjoining property that contains a principle or accessory structure. Provisions of 7.4 (1B) and 7.4 (1C) are still applicable.
  - B. Where there is a principle or accessory structure, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, recreational equipment, construction landscaping materials and equipment currently being used for construction of the premises, woodpiles, other equipment currently (within a period of 30 days) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein. Additional standards apply based on the zoning classification of the parcel.
  - C. Abandoned motor vehicles shall be stored within a structure or completely screened from view.
2. Bulk Storage.
  - A. All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota Pollution Control Agency and Minnesota Department of Agriculture Office and when in excess of normal domestic requirements shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainageway or public waters without providing complete containment.

#### 7.5 Visual Standards – Screening.

1. General. No use shall create, maintain or continue any activity or structure which has a strong negative visual impact or offends the morals or violates the standards of the City.
2. Adjacent Residential Properties. Where any business or industry is adjacent to property zoned residential or any use cannot meet the visual standards of the City, screening shall be provided by the business or offending use.
3. Landscaping. Screening required shall be in addition to normal landscaping and planting, and consist of a visual obstruction completely containing the activity on the commercial or offending use property assuming off-leaf conditions.
4. Materials. Screening may consist of dense evergreen planting eight feet or more in height, wood walls with 100% obstruction, a building wall consisting

of aesthetically pleasing materials that blends with the surroundings or similar structures. All structural elements shall meet required setbacks.

#### 7.6 Sanitation Standards.

1. Solid Waste. All solid waste shall be disposed of in accordance with the standards of Cass County.
2. Domestic Sewage.
  - A. All plumbing shall discharge into a municipal sanitary system if available.
  - B. All dwellings or structures with plumbing shall be served by an individual or common sewage disposal system meeting the requirements of MPCA Rules Chapter 7080.
  - C. All non-conforming systems shall be brought into conformance.
  - D. Sewage tanks being abandoned shall be thoroughly pumped and filled with soil.
  - E. All owners of sewage treatment systems shall have the system inspected, consistent with State guidelines, once each five years by a certified sewage system inspector.
    1. The person inspecting the system shall determine if the system meets the compliance criteria contained in Minnesota Rules, Chapter 7080.1500.
    2. The person inspecting the system shall provide the City with a statement that the system is in good working order, or specifying any defects discovered and the date such defects were/will be corrected. The form shall also indicate if and when the septic tank was pumped.
    3. The Zoning Administrator shall maintain a file by legal description and shall notify any delinquent property owner when 6 months have elapsed beyond the required five year period.
    4. The Zoning Administrator, or assistant, shall have the authority to verify the inspections and/or conduct inspections on behalf of the City.
3. Agriculture or Animal Wastes. Within the shoreland area, 1000 feet from a lake or 300 feet from a watercourse, no waste products from agriculture or animal husbandry operations shall be deposited by man at any greater rate than the plant and soil system can absorb the nutrients; nor shall any wastes be allowed to accumulate where surface waters flow directly to public waters or watercourses. No livestock shall be allowed to water directly in a stream or public water.
4. Water Supply.
  - A. All potable water systems shall be connected to a municipal water supply, if made available.
  - B. All domestic and agricultural wells shall conform to the Minnesota Department of Health Standards for wells.
  - C. All water systems shall meet the requirements of the Minnesota Department of Health Standards for water systems.
  - D. All wells being abandoned shall be sealed according to Minnesota Department of Health Standards and report to Minnesota Department of Health and the City.

7.7 Animal Husbandry.

1. Pets. Pets shall be properly cared for, shall not be allowed to create problems for neighbors or the City, or become a nuisance, and shall have sanitary standards maintained consistent with 7.6(3).
2. Livestock.
  - A. No feedlots are allowed.
  - B. Livestock may be raised as provided in Zoning Districts with proper permits provided that the standards of each District are not compromised.
  - C. Livestock shall be properly cared for, shall not create problems for neighbors or the City and shall have sanitary standards maintained consistent with 7.6(3).
3. Wild Animals.
  - A. The keeping of wild animals as pets - including but not limited to primates and large carnivores - is not allowed.
  - B. Wildlife rehabilitation uses shall require a Conditional Use Permit and must meet the minimum standards established by the State of Minnesota Department of Natural Resources Rules Chapter 6244.

7.8 Tree Removal/Woodland Preservation/Soil Erosion Prevention.

1. Diseased Trees. Diseased or dead trees that pose a hazard shall be removed immediately and disposed of and replaced with native tree species.
2. Intensive Clearing in Shore and Bluff Setbacks. Intensive vegetation clearing within the shore setbacks and on steep slopes is not allowed.
3. Limited Clearing in Shore and Bluff Setbacks and Overlays. Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, and beach and watercraft access areas, as well as providing a view to the water from the principle dwelling site, in shore and bluff impact zones and on steep slopes is allowed by permit, provided that:
  - a. Screening of structures, vehicles and other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
  - b. Along rivers, existing shading of water is preserved.
  - c. No tree larger than four inches of diameter is removed, except to accommodate a stairway or landing.
4. Clearcutting. Vegetation Removal, Clear Cutting, where allowed, must be done according to “Best Management Practices in Minnesota”. Soil erosion must be prevented and area stormwater drainage patterns shall not be altered.
5. Select or Open Cutting. Vegetation Removal, Select or Open Cutting, where allowed, must be done according to “Best Management Practices in Minnesota”. Reestablishing the same species removed shall occur when and where possible.
6. Grading. Any area disturbed during any grading operation shall have the native topsoil augmented and the area shall be replanted with native vegetation.

7.9 Parking and Loading.

1. General. Onsite parking or garage space shall be provided in all Districts, except as specifically exempted. There shall be adequate drive access to prevent the need to back onto collector streets or County Highways. Onsite parking spaces shall not be used for storage.
2. Dimensions. Parking sites shall be a minimum of 20 feet long and 10 feet wide.
3. Parking Ratios. Parking shall be provided at the following ratios at a minimum, except where exempted within Section V or unless modified by Conditional Use Permit:
  - a. 2 stalls per dwelling unit
  - b. 1 additional stall per employee in home occupation
  - c. 1.5 stalls per dwelling unit, multi-family over 20 units per complex, Motel/Hotel units
  - d. 1 stall per 6 seats-churches and other assembly places
  - e. 1 stall per 300 square feet of office space
  - f. 1 stall per 300 square feet of retail space
  - g. 1 stall per 6 seats for restaurants
4. Onsite Parking. Onsite parking shall not be closer than 10 feet from a lot line, except in the DMU District.
5. Handicapped parking shall be required in accordance with state law.
6. Parking Surfaces. All parking areas shall be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a public water.
7. Landscaping. More than 5 parking stalls contiguously located and any commercial parking adjacent to residential shall be landscaped according to a plan approved by the Zoning Administrator with review by the Planning Commission.
8. Loading – General. All required loading berths shall be off street and shall be located on the same lot as the principal use served. Loading shall not occupy front yard space. Berths shall not be used for storage.

7.10 Drainage.

1. General.
  - A. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
  - B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities and methods used to retain sediment on the site.
  - C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds must be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.
2. Drainage Plan(s). All subdivisions shall contain provisions for adequate surface or subsurface runoff of storm water and snow melt directed to natural drainageways. A storm frequency of a 5-year, 24-hour storm period shall be

- provided for with no structural flooding or ponding.
3. Natural Drainage. All development shall provide for the continuance of natural drainageways, and structures shall be so constructed as to be 1 foot above the water level in the drainageway created by a storm of a 100 year return period or a 1% chance of occurrence.
  4. Drainage Structures. All drainage structures provided shall be sufficient in size to pass a 5-year, 24 hour storm to a natural drainageway and to pass a 100-year, 24-hour storm along a drainageway.
  5. Drainage Storage Areas. The use of natural or manmade stormwater storage areas is encouraged. These areas should be vegetated and designed to naturally lower after a storm.
  6. Filling. No filling of areas inundated by the 100-year, 24-hour storm along drainageways shall be allowed, except by Conditional Use Permit.
  7. Impervious Areas. All parking areas, heavy areas, storage areas and impervious areas shall be designed to allow entrapment of silts and nutrients prior to discharge to a natural drainage way or public water.
  8. Public Waters. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming or surface debris before discharge.
  9. Erosion. Erosion control measures shall be provided in all areas disturbed during any grading or construction. All areas disturbed shall be covered with topsoils and seeded. Areas subject to concentrated runoff or steeper than 3:1 shall be sodded, planted with appropriate deep-rooted vegetation, or protected with an appropriate mulch cover as directed by the City Engineer.

#### 7.11 Grading.

1. General. The following activities must be authorized by permit, except for excavation for permitted structure, drives, sewer systems and parking areas:
  - A. Grading and filling in the shore or bluff impact zone,
  - B. Any alterations of the natural topography when the slope of the land is toward a public water or watercourse involving the movement of more than 10 cubic yards of material in a bluff or shore impact zone or more than 50 cubic yards of material anywhere else within a shoreland area.
2. Conditions. The following conditions shall apply:
  - A. The smallest amount of bare ground is exposed for as short a time as feasible.
  - B. Four inches of topsoil is placed, temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.
  - C. Methods to prevent erosion and trap sediment are employed.
  - D. Fill is stabilized to acceptable engineering standards and must not create an unstable slope.
  - E. Plans to place fill or excavated material on steep slopes must be reviewed by a qualified professional for continued slope stability and must not create finished slopes of 30% or greater.
  - F. Fill or excavated material must not be placed in bluff impact zones.
  - G. Fill placed in a public water below the ordinary high water line requires a DNR Waters Permit and a Corps of Engineers Permit.
  - H. Excavation in the bed of public waters requires a DNR Waters Permit and a Corps of Engineers Permit.
  - I. Only clean fill consisting of sand, gravel or rock will be allowed where contact with water is anticipated. Mineral soil may be allowed

- elsewhere.
- J. Alterations to topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
3. Wetlands. Grading or filling in any protected wetland is prohibited unless authorized by Federal, State, County and Local permitting agencies.
  4. Public Waters. Connections to public waters of boat slips, canals, lagoons, harbors and similar inland excavations are prohibited.
  5. Roads, Driveways, and Parking Areas. Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public waters.
    - A. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zone, when other reasonable and feasible placement alternative exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.
    - B. Private watercraft access ramps, approach roads and access-related parking areas are prohibited on lakes with public access or more than one privately-owned but public access. On lakes with no public access, private watercraft access ramps, approach roads and access-related parking areas may be placed by permit within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met.
  6. Ice Ridges. If ice ridges occur annually, the property owner may restore the shoreline every year. Removal or grading of an ice ridge must not disturb emergent aquatic vegetation, unless authorized by an aquatic plant management permit from the DNR's Division of Fisheries. Restoration shall be permitted only where:
    - A. The ice ridge resulted from ice action within the last year.
    - B. The total length of shoreline zone to be affected does not exceed 50 feet.
    - C. All ice ridge material that is composed of muck, clay, or organic sediment is deposited and stabilized at an upland site above the ordinary high water level of any public water.
    - D. All ice ridge material that is composed of sand or gravel is removed or graded to conform to the original cross-section and alignment of the lakebed, with a finished surface at or below the ordinary high water level.
    - E. No additional excavation or placement of fill material occurs on the site.
    - F. All exposed areas are immediately stabilized as needed to prevent erosion and sedimentation.
  7. Riprap. The City of Remer encourages the use of riprap only as a last resort to control shoreline erosion. Other methods should be used, including the planting of native, deep rooted vegetation. If riprap has been found to be the only tool available, riprap installation shall have the following standards:
    - A. Gradation. A well-graded mixture of rock sizes should be used instead of one uniform size.
    - B. Quality of stone. Riprap must be durable so that freeze/thaw cycles do not decompose it in a shore time; most igneous stones such as granite have suitable durability.



- C. Riprap depth. The thickness of riprap layers should be at least 2 times the maximum stone diameter.
- D. Vegetation.
  - i. Existing vegetation on the shoreline and in the water should be maintained without disturbance.
  - ii. All bare soil on the slope above the riprap should be stabilized with seed and mulch, or sod.
  - iii. Wooded, deep rooted vegetation should be planted among the riprap to help stabilize and create wildlife habitat.
- E. Filter material. Filter material is usually required between riprap and the underlying soil surface to prevent soil from moving through the riprap; a filter cloth material or a layer of gravel is usually used for the filter.
  - i. Leaching Protection. Leaching can be controlled by installing a riprap gradation small enough to act as a filter against the channel base material, or a protective filter can be installed between the riprap and the base material.
  - ii. Riprap Limits. The riprap should extend for a maximum flow depth, or to a point where vegetation will be satisfactory to control erosion.
  - iii. Curves. Riprap should extend to five times the bottom width upstream and downstream of the beginning and ending of the curve as well as the entire curved section.
  - iv. Riprap Size. The size of riprap to be installed depends on site-specific conditions.
  - v. Riprap Prohibitions. Slopes on which riprap is used to stabilize shorelines shall be no steeper than 2:1.
- F. Maintenance. Inspections should be made of all sites immediately after the first rainfall following installation of riprap. This is particularly important in areas where riprap that is displaced during the storm would impact culverts. Thereafter, riprapped sites should be checked following large storms, especially those which are near or exceed the storm frequency used in the design. Displaced riprap should be removed from its downstream location and new riprap placed according to the specifications above.

7.12 Camping

1. General.

- A. All recreational vehicles must be designed to operate on state roads without a special permit and must have a current license.
- B. No camping unit may be permanently placed or skirted.
- C. All camping units must be able to be moved readily.
- D. Camping units must meet dwelling setback requirements.
- E. Prior to placing a camping unit, the occupant must have the permission of the property owner. The permission must be written when the property owner is not available on site.

2. Properties with principle structures.

- A. There shall be a maximum of four units allowed at any one time.
- B. No individual camping unit may be placed for use longer than 14 days within any 60 days.
- C. One camping unit may be allowed in outside storage. That unit

may be stored year-round.

3. Properties without principle structures.
  - A. There shall be a maximum of four units allowed at any one time.
  - B. Each individual camping unit is allowed for 14 days in any one calendar year without a permit.
  - C. A permit is required for camping units established for more than 14 days in any one calendar year. The maximum time an individual unit can be established is nine months in any one calendar year.
  - D. One permit per parcel per calendar year is allowed.
  - E. A permit for a camping unit requires installation of a permanent sewage treatment system.
  
4. Properties where a principle structure is being constructed.
  - A. Camping units are allowed in conjunction with a land use permit for construction of a principle structure.
  - B. Camping units are allowed up to 12 months during construction, with extension for an additional 12 months in conjunction with extension of a zoning permit.

## SECTION VIII

### SPECIAL PROVISIONS

#### 8.1 Rural Conservation Subdivision (RCS)

1. Development Yield. All Conservation Subdivisions shall meet or exceed the following standards:
  - A. Land Suitability. No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas determined to be environmentally sensitive may be included as common open space, but shall not be included in the development yield analysis. Areas identified as being environmentally sensitive include, but are not limited to:
    - i. All areas designated as 100-year floodplain by the Federal Emergency Management Agency (FEMA).
    - ii. All wetlands, including a 30-foot buffer.
    - iii. All areas having slopes greater than twelve (12) percent.
    - iv. All areas within 30 feet of the top or toe of a bluff.
    - v. All areas within 30 feet of either edge of a drainageway. If the edges of a drainageway cannot be clearly established, the area defined as environmentally sensitive shall include all areas within 50 feet of the centerline of the drainageway or all areas that have a slope greater than twelve (12) percent extending from the centerline, whichever is more restrictive.
  - B. Development Yield.
    - i. The applicant shall submit a table showing the maximum number of dwelling units that would be permitted in the underlying zoning district where the parent parcel is located. Where the parent parcel encompasses multiple zoning districts, the maximum number of units shall calculate the allowable density for each district separately, consistent with the minimum lot size, lot widths, setbacks, and other provisions of the Zoning Ordinance. Land that is considered undevelopable, as described in 1(A) contained herein, shall be excluded from the development yield analysis.
    - ii. The total number of units provided for within the development shall not exceed the amount calculated in the development yield.
2. Design Criteria. The following design criteria shall apply to all Conservation Developments.
  - A. Minimum Lot Size and Width. None, subject to compliance with applicable standards for sewage disposal and the provision of water.
  - B. Setbacks. All structures within the development shall maintain, at a minimum, a 50-foot buffer along the perimeter of the development parcel, so as to provide screening and buffering of the residential development on the development parcel.
    - i. Individual dwellings shall be separated by a minimum of ten (10) feet from other dwelling.
    - ii. Accessory buildings, unless attached as an integral part of the dwelling, shall be separated by a minimum of ten (10) feet from



- high quality sites, or endangered species identified by the Department of Natural Resources.
- D. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
  - E. Residential clusters should be sited to achieve the following goals, to the extent practicable.
    - i. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
    - ii. Minimize disturbance to woodlands, wetlands, grasslands, steep slopes, bluffs, and mature trees.
    - iii. Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
    - iv. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
    - v. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
  - F. The Planning Commission may require landscaping around the cluster to reduce off-site views of residences.
4. Conservation Parcel Design Standards. A conservation parcel shall be designated as part of the development. Each development shall contain a contiguous conservation parcel comprising 45% of the land area to be subdivided.
- A. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required conservation parcel shall be undivided and restricted in perpetuity from future development.
  - B. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
    - i. parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
    - ii. privately-held buildings or structures provided they are accessory to the use of the open space.
    - iii. Shared septic systems and shared potable water systems.
  - C. Road rights of way shall not be counted towards the required minimum open space.
  - D. Lands within 75 feet of any land designated for construction of a dwelling unit or accessory structure may be part of the open space, but shall not count towards the 45% minimum threshold.
  - E. No more than 50% of the required conservation parcel size may consist of water bodies, flood plain, or wetlands.
  - F. Any portion of the conservation parcel designed to provide plant and animal habitat shall be kept as intact as possible, and enhanced or restored as appropriate. Trails and roads shall be designed to avoid fragmenting these habitat areas.
  - G. Accessible open space in the upland portion of the conservation parcel

- may be made available for recreational uses such as trails, play fields, or community gardens, but shall be designed and located so as to avoid impacts on sensitive natural and cultural resources.
- H. Where appropriate, a pathway system for passive recreation connecting open space areas to neighborhood residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be required and identified in the development plan.
5. Ownership and Maintenance of Common Facilities. The designated common open space and common facilities may be owned and managed by one or a combination of the following described in this Subdivision. The City may require any one, or a combination of the following, to ensure the long-term maintenance of the conservation parcel and any common facilities.
- A. Homeowner's Association. A homeowners association shall be established if the common open space is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions, and restrictions of the homeowners association shall contain the following information:
- i. The legal description of the common land;
  - ii. A description of common facilities;
  - iii. The restrictions placed upon the use and enjoyment of the lands or facilities;
  - iv. Persons or entities entitled to enforce the restrictions;
  - v. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums;
  - vi. A mechanism for resolving disputes among the owners or association members;
  - vii. The conditions and timing of the transfer of ownership and control of land facilities to the association;
  - viii. Any other matter the developer deems appropriate.
- B. A Nonprofit Conservation Organization. If the common open space is to be held by a nonprofit conservation organization, the organization must be approved by the City. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
- C. Public Dedication of Open Space and Streets. The City may accept the dedication of fee title or dedication of a conservation easement to the common open space. The City may accept the common open space provided:
- i. The common open space is accessible to the residents of Remer;
  - ii. The City agrees to and has access to maintain the common open space.
  - iii. Streets or other public ways which have been designated on a duly adopted official map or element of the City's comprehensive plan shall

be dedicated or reserved by the subdivider to the appropriate governing body. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.

D. Individual Ownership. An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

6. Maintenance Plan. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the conservation parcel in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be submitted and approved prior to final plat approval. The plan shall do the following:

- A. Designate the ownership of the open space and common facilities in accordance with the provisions contained herein.
- B. Identify a timeframe for adoption and implementation of the maintenance plan by the designated ownership group(s).
- C. Establish necessary regular and periodic operation and maintenance responsibilities.
- D. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- E. Include a timeline any interim use allowances and timelines for the ending or renewal of those uses.
- F. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis required in this Article, describing:
  - i. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
  - ii. The proposed end state for each common open space area; and the measures proposed for achieving the end state.
  - iii. Proposed restoration measures, including: Measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.
  - iv. The operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; clearing and cleanup; at the City's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year. Projected cost estimates for the long-term maintenance operations shall also be included.
  - v. A method for regular review and performance evaluation to ensure the long-term quality of the conservation parcel.
- G. Management plans can be amended by the owner with the approval of the City.

## 8.2 Manufactured and Pre-Built Housing Development.

- 1. General. Manufactured housing development shall be considered a form of P.U.D. and administered as a Conditional Use in the zoning district where said use is allowed. Development of this type creates a heavy demand and reliance on

municipal type facilities including roads, sewer, water and fire protection. In addition these developments are often the most dense in a community requiring heavier streets. more public recreation facilities and nearby shopping.

2. Minimum Standards.
  - A. A Minnesota Department of Health Permit shall be required.
  - B. Parcel size shall be a minimum of 20 acres.
  - C. At least two (2) acres shall be set aside for parks & recreation.
  - D. Minimum individual lot dimensions shall be 60' x 140'.
  - E. At least 20% of the land shall be in common ownership not used for individual lots.
  - F. The common roadway area, where private, shall be a minimum of 40-foot wide with a 24-foot wide bituminous surfaced road.
  - G. There shall be a minimum of 2 and a maximum of three parking spaces for each unit.
  - H. Each unit shall be a minimum of 640 square feet.
  - I. All units must be skirted, unless placed on an enclosed foundation.
  - J. Landscaping shall be required as per the direction of the Planning Commission.
  - K. When served by public utilities, there shall be individualized sewer, water and electrical connection for each site.
  - L. Solid waste storage and removal shall be centralized within the development and shall be the responsibility of the owner of the development.
  - M. Each unit must meet the requirements of the state building code, HUD standards and MN. Statute 327.21 -327.35; and shall be no older than five (5) years at time of installation and have the required state seal attached.
  - N. Sufficient storm shelter shall be provided to accommodate all residents of the development.

### 8.3 Campgrounds/Campsites.

1. General - Campgrounds/RV parks shall be considered a form of planned unit development and administered thereunder as Conditional Uses in the zone where said use is allowed, except no density increases will be considered.
2. Minimum parcel size - No campground or recreational vehicle park shall be allowed on a parcel of less than 40 acres.
3. Dwelling site requirements - The dwelling sites must conform to the Minnesota Department of Health Standards and the following:
  - A. Campsites or recreational vehicle sites shall have a minimum of 3,000 square feet designated for each family unit, with a minimum of 40 feet, center to center.
  - B. A strip of land with a minimum width of 40 feet shall be reserved for a service road adjacent to each of the designated sites.
  - C. Parking shall be off the road.
  - D. Recreational facilities as determined by P.U.D.
  - E. A water system capable of providing 100 gallons per site, per day, at 200 psi at the most remote fixture for RV sites, or within 400 feet of each campsite for non RV sites.
  - F. Conforming onsite sewage collection and disposal system sized for 100 gallons per campsite per day.
  - G. Solid waste facilities consisting of one 30 gallon can for each 4 campsites or one dumpster for each 20 sites, constructed to prevent



- overturning or cover removal by animals, and screened.
  - H. Fire pit for each campsite.
  - I. Campsites for recreational vehicles shall have sewer connection, water connection and electric connection, or recreational vehicles shall be self-contained and a wastewater disposal station for the first and each 100 such vehicles at least 50 feet from the nearest campsite shall be provided.
  - J. Drinking water and restroom facilities with showers shall be provided, all within 400 feet of every site not served with full facilities.
  - K. Grass or other complete ground cover shall be maintained except in parking areas and roads.
  - L. Evidence shall be provided, prior to final approval, that the licenses and approval process of Minnesota Department of Health has been adhered to.
  - M. All sites shall be well drained.
  - N. Sufficient storm shelter shall be provided to accommodate all occupants of the campground.
4. The submission requirements for a campground shall be the same as P.U.D.s, except as determined not applicable by the Zoning Administrator.
  5. Event Camping
    - A. Application of Provisions. This chapter imposes regulatory requirements on certain activities which are held on streets, public property and private property which are defined as "public assemblages." The requirements imposed by this chapter do not alter, supersede or nullify any requirements contained in other statutes, ordinances or regulations which may also regulate these same activities. These requirements shall be applied in a content-neutral manner and without discrimination as to race, religion, sex, national origin, political affiliation or other unlawful discriminatory classification. This chapter shall not apply to the following events:
      - i. Events or assemblies occurring inside permanently established, fully enclosed places of assembly such as a place of worship, public auditorium, theater, recreation hall, gym, or other enclosed structure designed primarily for housing and assembly of people, provided that the maximum number of persons expected to attend or in actual attendance does not exceed the maximum capacity of the enclosed place of assembly.
      - ii. Events or assemblies in conjunction with school events on school property, church events on church property if designed for that use, or government sponsored public hearings.
      - iii. Events or assemblies at golf facilities, resorts, or other licensed recreational sites during normal day-to-day operations when the event involves spectators in a number equal to or less than can be served by existing facilities.
    - B. Application.
      - i. Any person applying for an event camping license shall complete a conditional use application approved by the Planning Commission.
      - ii. An application for a conditional use permit shall be in writing, addressed to the Planning Commission and filed with the Zoning Clerk at least sixty (60) days prior to the date upon

- which the camping event shall occur. The Planning Commission shall act upon the application within thirty (30) days after its submission.
- iii. Application shall be made by the owner of record of real estate situated in the City of Remer upon which the event camping is to take place or lessee thereof or duly authorized agent or attorney of the owner or lessee.
  - iv. Such application shall include the following information:
    - a. A statement of the name, age and residence address of the applicant.
    - b. If the applicant is a corporation, the name of the corporation and the names and addresses of its directors.
    - c. A statement containing the name, address and record owner(s) of the property(ies) where the event camping shall occur and the nature and interest of the applicant therein.
    - d. The proposed dates and hours of such public camping event.
    - e. The expected minimum number of persons intended to use the property(ies) at one (1) time and collectively.
    - f. The number of automobiles, motorcycles and other vehicles intended to use the property(ies) at one (1) time and collectively.
    - g. The estimated number of campsites.
    - h. A general explanation of the activity to be carried on and the admission fee to be charged, if any.
    - i. Any other information deemed necessary by the Planning Commission.
- C. Notice to abutting owners. The Planning Commission shall send special notice by mail to all owners of abutting property within three hundred and fifty (350) feet of the site of the event and the parking area of the time and place of the public hearing regarding said special entertainment. The applicant shall bear the cost of the mail.
- D. Payment of due taxes; zoning requirements met. Any person applying for a conditional use permit shall show that all taxes due to date have been paid and all zoning requirements met for the premises on which the entertainment is to be held and for the property to be used as associated parking facilities.
- E. Additional provisions applicable to all permits. Any person holding a permit under this chapter and every place of event camping shall comply with the following provisions. Violation of any of these provisions shall be unlawful.
- a. The event shall not last longer than five consecutive days and four nights.
  - b. No light on any part of premises licensed hereunder or on any place of the event shall be permitted to shine beyond the property line of the premises with an intensity sufficient to disturb the peace, health, safety or comfort of any adjacent residents or the general public.
  - c. No soot, cinders, smoke, fumes, gases or disagreeable or unusual odors shall be permitted to emanate from the premises so as to be detrimental to any person or to the

- public or which either annoys, disturbs, injures, endangers or which may disturb, injure or endanger the health, safety and welfare of any person or the public.
- d. The applicant shall supply adequate and appropriate toilets at both the site of the event that meet the requirements of the Minnesota Department of Health.
  - e. All trash and rubbish shall be collected and removed from both public and private property within twenty-four (24) hours after the conclusion of the event.
  - f. At no time shall music be played by mechanical device or live performance which annoys, disturbs, injures, endangers or which might annoy, disturb or endanger any person or the public in their health, comfort, safety, repose and peace.
  - g. No loud, unnecessary or unusual noise shall be permitted to be made or caused to be made or continued at any time which either annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of other persons or the public.
  - h. The applicant shall supply a bond, letter of credit, or other financial security satisfactory to the Council at the time the license is issued to provide protection for possible damage to other owner's property or public property in the vicinity of the entertainment or the parking area. Said bond shall not be released until ten (10) days after the event.
  - i. The applicant shall provide insurance satisfactory to the Council at the time of the license is issued for all County Sheriff's Department employees assigned to the event to cover medical care, any future loss of pay due to injury related to the event and protection against any court suit or liability for false arrest or other civil or criminal action related to the event.
  - j. The applicant shall provide sufficient security that is approved by the Cass County Sheriff's Department.
  - k. The applicant shall be responsible for compliance with all state, federal, and local laws relating to health, safety, and welfare of the public at the event.
- F. Notice of denial. If the Planning Commission of the City of Remer shall deny an application for a permit under this chapter, it or the City Clerk of the City of Remer shall notify said applicant of the disapproval of said application and shall include therewith a statement for the reasons for disapproval. The notice of denial shall be sent by first-class mail.
- G. Permits not transferable. No permit issued under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than the person to whom it was issued, nor shall such permit be used on any location other than the location stated in such permit.
- H. Revocation of permit. If, after the permit is issued, the Planning Commission determines that any of the items set forth in this section is not adhered to and accomplished within a reasonable time prior to the date or dates of the event or if the Planning Commission

determines that any of the provisions of any section of this chapter has been or is being violated, then the permit shall become null and void.

- I. Penalties for offenses. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be punished, for each violation, by a fine of not more than five hundred dollars (\$500.) or by imprisonment of not more than thirty (30) days. The continuation of a violation of any provision of this Article shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.

#### 8.4 Extractive Uses and Restoration.

1. In all districts where permitted, mining shall be permitted only by C.U.P. Such permit shall include as a condition: a site plan, a completion plan and a haul route plan with provision for road restoration as provided in the following.
2. All excavation and extraction shall conform to the following:
  - A. Distance from property lines. No quarrying operation shall be carried on or any stock pile place closer than 50 feet from any property line, unless a greater distance is specified by the C.U.P. where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to 25 feet only with written consent of the owners of the affected adjacent non-residence property.
  - B. Distance from public right of way. In the event that the site of the mining or quarrying operation is adjacent to the right of way of any public street or road; no part of such operation shall take place closer than 50 feet to the nearest line of such right of way.
  - C. Fencing. Fencing shall be erected and maintained around the entire site or excavated portions thereof and shall be of a type specified in the C.U. P.
  - D. Equipment. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Power drives or power producing machinery, not including vehicles, shall not be housed or operated less than 1,000 feet from a residential use district.
  - E. Processing. Crushing, washing and refining or other similar processing may be authorized by C.U.P. as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use regulations of the district in which the operation is located. Processing shall not be permitted in the residential districts. All processing equipment shall be located at least 1,000 feet from any residence and 200 feet from the OHW of any lake or stream.
3. Rehabilitation. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an extraction/mining permit as herein provided shall furnish a performance bond running to the City in an amount to be determined by the City Engineer acceptable to the Planning Commission as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land and haul road shall, within a reasonable time and to the satisfaction of the City meet the following minimum requirements:
  - A. Surface rehabilitation. All excavation shall be made either to a water producing depth, with a water depth of not less than five (5) feet or the surface of such area which is not permanently submerged shall be

graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Four (4) inches of black topsoil shall be placed on all areas, except beaches, that will remain above water level. Haul roads will be restored to their condition prior to the beginning of the extraction operation,

- B. Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
  - C. Banks of excavation not backfilled. The banks of all excavation not backfilled shall be sloped not steeper than three (3) feet horizontal to one (1) foot vertical and vegetation on said bank shall be permanently established.
4. Application; contents; procedure. An application for such operation shall provide the following information in addition to that required by the CUP process:
- A. Name of the person or corporation conducting the actual removal operation;
  - B. Size of the area from which the removal is to be made;
  - C. Type of resources or materials to be removed;
  - D. Proposed method of removal and whether or not blasting or other use of explosives will be required;
  - E. Description of equipment to be used;
  - F. Method of rehabilitation and reclamation of the pit area;
  - G. Identification of haul roads.

#### 8.5 Home Occupation.

1. General. Each home occupation in the City shall require a permit. Home occupation permits are not transferable to a new owner/renter/occupant, thus the permit will not run with the property, nor be transferable to a different property.
2. Standards.
  - A. All business activities including storage shall be inside buildings.
  - B. All activities shall be clearly incidental to the use of the property for residential purposes.
  - C. Hours of operation shall be limited by Conditional Use Permit to be compatible with the residential use.
  - D. Number of employees shall be limited by Conditional Use Permit.
  - E. On the premises, retail sales will be allowed only of products manufactured on those premises unless specifically authorized by Conditional Use Permit.
  - F. All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes or litter.
3. Yard Sales/Garage Sales. Yard sales and garage sales do not require a home occupation permit or shall be considered a commercial use so long as they do not exceed seven cumulative days in one calendar year.
4. Private Sales. One automobile, recreational vehicle, boat, farm equipment or similar objects displayed for sale on a property shall not require a home

occupation permit and shall not be considered a commercial use so long as not more than two items are offered for sale over thirty cumulative days per calendar year.

#### 8.6 Auto Salvage Yards/Junk Yards.

Auto salvage yards are to be allowed only as a service to the community. No more than two (2) will be allowed within the City limits. Such facilities are subject to the following, in addition to CUP criteria and conditions:

1. On site sales is allowed along with parts salvage.
2. Fencing/screening sufficient to prevent the facility and all salvaged materials from being seen from a public roadway or adjacent property shall be provided.
3. A defined perimeter must be approved and maintained.
4. The facility shall not be located within a drainageway or wetland.
5. Landscaping, in addition to the required screening, may be required by the Planning and Zoning Commission.

#### 8.7 Landfills.

1. No landfills are allowed in the City of Remer due to the close proximity to the lakes and streams.
2. Cass County has the responsibility for this service.
3. Disposal of trees, stumps, rock, brush and other natural products by burying is allowed on construction sites as determined by the permit.

#### 8.8 Adult Use.

##### 1. PURPOSE AND INTENT

- A. Findings. It is the purpose of this Ordinance to regulate Adult Oriented Businesses to promote the health, safety, morals and general welfare of the citizens of the City and to establish reasonable and uniform regulations to:
  1. Prevent additional criminal activity within the City;
  2. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
  3. To locate Adult Oriented Businesses away from residential areas, schools, churches, and parks and playgrounds;
  4. Prevent concentration of Adult Oriented Businesses within certain areas of the City.
- B. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation of restriction on the content of any communicative material, including Adult oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to Adult oriented materials protect by the First Amendment, or to deny access by distributors and exhibitors of adult oriented entertainment to their intended market.

##### 2. APPLICATION.

- A. Except as specifically provided in this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purposed nor in any manner which is not in conformity with this Ordinance.

- B. No Adult Oriented Business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by and ordinance of the City of Remer, the laws of the State of Minnesota, or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.

3. **LOCATION.** During the term of this Ordinance, no Adult Oriented Businesses shall be located less than 500 feet from any residential zoning district boundary or site used for residential purposes, nor less than 500 feet from any church site, from any school site, from any day care facility, or from any park which is adjacent to property zoned residential. In addition, no Adult Oriented Business may be located within 300 feet of another Adult Oriented Business. For purposes of this Ordinance, this distance shall be a horizontal measurement from the nearest existing residential district boundary or site used for residential purposes, church site, school site, day care site, park site, or another Adult Oriented Business site to the nearest boundary of the proposed Adult Oriented Business site.

4. **HOURS OF OPERATION.** No Adult Oriented Business site shall be open to the public from the hours of 11:00 p.m. to 9:00 a.m.

5. **OPERATION.**

- A. **Off-site Viewing.** An establishment operating as an Adult Oriented Business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of Minnesota Statutes Chapter 617 or other applicable Federal or State Statutes or local ordinances.
- B. **Entrances.** All entrances to the business, with the exception of emergency fire exits which are not useable by patrons to enter the business, shall be visible from a public right-of-way.
- C. **Layout.** The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes or any other material.
- D. **Illumination.** Illumination of the premises' exterior shall be adequate to observe the location and activities of all person on the exterior premises.
- E. **Signs.** Signs for Adult Oriented Businesses shall comply with the City Code sign restrictions addressed in Chapter 8, and in addition signs for Adult Oriented Businesses shall not contain representational depiction of an adult nature of graphic descriptions of the adult theme of the operation.

6. **CONSUMPTION OR SALE OF ALCOHOLIC BEVERAGES.** Adult Oriented Business shall not be located on the same parcel as, on a parcel adjacent to or within 500 feet of an establishment that serves alcoholic beverages. Sale of alcoholic beverages on a parcel containing an adult use is prohibited. Consumption of alcoholic beverages on a parcel containing an adult use is prohibited.

7. **LICENSES.**

- A. Licenses Required. All establishments, including any business operating at the time this Ordinance becomes effective, operating or intending to operate Adult Oriented Business, shall apply for and obtain a license from the City of Remer. A person is in violation of the City Code if he or she operates an Adult Oriented Business without a valid license issued by the City.
- B. Applications. An Application for a license must be made on a form provided by the City.
1. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
  2. The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the appropriate state, county, and local law and codes by the health official, fire marshal, and building official.
  3. Application for license shall contain the address and legal description of the property to be used; the names, addresses, phone numbers, dates of birth of the owners, lessee, if any, the operator or manager, and all employees; the name, address, and phone number of two persons, who shall be residents of the State of Minnesota, and who may be called upon to attest to the applicant's, manger's, or operator's character; whether the applicant, manager, or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information detailing the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, furnishing, or acquiring the premises, personal effects, equipment, or anything incident to the establishment, maintenance and operation of the business.
  4. If the application is made on behalf of the corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names, addresses, and dates of birth of all individuals having an interest in the business, including partners, officers, owners, and creditors furnishing credit for the establishment, acquisition, maintenance, and furnishings of said business, in the case of a corporation, the names, addresses, and dates of birth off all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment, including the purchase or acquisition of any items of personal property for use in said operation.
  5. All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract



for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise.

C. Application/Applicant Disqualification.

1. The license fee required by this ordinance has not been paid.
2. An applicant has been convicted of a crime involving any of the following offenses:
3. Any sex crimes as defined by Minn. Stat. 609.29 through 609.352 inclusive, or as defined by any ordinance or statute in conformity therewith;
4. Any obscenity crime as defined by Minn. Stat. 617.23 through 617.299 inclusive, or as defined by any ordinance or statute in conformity therewith, for which:
  - a. less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense.
  - b. less than five years have elapsed since date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a felony offense; or
  - c. less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the conviction is two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 hour period.
5. The fact that a conviction is being appealed from shall have no effect on disqualification of the applicant or applicant's spouse.

D. Requalification. An applicant who has been convicted of an offense listed in Section 5.31, Subdivision 3(b), may qualify for an Adult Oriented Business license only when the time period required by Section 5.31, Subdivision 3(b) has elapsed.

E. Posting. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Adult Oriented Business. The license shall be posted in a conspicuous place at or near the entrance to the Adult Oriented Business so that it may be easily read at any time.

F. Council Action. The City Council shall act to approve or disapprove the license application within the timeframes found in Minnesota Statutes, provided that the application contains all of the information required by this ordinance. If the application is deficient, the Council shall act on the application within the timeframes found in Minnesota Statutes. The City Clerk shall notify the applicant of the deficiencies in the application.

G. Appeals. Within 90 days after the decision by the Council, the applicant may appeal to the District Court by serving a notice upon the Mayor or City Clerk of the Municipality.

8. INVESTIGATION AND ISSUANCE. The City Council shall direct the County Sheriff to investigate all facts set forth in the application. An advance fee of \$500 shall be submitted with the application to defray the City's costs and expenses with the background investigation. After the background investigation has been completed and all information required by the application has been submitted to the City, the City Council shall determine whether to grant or deny the license application.

9. LICENSE FEES. Fees shall be established by City Council resolution on the fee structure.

10. INSPECTION.

- A. Access. An applicant or licensee shall permit health officials, county sheriffs office, fire department, zoning administrator and building inspection division, to inspect the premises of an Adult Oriented Business for the purpose of ensuring compliance with the law and City Code, at any time it is occupied or open for business.
- B. Refusal to Permit Inspections. A person who operates an Adult Oriented Business or his agent or employee commits an offense if she or he refuses to permit a lawful inspection of the premises by health officials, county sheriffs department, fire department, zoning administrator or building inspection division at anytime it is occupied or open for business. Refusal to permit inspections may result in the suspension of the license as provided in Section 5.36.
- C. Exceptions. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for uses as a permanent or temporary habitation.

11. EXPIRATION AND RENEWAL.

- A. Expiration. Each license shall expire at the end of the calendar year and may be renewed only by making application as provided in Section 5.31, Subdivision 1. Application for renewal must be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will be unaffected.
- B. Denial of Renewal. When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

12. SUSPENSION.

- A. Causes of Suspension. The City may suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:
  - 1. Violated or is not in compliance with any provision of this Ordinance.
  - 2. Engaged in the use of alcoholic beverages while on the Adult Oriented Business premises.
  - 3. Refused to allow an inspection of the Adult Oriented Business Premises as authorized by this chapter.

4. Knowingly permitted gambling by any person on the Adult Oriented Business premises.
  5. Demonstrated inability to operate or manage an Adult Oriented Business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.
- B. Notice. A suspension by the City shall be preceded by written notice to the licensee and before a hearing. The notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensee's business premises with the person in charge thereof.

### 13. REVOCATION.

- A. Suspended Licenses. The City may revoke a license if a cause of suspension in Section 5.36 occurs and the license has been suspended within the preceding 12 months.
- B. Causes of Revocation. The City shall revoke a license if it determines that:
1. A licensee gave false or misleading information in the material submitted to the City during the application process;
  2. A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
  3. A licensee or an employee has knowingly allowed prostitution on the premises;
  4. A licensee or an employee knowingly operated the Adult Oriented Business during a period of time when the licensee's license was suspended;
  5. A licensee has been convicted of an offense listed in Section 5.31, Subdivision 3(b), for which the time period required in Section 5.31, Subdivision 3(b), has not elapsed;
  6. On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 5.31, Subdivision 3(b), for which a conviction has been obtained, and the person or person were employees of the Adult Oriented Business at the time the offenses were committed.
  7. A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.
  8. A licensee has allowed the sale and/or consumption of alcoholic beverages at the Adult Oriented Business for which a license has been issued herein.
- C. Appeals. The fact that conviction is being appealed shall have no effect on the revocation of the license.
- D. Granting a License After Revocation. When the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued an Adult Oriented Business license for one year from the date the revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under Section 5.37, Subdivision 2(e), an applicant may not be granted another license until the appropriate number of years required under Section 8 have elapsed.

- E. Notice. A revocation by the City shall be proceeded by written notice to the licensee and a public hearing. The notice shall give at least 10 day's notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof.

14. TRANSFER OF LICENSE. A licensee shall not transfer this license to another, nor shall a licensee operate an Adult Oriented Business under the authority of a license at any place other than the address designated in the application.

#### 8.9 Bed and Breakfasts

In districts where permitted or allowed by conditional use, a bed and breakfast inn shall comply with the following standards:

1. The bed and breakfast inn shall be part of an owner-occupied residential structure and shall be owner-operated.
2. The use shall comply with applicable Federal, State, County and City rules and regulations.
3. The exterior appearance of the structure shall not be altered from its single-family character.
4. All guestrooms, and access to guestrooms, shall be located within the principal residential structure.
5. The total number of units shall be limited to four (4), not including owner.
6. The property must meet all density requirements of the ordinance as a single family dwelling.
7. Guests are limited to a length of stay of no more than 14 consecutive days.
8. No food preparation or cooking facilities shall be conducted within any of the guestrooms.
9. All requirements of the zoning district must be followed, variances will not be granted for the operation of a bed and breakfast and they will not be allowed on non-conforming lots.
10. Owner shall provide licensure information to the City before operation shall begin.
11. No property may be leased or rented to a number of individuals greater than the structure's bedroom and septic capacity.

#### 8.10 Leaseback by Owner or Rental of Property

1. All property owners seeking to or renting or leasing residentially-zoned property within the City of Remer more than one time within three months must annually register the property with the Planning and Zoning office.
2. The property shall not be rented more than one time in a seven (7) day period.
3. No person or entity may rent or lease sleeping quarters in a non-dwelling structure, such as a shed, pole barn, garage, boathouse or similar structure.
4. No property may be leased or rented to a number of individuals greater than the structure's bedroom and septic capacity. The maximum occupancy shall be determined at the time of registration.

5. When a property is registered pursuant to this section of the Zoning Ordinance, the owner shall provide a certificate of septic testing less than three (3) years old showing that the system is compliant with then applicable Minnesota Rules and any applicable municipal ordinances.
6. Tents, campers or other recreational vehicles shall not be permitted on the property in conjunction with leasing or renting under this section.
7. Properties may not be rented or leased more than six (6) times in a twelve month period.
8. The property owner shall designate a local contact that can be reached in the event of a nuisance complaint.
9. The use shall comply with applicable Federal, State, County and City rules and regulations. At the time of registration, the property owner shall provide their Minnesota Tax Identification Number and a copy of their license from the Minnesota Department of Health.
10. Property owners seeking to rent or lease shall indicate that they are aware of and agree to comply with these provisions.

## SECTION IX

### SUBDIVISION STANDARDS

#### 9.1 Sketch Plan.

A sketch plan shall contain the following data:

1. Existing Conditions
  - A. Approximate exterior boundary drawn to a scale of not less than 1" = 100' with the scale and northerly direction shown thereon.
  - B. Indication of floodplains, wetlands, slopes over 12%, bluffs, tree cover and ordinary high water mark.  
Use of adjoining properties including street locations, structure locations and property lines.
  - C. Significant historical sites.
  - D. Approximate locations of existing structures.
  - E. Approximate locations of existing wells and sewage treatment systems.
  - F. Location by Section, Town, & Range with small scale sketch showing location within the city.
  - G. The existing zoning classification and the zoning classification of adjacent parcels.
2. Proposed Design
  - A. Proposed roads and walkways.
  - B. Proposed lots with building setbacks and bluff impact zones.
  - C. Proposed Green Space.
  - D. Proposed City sewer and water system connections or sewage treatment systems and well locations.

#### 9.2 Preliminary Plat, Preliminary Condominium Plat or Metes and Bounds Subdivision resulting in at least one parcel less than 10 acres.

A Preliminary Plat, Preliminary Condominium Plat or Metes and Bounds Subdivision resulting in at least one parcel less than 10 acres shall contain the following data: (except as waived in advance by the Planning Commission); along with other reasonable information required by the Commission needed to make a proper evaluation of the proposal:

1. Existing Conditions
  - A. Boundary lines with lengths and bearings drawn to exact scale of no less than 1" = 100' taken from a boundary survey by a Registered Land Surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor. North arrow and scale.
  - B. Topography consisting of 2-foot contour intervals, or at the discretion of the Planning Commission during the sketch plan review, 10-foot contour intervals taken from the USGS mapping with additional field determined spot elevations added to define drainageways, 100 year floodplains, wetlands, slopes and the Ordinary High Water Mark. Near shore aquatic conditions, including depths, types of bottom, sediments and aquatic vegetation.

- C. Tree cover limits, specimen tree locations.
  - D. Soils as determined by hand borings on a random basis, to determine depth to ground water at lower elevations and suitability for sewage treatment systems. At least one boring for each unit unless waived by the Planning Commission.
  - E. Location of adjoining streets, wetlands, structures and property lines within 200-feet of subject parcel, including acreage of any property owned by the developer not included in the preliminary plat.
  - F. Significant historical sites.
  - G. Significant wildlife habitat areas.
  - H. Endangered, threatened, rare or critical species, both flora and fauna.
  - I. Date of boundary survey, topography and proposed plat.
  - J. Layout of existing streets, walkways, driveways, blocks, lots, and structures drawn to the same scale.
  - K. Locations of existing wells and sewage treatment systems.
  - L. Location by Section, Town, & Range with small scale sketch showing location within the city.
  - M. The existing zoning classification and the zoning classification of adjacent parcels.
  - N. Any features identified by the Planning Commission in a mandatory sketch plan site visit.
2. Proposed Design
- A. Layout of proposed streets, walkways, driveways, blocks, lots, buildings if known, drawn to same scale as existing data.
  - B. Dimensions scaled to nearest 5 feet of all lot lines, street widths, easement widths and lakeshore lengths.
  - C. Buildable areas of proposed lots.
  - D. Structure setback lines from streets, lot lines and Ordinary High Water Mark and a designation of the buildable area on the parcel.
  - E. Proposed Green Space with area shown.
  - F. Proposed public dedication areas other than streets or walkways with the area shown.
  - G. Proposed City sewer or water system connections and extensions existing and proposed with grades shown.
  - H. Potential locations and estimated depth to water table for all proposed onsite sewage disposal systems, two per lot.
  - I. Information regarding adequacy of domestic water supply,
  - J. Proposed storm drainage system and erosion control, both during and after construction activities.
  - K. Proposed street standards and profiles.
  - L. Potential principal structure and accessory structure locations and elevations.
  - M. Extent of anticipated vegetation and topographic alterations.
  - N. Proposed covenants.
  - O. Name of subdivision and proposed street names, which shall not duplicate or be alike another plat previously recorded.
  - P. Stages of development proposed.
3. Evidence of Authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.

4. Cost/Benefit Analysis. An analysis of the ongoing cost to the City to provide services and maintenance to the development shall be prepared using a form provided by the City. This cost shall be compared on the same form to the estimated increased valuation of the property and the corresponding tax revenue. The development shall not be approved if public subsidy is required for ongoing services and maintenance.
5. All unpaid assessments shall be paid at the time the final plat, final condominium plat, or metes and bounds lot split is filed.

### 9.3 Final Plat or Final Condominium Plat.

A Final Plat or Final Condominium Plat shall contain all elements required by this Ordinance and Minnesota Statutes 505, 515A or 515B respectively, and the State Plat Manual including but not limited to the following:

1. Conformance with approved Preliminary Plat or agreed upon portion thereof.
2. Design standards in conformance with the City of Remer Zoning and Subdivision Ordinance.
3. Preparation by a Registered Land Surveyor. Signatures of Mayor, Clerk, County Auditor, County Treasurer and all parties with legal interest in the fee ownership of the land.
4. Dedication to the public of easements, right-of-ways, walkways and land to become public.
5. Drainage and utility easements over natural drainageways and significant wetlands.
6. Reservation of private streets in Outlots.
7. Covenants: Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system is proposed for subdivision.
  - A. The Association shall consist of all benefited lot owners.
  - B. The Association shall be responsible for all costs of maintenance and replacement.
  - C. The costs shall be uniformly divided by lots served.
  - D. The costs shall be lienable against the lots by the Association if payment is not forthcoming.
  - E. The status of the facility shall be clearly stated as subject to perpetual private maintenance.
  - F. Provisions shall be made for emergency access or emergency maintenance by the City with subsequent reimbursement by the Association.
8. Concurrent documents
  - A. Title Opinion, less than 60 days old, acceptable to the City Attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.
  - B. Financial security acceptable to the City Attorney in the amount of 125% of the cost estimated by the City Engineer for the uncompleted required improvements.
  - C. Development contract acceptable to the City Attorney, if required.
9. All unpaid assessments shall be paid at the time the final plat, final condominium plat, or metes and bounds lot split is filed.



#### 9.4 Design Layout Standards - Minimum.

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Zoning Administrator, City Attorney, City Engineer, Planning Commission and Council, except as waived by variance approved by the Board of Adjustment.

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration required. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs, lands with slopes exceeding 12% or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, 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 sights, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. All non-conforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the Planning Commission.
3. Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.
4. Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.
5. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without variance.
6. Lot layouts shall be compatible with the existing layout of adjoining properties and/or shall not constrain the future development of adjacent properties if those properties were to be developed as per the Remer Zoning and Subdivision Ordinance.
7. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall not contain bends or jogs unless topographic conditions necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.
8. Each lot shall have a minimum of 33 feet of frontage on a designated right of way. Commonly owned property or Green Space used for access in a Planned Unit Development shall have a minimum of 33 feet of frontage on a public right of way.
9. Proposed streets shall conform to the adopted road plan of the City of Remer, County and State highway plans and existing boundary conditions.
  - A. Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of 10% for collector roads and 12% for minor roads.
  - B. Public access shall be given to adjacent properties unless the topography clearly indicated future connection is not feasible.
  - C. When parcels abutting arterial or collector roads are subdivided, no new access points shall be created unless an equal number of access

points are removed, unless access points are created not less than 500 feet apart in which case there shall be no limit on the number of accessed allowed.

- D. Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.
- E. Streets will be designed as collectors or local streets in accordance with the City of Remer Road Plan.
- F. The number of streets that terminate without a through connection shall be minimized and the street connected to a cul-de-sac (turnaround) shall not exceed 1200 feet in length.
- G. Access shall be given to all adjacent properties when required by the Planning Commission. All streets intended to be extended to adjoining property, shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the City. Landlocked areas shall not be created.
- H. Right of Way shall be dedicated to the public:
  - Cul-de-sac (turnaround)..... 68' radius
  - Arterials ..... 100' or as determined by Crow Wing Co
  - Collectors .....66'
  - Local Streets.....66'

Additional Right of Way may be required to promote public safety and convenience if special conditions require such as intersections, sight lines on corners or excessive cut or fill sections.
- I. Intersections
  - 1. Street centerlines shall intersect at not less than 75 degrees.
  - 2. Street jogs shall be no less than 200' from centerline to centerline.
  - 3. Gradients at intersections and for 50' approaching on each side of an intersection shall not exceed 2%. The approach shall contain no grades greater than 7% for 200' on each side of the intersection.
- J. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones.
- K. Street names shall conform to the pattern of the City, continue an existing name on the same alignment and generally promote and direction in the community. Street names shall be coordinated with the Cass County Surveyor's Office.
- 10. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be following widths, minimum:
  - Watermain ..... 20 feet
  - Sanitary Sewer ..... 40 feet
  - Storm Sewer ..... 20 feet
  - Electrical, telephone or cable television .....10 feet
  - Drainageway .....10 feet
- 11. Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

9.5 Survey Standards.

Survey Standards shall be those required by Minnesota Statutes 505 including the placement of all monuments including block corners, lot corners, curve points and lake survey line points on lot lines. All US, State, County and other official bench marks, monuments or triangulation points in or adjacent to the proposed subdivision shall be

preserved in position unless relocation is approved by the controlling agency.

#### 9.6 Street Improvement Standards.

All streets within the subdivision shall be constructed by the subdivider or otherwise provided for by agreement in a Development Contract between the subdivider and the City Council with all expenses borne by the subdivider. Local streets and collector streets shall be constructed according with the established minimum standards and shall be approved by the City Engineer.

#### 9.7 Sanitary Provision Standards.

No land shall be subdivided for building purposes unless two adequate sites are available on the newly created lot for a conforming onsite sewage treatment system, or the subdivider constructs a cluster system serving the lots to be owned and maintained by a property owner's association or the lot is provided with sanitary service by a municipal sewer system at the expense of the subdivider.

1. A municipal sewer system shall be extended to the lot at the subdivider's expense by agreement in a Development Contract between the subdivider and the City Council if the existing system is adjacent to the parcel being subdivided or reasonably close in the opinion of the City Engineer and Planning Commission or if the density of the proposed development necessitates a municipal sewer connection. The sewer shall also be extended to the exterior boundary of the subdivision at locations designated by the City Engineer.
2. Onsite systems or cluster onsite systems shall conform to Minnesota Pollution Control Agency Standards, Individual Sewage Treatment Systems Standard, Chapter 7080, and provide for two (2) treatment sites for drainfields.
3. Municipal sewage facilities shall be designed by a Registered Engineer, approved by the City Engineer, approved by the Minnesota Pollution Control Agency, and installed according to "Standard Utilities Specifications", City Engineer's Association of Minnesota.

#### 9.8 Water Supply Standards.

The subdivider shall be responsible to provide the proposed subdivision with adequate spacing between building sites, onsite sewage disposal sites, and potential well locations to allow the well installations in conformance with the City of Remer Zoning Ordinance requirements or the subdivider shall provide the lot with a cluster water supply system to be owned and operated by a property owner's association or the subdivider shall provide municipal water service to the lot.

1. A municipal water system shall be extended to the lot at the expense of the subdivider by agreement in the Development Contract between the subdivider and the Council if the existing municipal system is adjacent to the parcel being subdivided or reasonably close in the opinion of the City Engineer and Planning Commission or if the density of the proposed development necessitates a municipal water connection. The watermain shall also be extended to the exterior boundary at locations designated by the City Engineer.
2. Onsite wells or cluster water systems shall conform to the Minnesota Department of Health Rules and Regulations MHD 210-230 "Water Well

Construction Code”, and the cluster system shall receive the approval of the City Engineer.

3. Municipal water facilities shall be designed by a Registered Engineer, approved by the City Engineer, approved by the Minnesota Department of Health and installed according to “Standard Utilities Specifications” City Engineer’s Association of Minnesota.

#### 9.9 Drainage/Grading Standards.

The subdivider shall consider the retention of natural stormwater/snowmelt drainage patterns in the design of his proposed subdivision. The subdivider shall be responsible to provide adequate drainage facilitates for his development and upstream properties.

1. All natural drainageways draining properties upstream from the subject property shall be identified and preserved, and no structures shall be less than one (1) foot above the water level in the drainageway created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100-year, 24-hour rain event shall be allowed.
2. Additional runoff for a 100-year, 24-hour rain event from all streets and building sites at build-out shall be accounted for and maintained within the development.
3. Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the subdivider. All storage areas shall be vegetated and designed to lower naturally after a storm.
4. All drainage structures or improvements provided shall be sufficient in size to pass a 100-year, 24-hour storm event through the natural drainageway.
5. All areas disturbed by grading, street construction or structure installation shall be covered with a minimum of 3-inches natural topsoil and seeded. Drainageways over 2% in gradient shall, at a minimum, be sodded.
6. All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silts and nutrients prior to discharge to a natural drainageway.
7. There shall be no discharge of untreated stormwater to a water body.
8. Erosion control measures shall be provided as needed to prevent and/or contain erosion.

#### 9.10 Dedication to the Public – Standards.

1. In accordance with the provisions of Section 462.358 of the Minnesota Statutes, or amendments thereto, the subdivider shall dedicate, to the public, lands for highway right of ways, street right of ways, utility easements, wetland easements and similar lands required for perpetual and public improvements.
2. In addition, for every new subdivision of land involving three or more lots which are to be developed for residential purposes, the Planning Commission, with the concurrence of the City Council, shall require a payment to the City, in lieu of a land dedication for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands or open space, of a sum not to exceed ten percent (10%), of the fair market value of the land to be subdivided. The fair market value of the land to be subdivided shall be the value as determined by the Cass County Assessor at the time of Final Plat approval by the City Council. The amount of the payment shall be set by the Planning Commission, with the concurrence of the City Council, after taking

into consideration the open space, park, recreational or common areas and facilities which the applicant proposes to reserve for public use within the subdivision. Funds received by the City, in lieu of land dedication, shall be placed in a special fund in accordance with Section 462.358, Subdivision 2b, of the Minnesota Statutes.

3. All dedications shall be included in the dedicated portion of the plat, included in the development contract, or received by the City in Warranty Deed prior to the approval of the final plat, without further restrictions or reservations.

## SECTION X

### IMPROVEMENTS

#### 10.1

Prior to the submission of a Final Plat application and prior to approval of a metes and bounds subdivision, the subdivider shall provide for the construction of the required improvements at their expense and shall have the work completed or shall enter a Development Contract and give bond or other financial assurance satisfactory to the Council in an amount equal to 125% of the estimated cost of the uncompleted improvements except as provided in 10.3. The bond shall be released by the City Council upon the recommendation of the City Engineer indicating the improvements are satisfactorily complete.

#### 10.2

The required improvements shall conform to the standards of Sections IX of this Ordinance and shall include street cross section, signs and lighting in conformance with adopted City standards.

#### 10.3

The subdivider may request the City to construct municipal sewage facilities, municipal water facilities or bituminous street surfacing with all costs to be assessed against the benefited properties. If the City Council agrees, the subdivider shall enter a Development Contract and give a bond or other financial assurance satisfactory to the Council in an amount equal to 50% of the estimated costs. The assessments shall be paid in full upon sale of the property.

#### 10.4

All costs of the City Engineer, City Attorney, Bond Council, financial experts and other professional costs borne by the City in writing and/or executing Development Contracts, estimates of cost, inspectors, financial arrangements, assessments and pursuing legal remedies in event of default by the subdivider, shall be borne by the subdivider or their successors.

#### 10.5

Before final release of the bond, record drawings shall be provided by the applicant documenting final locations of improvements.

## SECTION XI

### ADMINISTRATION

#### 11.1 Zoning Administrator.

1. The Zoning Administrator shall be appointed by the City Council.
2. Duties and responsibilities of the Zoning Administrator:
  - A. Determine if applications are complete and comply with the terms of the Ordinance.
  - B. Direct or conduct inspections of sewage systems and other uses of the land to determine compliance with the terms of the Ordinance.
  - C. Maintain permanent and current records of the Ordinance including, but not limited to, maps, amendments, Zoning or Use Permits, Conditional Use Permits, Variances, appeals and applications, and a separate file for future conditions or expiration of permits.
  - D. Review, file and forward applications for appeals, Variances, Conditional Uses and Zoning amendments.
  - E. To review and approve all metes and bounds property divisions within the City that results in parcels that are greater than 10 acres.
  - F. Enforce the provisions of this Ordinance by reviewing complaints and by pursuing contacts with any violator in accordance with standard procedures as adopted and modified from time to time.
  - G. Mail notices relative to public hearings for Variances, Conditional Uses and Zoning Changes.
  - H. Under the direction of the Chairperson of the Planning Commission, prepare and distribute meeting agendas at least one week prior to the meeting.
  - I. Attend meetings and provide research and findings to the Board of Adjustment/Planning Commission.
  - J. Issue permitted Zoning Permits upon application for structures on lots conforming to this Ordinance when the conditions of the Ordinance are met; to issue Conditional Use Permits when directed by the City Council; to issue notices of a Zoning change when directed by the City Council.
  - K. To mail a copy of the findings to applicants.
  - L. To file copies of Conditional Use Permits and Variances with the County Recorder.
  - M. To communicate with the DNR where required by the Ordinance or State Law.
  - N. To ensure that the City Council, Planning Commission and Board Adjustment review land use application or public hearing applications as prescribed by State Statutes.
  - O. To conduct periodic and final inspections with a member of the Planning & Zoning Committee, of property subject to conditions of approval relating to variances, conditional use permits and other land use applications.
  - P. To issue *Land Use Certificates of Compliance*.
  - Q. Keep the City up to date with regards to changes in state and county land use regulations.

11.2 Board of Adjustment.

1. The Board of Adjustment shall consist of the members of the Planning Commission, and shall hold its meetings concurrently with the Planning Commission meeting on an as-needed basis at the discretion of the Chairperson. The chairperson and vice-chairperson of the Planning Commission shall have the same duties on the Board of Adjustment.
2. Duties and responsibilities of the Board of Adjustment.
  - A. To consider appeals from the action of the Zoning Administrator wherein the Board will take the authority of the Administrator.
  - B. To hold hearings on Variances after proper public notice in the official newspaper and individual notice by regular mail to any property owners within a minimum of 350 feet distance of any Variance in question. Such notice shall be given at least 10 days before the hearing date.
  - C. To act on Variances within the required time frame with complete findings to justify the action.
  - D. To keep a record of the proceedings, notifications and justifications for their actions.

11.3 Planning and Zoning Commission.

1. Organization of the Planning Commission.
  - A. The Planning Commission shall consist of five members and one alternate member appointed by the City Council. The alternate member shall attend meetings of the Planning Commission and shall be authorized to act as a voting member of the Planning Commission in the event a regular member is not in attendance at the meeting, or in the event a regular member elects not to act on an issue due to a conflict of interest. In the event Planning Commission members and the alternate member are unable to attend meetings of the Planning Commission, and there are not enough regular or alternate members present at a meeting to constitute a quorum, the City Council liaison, or other City Council member designated by the mayor, may act as a member of the Planning Commission and may act as a voting member of the Planning Commission until such time as Planning Commission members or alternate Planning Commission members arrive in sufficient numbers to constitute a quorum. In the event the City Council liaison, or other representative of the City Council serves and participates in a Planning Commission meeting, that person shall be compensated for that meeting at the same rate as a regular member of the Planning Commission.
  - B. The Commission shall elect a chairperson and vice-chairperson from its members for a term of one year.
  - C. The Commission shall meet a minimum of eleven times a year, once each month except January, at a regular meeting unless the docket is empty in which case the Mayor and/or Chairperson can approve suspension of a meeting. Special meetings shall be advertised in the official newspaper and posted in the City Hall at least 10 days in advance of the meeting.



2. Duties and responsibilities of the Planning Commission under this Ordinance.
  - A. To hold hearings after proper public notice in the official newspaper and individual notice by regular mail of any property owners within a minimum of 350 feet of any land use in question. Such notices shall be given at least 10 days before the hearing date.
  - B. To decide within the required time frame the following:
    1. Recommendations to the City Council regarding requested Zoning District boundary changes or amendments to the Ordinance.
    2. To review and provide recommendations to the City Council on proposed plats and to provide recommendations on final plats to the City Council.
    3. To review and approve all metes and bounds property divisions within the City that results in parcels that are under 10 acres.
    4. To review and provide recommendations to the City Council on requests for Conditional Use Permits with complete findings to justify the decision.
    5. To periodically review the Zoning map and Ordinances and consider their role in shaping the growth of the community and to recommend changes to the City Council of these documents to guide growth and current land use toward the goals of the Comprehensive Plan.
    6. To review past actions and direct future actions of the Zoning Administrator.
    7. To recommend on a timely basis that the City Council review the Comprehensive Plan when appropriate.
    8. To keep a record of the proceedings, notifications and justifications for their actions.
3. It shall be the duty of each individual member to be present at all meetings of the Planning Commission and Board of Adjustment. More than three absences in any one year period shall be grounds for replacement by the City Council.

#### 11.4 Parks Committee.

1. Duties of the Parks Committee under this Ordinance.
  - A. To make recommendations to the City Council on implementation of the Comprehensive Plan and the Park Plan.
  - B. To make recommendations to the City Council on park dedication fees and/or land dedications within new subdivisions.
  - C. To periodically review the Park Plan and Ordinances and consider their role in shaping the growth of the community and to recommend changes to the City Council of these documents to guide growth and current land use toward the goals of the Comprehensive Plan.

#### 11.5 City Council.

1. The City Council shall have the following duties under this Ordinance:
  - A. Appoint the Zoning Administrator by a majority vote, or terminate the

- Zoning Administrator by a 4/5 vote.
- B. Confirm the appointments by the Mayor of members to the Board of Adjustment/Planning Commission members by a majority vote, or to remove members by a 4/5 vote.
  - C. To decide within the required time frame the following:
    - 1. Recommendations from the Planning Commission for changes in Zoning Ordinance and Zoning District boundaries.
    - 2. Recommendations from the Planning Commission for acceptance of proposed plats, Conditional Use Permits, final plats, condominium plans and other matters directed to them.
    - 3. To hear or initiate appeals from the actions of the Board of Adjustment and the Planning Commission where their action is normally final.
    - 4. To direct enforcement of this Ordinance.

#### 11.6 Conditional Use Permits.

1. Conditional Use Permits shall run with the property for structures or other specified uses, as recommended by the Planning Commission after a public hearing and approved by the City Council. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice at least 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.
2. Submissions for C.U.P. The applicant shall complete the Conditional Use Permit application approved by the Planning Commission. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.
3. No Conditional Use Permit application shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Conditional Use Permits can only be requested by contractors or property owners with outstanding violations upon resolution of the violation to the satisfaction of the Planning Commission.
4. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include,

but are not limited to the following:

- A. Increasing the required lot size or yard dimension.
  - B. Limiting the height, size or location of buildings.
  - C. Controlling the location and number of vehicle access points.
  - D. Increasing the street width.
  - E. Increasing or decreasing the number of required off-street parking spaces.
  - F. Limiting the number, size, location or lighting of signs.
  - G. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
  - H. Designating sites for open space.
5. The Planning and Zoning Commission shall decide the issue with consideration to the following:
- A. The following must be met:
    1. The use or development is an appropriate conditional use in the land use zone.
    2. The use or development, with conditions, conforms to the comprehensive land use plan.
    3. The use with condition is compatible with the existing neighborhood.
    4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
    5. For Conventional Subdivisions, the property contains physical constraints which make it unable to be developed by the Conservation Subdivision method.
  - B. The following must be considered:
    1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
    2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
    3. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
    4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
    5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
    6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
    7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.
6. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.
7. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall make a recommendation to the City Council on conditions for reinstating the permit or revocation. The City Council shall make the final decision on reinstating or revoking the suspended permit.
8. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing.
9. A C.U.P. application which has been denied shall not be submitted, in an exact or substantially similar form, for at least 12 months from the date of denial.
10. Appeals from the action of the City shall be filed with District Court within 30 days after Council action.
11. The Conditional Use Permit shall be filed with the County Recorder within 45 days.
12. The Conditional Use Permit shall be filed with the Commissioner within 10 days.
13. The conditional use permit runs with the land and applies to subsequent purchasers of the land so long as the conditions are being met.
14. Planned Unit Development Procedure and Submissions.
  - A. Procedure.
    1. The applicant may submit a Sketch Plan to the Planning Commission for review and discussion at least 14 days prior to the meeting.
    2. Based on discussion, the applicant can formally apply by submitting preliminary documents, prepared with professional help, including as a minimum the C.U.P. application, and further shall contain the following:
      - a. Proposed concept of plan operation.
      - b. Proposed plat or floor plan, if applicable.
      - c. Proposed recreational amenities.
      - d. Proposed timing.
      - e. Proposed final security.

- f. Proposed development contract.
3. The Planning Commission shall review the submissions and make a recommendation to the City Council within a reasonable timeframe with a complete finding of facts.
4. The City Council shall review the recommendations and render a decision within a reasonable time.
5. The applicant shall then proceed within the time frame accepted under the preliminary proposal to provide final documents as required, including:
  - a. Financial security.
  - b. Development contract.
  - c. Title opinion.
  - d. Final plat or floor plan.
  - e. Surveyors plat check.
  - f. Final covenants and associated documents.
  - g. Final time schedule.
  - h. Final site plan which will control development.
  - i. MPCA/MnDH approval letter on sewage system & water supply.

#### 11.7 Variances.

1. Variances shall only be granted where an unusual hardship on the land exists. Variances shall only be approved for instances where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances shall only be granted when it is demonstrated that granting of the variance will be in keeping with the spirit and intent of the ordinance.
2. Variances shall not create a use not provided for in a zoning district.
3. Variances shall run with the property and shall be transferable with the property. Variances shall not be transferred to other properties.
4. Variances shall run with the property for structures or other specified uses after a public hearing. All applications for a Variance shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice at least 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Board of Adjustment and with no fee by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.
5. Submissions for Variances. The applicant shall complete the Variance application approved by the Board of Adjustment. The application shall contain submittal requirements, criteria for approval, procedure for

consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

6. Variances shall be decided within the required time frame with consideration for the following:
  - A. The applicant establishes that there are practical difficulties, as defined in this ordinance, in complying with the official control, and
  - B. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
  - C. The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner, and
  - D. The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance and the Comprehensive Plan, and
  - E. The variance will not create a land use not permitted in the zone, and
  - F. The variance will not alter the essential character of the locality, and
  - G. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.
7. The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
8. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.
9. No Variance application shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Variances can only be requested by contractors or property owners with outstanding violations upon resolution of the violation to the satisfaction of the Planning Commission.
10. Failure by the owner to act within 12 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.
11. A Variance application which has been denied shall not be submitted, in an exact or substantially similar form, for at least 12 months from the date of denial.
12. Violations of the conditions of a Variance shall void the variance.
13. Appeals from the action of the City Council shall be filed with the District Court within 30 days after Council action.

14. The Variance shall be filed with the County Recorder within 45 days.

### 11.8 Interim Use Permits

1. Interim Uses shall run with the property for structures or other specified uses, as recommended by the Planning Commission after a public hearing and approved by the City Council. All interim uses are temporary and shall terminate on a specific date, or at the occurrence of a specific event, that shall be designated at the time the permit is approved.
  - A. All applications for an Interim Use Permit shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee.
  - B. The fee or contract owner of the property shall sign the application.
  - C. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice at least 10 days in advance of this hearing to the DNR if the proposed is in shoreland.
2. Submissions for Interim Use Permit (IUP). The submissions for an IUP shall be the same as those required for a Conditional Use Permit as detailed in Section 11.6, subpart 2.
3. No Interim Use Permit application shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Interim Use Permits can only be requested by contractors or property owners with outstanding violations upon resolution of the violation to the satisfaction of the Planning Commission.
4. In permitting a new Interim Use or alteration of an existing Interim Use, the provisions of Section 11.6, subpart 4, shall apply to allow the Planning Commission to impose conditions on the approval.
5. The Planning and Zoning Commission shall decide the issue with consideration to the following:
  - A. The following must be met:
    1. The use or development is an appropriate interim use in the land use zone.
    2. The date or event that will terminate the use can be identified with certainty.
    3. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

4. The user agrees to any conditions that the governing body deems appropriate for permission of the use.
  - B. The provisions of Section 11.6, subpart 5B, must be considered as they would with a conditional use permit request.
6. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits. The City may require an escrow account be established at the time the application is made.
7. Violations of the conditions of an Interim Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall make a recommendation to the City Council on conditions for reinstating the permit or revocation. The City Council shall make the final decision on reinstating or revoking the suspended permit.
8. Failure by the owner to act on an Interim Use Permit within 12 months shall void the permit.
9. Appeals from the action of the City shall be filed with District Court within 30 days after Council action.
10. The Interim Use Permit runs with the land and applies to subsequent purchasers of the land so long as the conditions are being met.
11. An interim use may be terminated by a change in this Code.

#### 11.9 Zoning Permits.

1. Zoning Permits are required for all new structures and any change in structure dimensions, structural components, number of bedrooms, any construction or repair of a sewage system and any grading and filling in shoreland not exempted by this ordinance. Zoning permits shall only be issued to the owner of the property.
2. Where a proposed use requires action of the Board of Adjustment, Planning Commission or Council or posting of financial security, said action shall occur and the Conditional Use Permit, Variance, Zoning District change, final plat plan approval, approval of metes and bound division shall be issued or security posted before the Zoning Permit is issued.
3. The City shall not accept applications where the applicant has past due fees or charges due to the City or the County until the account is made current.



4. No applications shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Permits can only be issued to contractors or property owners with outstanding violations by majority vote of the Planning Commission after the violation has been resolved to the satisfaction of the Planning Commission.
5. The Zoning Permit shall contain the parcel number of the property, the signature of the fee or contract owner of the property and any other reasonable information needed to determine compliance with this Ordinance.
6. Lot corners shall be visible on the lot. The Zoning Administrator may require a new survey when stakes are not visible or have been removed through erosion, construction or other action and require that a new certificate with existing and recorded dimensions shall be provided.
7. Where a covenant is required by this Ordinance, evidence that such a covenant has been recorded shall be provided to the Zoning Administrator.
8. Unless extended by the Zoning Administrator, where a Zoning Permit has been issued but no action has occurred within 12 months, the Zoning Permit shall be null and void. Exterior work on the structure shall be complete in 24 months from the issuance of the Zoning Permit. The time limit may be extended up to six months by the Zoning Administrator for good cause. A second extension shall be decided by the Planning Commission.
9. Granting of a Zoning Permit shall occur when all requirements of the Ordinance have been met, but shall not be considered a statement of compliance with regional, State or Federal codes, statutes or laws or approval of the design of the structure or accessories, or description of the property. Subsequent actions of the Zoning Administrator shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with the Ordinance.
10. If the Zoning Administrator determines that any violation of the permit or other section of the Ordinance has occurred, the permit shall become null and void.

#### 11.10 Subdivision

1. Pre-Application Meeting. At the sub divider's option, a pre-application meeting shall be held including the subdivider, City Zoning Administrator, City Engineer, if requested by the Zoning Administrator, and the City Clerk. Discussion at this meeting shall be limited to procedure, Ordinance requirements and timing.
2. Sketch Plan Review Meeting with Planning Commission. An on-site review of a sketch plan by the Planning Commission is required prior to submission of an application for preliminary plat.
  - A. The subdivider shall submit a digital copy of the sketch plan, 14 days prior to the normal Planning Commission meeting, in a format compatible with Cass County's coordinate-based parcel data. At that time, the subdivider shall also-request a site visit as part of the formal agenda.

- B. The Planning Commission shall walk the property with the applicant. Commission members shall strive to identify any unique features of the property that should appear on a preliminary plat submittal.
  - C. The Planning Commission shall not take action on the proposal, but may make suggestions to facilitate the preparation of an approvable preliminary plat or plan.
3. The City of Remer may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the City for direct costs relating to professional services provided during the review, approval and inspection of the project. The City may charge the applicant a rate equal to the value of the service to the City. Services provided by City staff or contract professionals will be billed at an established rate.
  4. Metes and Bounds Subdivision Approval. Where appropriate under the provisions of this Ordinance, the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one hundredth (1/100th) of a foot and bearing computed to equivalent accuracy to the Planning Commission for approval. The review of the Planning Commission need not include a public hearing.
    - A. The subdivider shall submit 9 copies of his proposal to the Zoning Administrator 30 days prior to the normal Planning Commission meeting and pay the corresponding fee.
    - B. The Zoning Administrator shall review the proposed subdivision for compliance with the Zoning Ordinance including a field review at his discretion.
    - C. The Planning Commission shall decide on approval of the subdivision within a reasonable time based on the resulting lots complying with the Ordinance, the feasibility of the resulting lots for their intended purpose, and the provision for access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements. No more than one (1) subdivision into two (2) parcels shall be allowed in a three (3) year period of time. An additional parcel for right of way or commonly owned driveway access may also be allowed.
    - D. The resulting land descriptions shall be prepared and signed by a Registered Land Surveyor and shall comply with all provisions of this Ordinance.
    - E. Failure of the subdivider to act after an approval of a Metes and Bounds subdivision within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new public hearing.
  5. Preliminary Plat or Preliminary Condominium Plat Approval. The preliminary Plat or Preliminary Condominium plan approval constitutes formal approval of the concept and design of the subdivision. The Planning Commission review shall include a public hearing and may include a field review at their discretion. All reports of City staff, DNR, road authorities and Parks Commission as well as citizen comments shall be reviewed and included in the hearing record. Related variance requests, rezoning requests and conditional use requests shall be heard concurrently with a subdivision request.
    - A. The subdivider shall submit 9 copies of his proposed plat or condominium plat to the Zoning Administrator 30 days prior to the normal Planning Commission meeting, pay the required fees and

- request a public hearing.
- B. The Zoning Administrator shall notify all property owner's within 350 feet, by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten (10) days ahead of the public hearing, including sufficient legal property description in the advertisement. The Zoning Administrator shall distribute one (1) copy to each Planning Commission member, if the proposal is adjacent to a County Highway, one (1) copy to the County Engineer, and if the plat is in shorelands, one (1) copy to the DNR postmarked at least ten (10) days before the public hearing for review and comment.
  - C. The Zoning Administrator shall review the proposed plat or plan as to content standards, necessary variances, from the Zoning Ordinance and this Ordinance, necessary rezoning or necessary conditional use permits, and advise the subdivider and the Planning Commission of his findings.
  - D. The subdivider shall make addition application for the necessary permits at least 30 days prior to the normal Planning Commission or Board of Adjustment meeting as applicable, if subdivider desires to have a concurrent public hearing for variance, conditional use or rezoning.
  - E. The Planning Commission shall hold the Public Hearing and may continue the hearing as it deems necessary to allow all factual input it deems necessary to allow a decision. Lack of submission of comments by outside agencies shall be construed to mean the agency has no objections.
  - F. The Planning Commission shall recommend the approval or disapproval of the Preliminary Plat or Preliminary Condominium Plat to the Council within one hundred twenty (120) days of submission, and the findings shall be sent to the subdivider. The Planning Commission shall consider the following in its decision:
    - i. Is the property properly zoned?
    - ii. Does the proposal conform to the requirements of the Zoning Ordinance?
    - iii. Does the proposal conform to the requirements of the Subdivision Ordinance?
    - iv. Have the concerns of the affected agencies been addressed?
  - G. The City Council shall review the findings and recommendations of the Planning Commission at their next regular meeting and make the final determination.
  - H. The City Council will hear any appeal within thirty (30) days of the Planning Commission action and will re-notify anyone noticed for the Public Hearing. Said appeals will be filed with the City Clerk within fifteen (15) days of the decision.
  - I. Failure of the subdivider to act after an approval of Preliminary Plat or Preliminary Condominium Plat within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new public hearing.
6. Final Plat or Final Condominium Plat Approval. Upon approval by the Planning Commission, the subdivider shall cause the Final Plat or Final Condominium Plat, documents and concurrent documents to be prepared and submitted to the Planning Commission for recommendation to the City Council. All coincident variance requests, conditional use permit requests

and/or rezoning requests shall either have been decided or be pending approval simultaneously with the Final Plat.

- A. The subdivider shall submit 9 paper copies of the Final Plat or Final Condominium Plat and concurrent documents to the Zoning Administrator 30 days prior to the Planning Commission meeting.
- B. The Zoning Administrator shall distribute the information received to the City Attorney, the City Engineer and an independent Registered Land Surveyor, who shall review the submission for conformance with the standards and comment thereupon to the Planning Commission. The Zoning Administrator shall compare the Final Plat to the Preliminary Plat and comment thereupon. The City Attorney shall ascertain that all parties with an interest in the parcel to be divided are indicated as signers of the documents. The City Engineer shall determine that the improvements required have been completed or have been included in a development contract and that the required security has been posted with the City Council. The independent Registered Land Surveyor shall compare the approved Preliminary Plat with the Final Plat, provide a plat check of the Final Plat, and verify that the Final Plat meets the survey standards required by Minnesota Statutes.
- C. The Planning Commission shall review the reports of the City Attorney, City Engineer, Zoning Administrator and independent Registered Land Surveyor and make recommendation to the City Council within 45 days of submission. The Planning Commission shall consider the following:
  - i. Has the applicant compiled with all conditions and requirements upon which the preliminary approval is expressly conditioned wither through performance or execution of appropriate agreements assuring performance?
  - ii. Does the Final Plat or Final Condominium Plat agree with the Preliminary Plat or Preliminary Condominium Plat?
  - iii. Does the City Attorney agree that all parties with an interest in the property are shown as signers of the document?
  - iv. Does the City Engineer agree that all improvements required are satisfactorily completed or are guaranteed by contract with adequate financial security?
  - v. Does an independent Professional Land Surveyor agree the final document meets the statutory requirements?
  - vi. Has financial security been posted in the appropriate amount?
- D. The City Council shall review the proposal at their next regular meeting and decide the approval within sixty (60) days of the submission of the Final Plat or Final Condominium Plat to the City.
- E. Following approval by the City Council, the subdivider shall submit to the Zoning Administrator, two (2) double mounted cloth backed prints on card stock (hard-shells) and two (2) mylar prints of the Final Plat or Final Condominium Plat for signature by the Mayor and Clerk.
- F. Upon signature, the subdivider shall file all pertinent documents with the County Recorder. Failure to file a Final Plat or Plan, within two (2) years shall void the approval unless extended by the City Council.

#### 11.11 Fees.

Applicable fees are established in Section XIV. No permit shall be issued, or request brought before the Board of Adjustment or Planning Commission until the fees are paid. All applications where work has already started shall require the payment of an after-the-fact fee as outlined in Section XIV.

The City shall not accept applications where the applicant has any past due fees or charges due to the City until the account is made current.

#### 11.12 Financial Requirements

Applications will not be accepted as complete where an applicant has any utility charges, delinquent taxes, delinquent assessments or other fees past due with the City or County. The past due account must be paid to bring the account current before an application will be accepted.

When costs associated with processing or reviewing an application exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to hire in reviewing permits. Outstanding fees shall be paid before issuance of the permit and any construction of the project begins.

#### 11.13 Required Decision Making Time Frames.

The City of Remer shall make land use decisions pursuant to time frames established in Minnesota Statutes. It shall be the applicant's responsibility to submit a completed application packet, which shall by definition include the application forms approved by the City, site plan with all information required by this ordinance and remit proper fees for the land use application. Once the Zoning Administrator or appointee has received the completed application packet, the review time frame shall commence.

## SECTION XII

### ENFORCEMENT

#### 12.1 Violations and Penalties.

1. This ordinance shall be administered and enforced by the Zoning Administrator who is hereby designated the enforcing officer.
2. In the event of a violation or a threatened violation of the ordinance, the City Council may institute appropriate actions or proceedings to present, restrain, correct or abate such violations or threatened violations. It shall be the duty of the City Attorney to institute such action.
3. Any taxpayer or taxpayers of the City may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by the ordinance.
4. Any person, firm or corporation who shall violate any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be punished by a fine not to exceed seven hundred dollars (\$700) or by imprisonment not to exceed ninety (90) days or both. Each day that a violation continues shall constitute a separate offense. The owner of the subject property and any contractor(s) involved shall be considered jointly liable.
5. The contractor(s) performing any work requiring a permit under this ordinance shall be in violation of the ordinance if working on the site prior to the issuance of a permit.
6. If the City determines to enforce compliance of the Zoning Ordinance through a civil remedy, the offending party shall be required to reimburse the City for the City's reasonable attorney's fees and costs, and other professional costs incurred by the City associated with enforcing the offending party's compliance with the Zoning Ordinance.

#### 12.2 Liability of City Officials.

The failure of any officer of the City of Planning and Zoning Commission/Board of Adjustment or employees of the City to act pursuant to this ordinance, except as an individual acting in his own behalf, shall not be an offense and shall not subject the officer, Board or employee to any penalty. The City shall not be liable for the problems arising from reliance on lot corners, legal descriptions or other information provided by the property owner.

#### 12.3 Equitable Relief.

In the event of a violation or threatened violation of any provision of this ordinance or the conditions of any permit issued pursuant to the ordinance, the City, in addition to other remedies, may act or institute action to prevent, restrain, correct or abate such violation or threatened violation.



## SECTION XIII

### SEPARABILITY, SUPREMACY, EFFECTUATION, AMENDMENTS, NOTICES

#### 13.1 Separability.

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

#### 13.2 Supremacy.

When any condition implied by this Ordinance on the use of land or buildings is more restrictive or less restrictive than applicable conditions imposed by statute, rules and regulations, other City ordinance or regulation or other jurisdiction, the more restrictive shall apply. The Ordinance does not abrogate any easements, restriction or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable of this Ordinance, the Ordinance shall prevail.

#### 13.3 Effectuation.

This Ordinance shall be in full force and effect from and after its passage by the City Council and subsequent publication.

#### 13.4 Amendment.

The City Council may adopt amendments to either the Zoning Ordinance, Zoning Map or Overlay Maps in relation to the land uses within a District or the boundaries of the District(s) by the most restrictive majorities allowed by Minnesota Statute. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the City.

##### 1. Procedure.

- A. An amendment may be initiated by the Council, the Planning Commission or by any property owner.
- B. The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.
- C. The Planning Commission shall make a reasonable attempt to cause all property owners within a minimum of 350 feet of proposed Zoning District change to be notified by regular mail and shall publish a hearing notice for either a Zoning District change or Zoning Ordinance change in the legal section of the official newspaper and shall provide notice to the DNR at least 10 days ahead of the public hearing. The Planning Commission shall hold the hearing and make a timely recommendation to the City Council. Adoption of a new Zoning map shall require published notice only. The Planning Commission shall consider the criteria for land use categories, Sec 5.1(7), in its decision.
- D. The City Council shall review the recommendations and shall make a timely decision. An amendment requires a majority vote to be enacted, except where all or part of the existing classification of a



zoning district is to be zoned from residential to either commercial or industrial. In that instance, a two-thirds majority is required.

- E. The City Clerk shall publish a summary of the text of the change or description of boundary change or a new Zoning map, whichever is appropriate, in the official newspaper within 30 days after action by the Council.

### 13.5 Notices.

Failure to receive notice called for by this Ordinance shall not invalidate any action taken by the City so long as the City acted reasonably in its attempt to provide such notice.

### 13.6 Lake Classification.

The City Council may adopt multiple shoreland classifications to a single body of water by resolution. Such resolution shall not be passed indiscriminately, but shall only be adopted upon a determination that such action is necessary to address a unique situation. The procedure for making a determination on the necessity of a multiple lake classification is as follows:

1. A study of the water body shall be initiated by the City Council. The Planning Commission or any property owners may petition the Council for such a study. A petition shall not compel the Council to proceed.
2. Prior to commencing a study of the water body, the Commission shall be notified of the City's intent to commence the study.
3. The study shall be prepared by the Zoning Administrator and overseen by the Planning Commission. The study shall examine the following:
  - A. Determine whether the lake has an irregular natural shoreline configuration, possesses bays, arms, islands, peninsulas or points, or the lake has been artificially segmented by roadways, railways, bridges or levees. If none of these conditions exist, multiple shoreland classification shall not be applied to the lake.
  - B. Where the conditions of (a) exist, a recommendation shall be made as to the appropriate lake classification for each segment identified in (a). The recommendation shall be based on references to the following:
    - i. The records and files of the Department of Natural Resources, including maps, lists, and other products of the Protected Waters Inventory;
    - ii. Data and publications of the DNR Shoreland Update Project
    - iii. DNR Bulletin No. 25 (1968);
    - iv. Supplementary Report No. 1 - Shoreland Management Classification System for Public Waters (1976) of the Division of Waters
    - v. Minnesota's Lakeshore, part 2, Statistical Summary, Department of Geography, University of Minnesota;
    - vi. Any additional supporting data supplied by the Commissioner.

4. Upon receipt of the study, the Planning Commission shall cause all property owners within a minimum of 500' of the shoreline proposed to be reclassified to be notified by regular mail and shall publish a hearing notice for in the legal section of the official newspaper and shall provide notice and proposed reclassification to the DNR at least 10 days ahead of the public hearing. The Planning Commission shall hold the hearing and make a recommendation to the City Council.
5. The City Council shall review the recommendation and shall make a timely decision. A majority vote to reclassify shall be done by resolution.
6. Where a resolution to reclassify is adopted, the City Clerk shall forward the resolution to the Commissioner for review and approval. Multiple shoreland classifications are subject to review and approval by the Commissioner.
7. Where approved by the Commissioner, the City Clerk shall publish a description of reclassified area or a map showing the change, whichever is appropriate, in the official newspaper within thirty days of a response from the DNR. Where a reclassification is denied, the City Clerk shall notify all property owners identified in (4) of the Commissioner's decision.

SECTION XIV

FEE SCHEDULE

14.1 Land Use Fees.

The following fees shall apply to land use applications within the City of Remer.

**RESIDENTIAL**

**Principal Dwelling**

All construction\*

Up to 1,000 sq. ft.....	\$225.00
1,001 to 2,000 sq. ft.....	\$425.00
2,001 to 3,000 sq. ft.....	\$525.00
3,001 to 6,000 sq. ft.....	\$775.00
Over 6,000 sq. ft.....	\$ 1,025.00
Sewer Treatment System (additional to construction).....	\$150.00
Alternative/Experimental Waste disposal system.....	\$250.00
Extra site visit/inspection.....	\$100.00

\*All construction represents actual footprint of dwelling plus attached garage, deck, porch or other usable area being constructed.

**Accessory Structures**

(includes sheds, pole barns, decks, garages, porches, etc.)

50 to 200 sq. ft.....	\$60.00
201 to 600 sq. ft.....	\$125.00
601 to 1,200 sq. ft.....	\$225.00
1,201 to 3,000 sq. ft.....	\$375.00
Over 3,000 sq. ft.....	\$625.00

**COMMERCIAL**

All construction\*

Up to 1,000 sq. ft.....	\$350.00
1,001 to 3,000 sq. ft.....	\$525.00
3,001 to 6,000 sq. ft.....	\$775.00
Over 6,000 sq. ft.....	\$975.00
Sewage Treatment Systems (additional to construction).....	\$250.00
Alternative/Experimental Waste disposal system.....	\$500.00
Extra site visit/inspection.....	\$100.00

\*Based on actual square footage of structure footprint

**OTHER**

Grade & Fill (Wetlands issued only after SWCD and or COE approval).....	\$100.00
Signs (on/off site).....	\$50.00
E911 Address Assignments and Signs (Payable to CWC Treasurer).....	\$75.00
Fences.....	\$25.00
Lot Splits.....	\$100.00
Variance** .....	\$300.00
Conditional Use Permit** .....	\$300.00
Recording Fee (Payable to Cass County Recorder).....	\$46.00
Zoning Map Change/Zoning Ordinance Amendment** .....	\$300.00
Preliminary Plat Approval (six lots or fewer).....	\$500.00

Preliminary Plat Approval (more than six lots)***	\$1,000 plus \$200 per lot escrow
Final Plat Approval	\$200.00+ \$25.00 per lot
PZ/BOA Special Meeting	\$400.00
Property Assessment Search	\$25.00
Home Occupation Permit (CUP also needed for Type III and IV)	\$25.00
RV/Camper Permit- Annual Fee	\$25.00
<b>After the fact</b> fees for permitted construction/work	10 times base fee (permit included)
<b>Penalty when violation must be corrected by removal or restoration.</b> (Work or construction <b>NOT</b> allowed by the Land Use Ordinance)	50% of penalty fee

\*\*Fee includes public and mailed notices and other preparation. All other costs will be billed to applicant. Does not include permit fees.

\*\*\*Preliminary Plat, More than Six Lots: All preliminary plat applications shall be accompanied by cash escrow. The escrow amount placed with the city shall be \$1,000 plus \$200 per lot for each proposed lot within the subdivision. The escrow amount shall be used to cover the City's costs in reviewing and processing the application. Itemized accounting of the funds used from the escrow account shall be provided to the applicant. If at any point the escrow amount falls below \$1,000, the applicant shall be notified and given 20 days to replenish the account to the original amount. Failure to replenish the account shall result in suspension of the application review and processing. All remaining escrow shall be returned to the applicant within 30 days of final action on the subdivision by the City.

### COPIES

Zoning Ordinance (Bound Books)	\$20.00
Subdivision Ordinance	see misc. copies
Comprehensive Plan (text only)	\$5.00
Comprehensive Plan (graphic version)	\$25.00
All other ordinances	see misc. copies
Land Use Map (small)	\$5.00
Land Use Map (poster size)	\$15.00
Misc. copies	\$0.25 ea
Over 100 copies	time + materials

### APPEALS

To Board of Adjustment (from action of Zoning Administrator)	\$0.00
To Council (from action of Planning Commission or Board of Adjustment)	\$200.00
If appeal is upheld by Council, fee shall be refunded	

**Note:** When costs associated with processing or reviewing an application exceed the original application fees; the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to hire in reviewing permits. Outstanding fees shall be paid before issuance of the permit and any construction of the project begins.