SECTION 305 ZONING & SHORELAND ORDINANCE

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The City of Wabasha does ordain:

The Zoning & Shoreland Ordinance dated December 18, 2007

305.01 INTRODUCTION.

Subd. 1 Title.
This Section shall be known as, referred to, or cited as "ZONING ORDINANCE, City of Wabasha, Minnesota".

Subd. 2 Authority.
In accordance with the authority granted by Chapter 462 of the Minnesota Statutes, the City Council of the City of Wabasha, Minnesota, does hereby ordain this Zoning & Shoreland Ordinance.

Subd. 3 Purpose
This section is adopted for the purpose of promoting the public health, safety, morals, prosperity, aesthetics, and general welfare, of the City of Wabasha by regulating on the earth's surface, in the air space above the surface, and in subsurface areas, the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands access to direct sunlight for solar energy systems, flood control or other purposes.

305.02 GENERAL PROVISIONS.

Subd. 1 Effective Date.
This Section shall be effective after notice, publication, hearing, and adoption by the City Council as required by Minnesota Statutes and City Charter.

Subd. 2 Jurisdiction.
Jurisdiction of this Section shall include all lands and water within the corporate limits of the City of Wabasha, Minnesota.

Subd. 3 Abrogation and Greater Restrictions.
It is not the intent of this Section to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, Ordinances, rules, or permits previously adopted or issued pursuant to law with the exception of previous zoning and shoreland ordinances which are hereby repealed. However, wherever this Section imposes greater restrictions, the provisions of this Section shall apply.

Subd. 4 Interpretation.

The provisions of this Section shall be interpreted and applied as minimum requirements, shall be construed in favor of the City, and shall not be deemed a limitation or repeal of any power granted by Minnesota Statutes.

Subd. 5 Repeal.

All other Ordinances or parts of Ordinances of the City inconsistent or conflicting with this Section to the extent of their inconsistency only are hereby repealed.

Subd. 6 Rules & Definitions

A For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular.

B The word "person" shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

C The word "shall" is mandatory and not discretionary.

D The word "may" is permissive.

E The word "lot" shall include the words "plot", "piece", and "parcel".

F The words "used for" shall include the phrases "arranged for, "designed for", "intended for", "maintained for", and "occupied for".

G Definitions

Unless specifically defined in Section 305.09, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

H Exception on Setback Requirements.

Where structures exist on adjoining lots or within a distance of one hundred (100) feet, the required front yard for the lot shall be set at the average yard (setback) of the improved lots and no variance is needed to conform [i]

Subd. 7 Use and Site Restrictions.

A Whenever in any zoning district a use is neither specifically permitted nor allowed through a conditional use permit reference, the use shall be considered prohibited. In such cases, the City Council, Planning Commission, or property owner may request a study by the City to

determine if the use is acceptable and, if so, what zoning would be most appropriate and the determination as to conditions and standards relating to development of the use. The study shall include consideration of adopted Comprehensive and Land Use plan ('s) of the City. The City of Wabasha Planning Commission, upon receipt of the staff study may initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the district or the city.

B Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged, or structurally altered, and use of any land, shall be in compliance with the regulations established herein for the district in which such buildings or lands are located.

C No lot shall be so reduced that the dimensions and yard requirements imposed by this Section cannot be met. No part of the yard or open space required for a given building shall be included as part of the yard or open space required for another building, and no lot shall be used for more than one principal building except for districts where explicitly stated as allowed. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projection of sills, cornices and ornamental features projected not more than 48 inches; except that in commercial areas a permanent awning and its accessory columns or struts may project not more than five (5) feet into a required front or side yard.

D Only one principal use is allowed per lot or parcel unless mixed uses, multi-family dwellings, or other such uses are explicitly allowed for that zoning district.

E For uses that are allowed with a maximum square footage, the maximum square footage applies to newly constructed and/or pre-existing structures.

F Open or enclosed fire escapes may project into a required yard not more than five (5) feet and into a required court not more than three and one half (3½) feet, provided it be so located as to not obstruct light or ventilation. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, tanks, water towers, ornamental towers, spires, wireless or communication towers (in districts where they are specifically allowed), masts or aerials, and necessary mechanical appurtenances are hereby excepted from the height regulations of this Section, and may be erected in accordance with other regulations or Ordinances of the City.

Subd. 8 Separability.

It is hereby declared to be the intention of the City Council that the several provisions of this Section are separable in accordance with the following:

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

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

305.03 VIOLATIONS AND PENALTIES.

Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction thereof, be guilty of a misdemeanor, subject to a fine of not more than $1,000 or imprisonment for not more than ninety (90) days, or both. Each day a violation exists or continues, shall constitute a separate offense.

305.04 ORDINANCE ADMINISTRATION.

Subd. 1 Administration and Enforcement.

The City Council hereby designates that it is the duty of the Planning Department to enforce the provisions of this Section. The specific duties of staff in zoning administration shall be detailed in position descriptions and overseen by the City Administrator, but shall generally include:

A Providing zoning information and city applications to the public upon request,

B Receiving and reviewing such applications to determine if they comply with the provisions of City Code and/or State Statute,

C Issuing or denying applications when authorized by Code, or referring such application to the appropriate public body for review,

D Notifying affected property owners of the required hearings and publishing notice of such hearings as required under City Code, City Charter, and/or State Statute,

E Conducting inspections and research and providing findings to the appropriate public body,

F Investigating violations and notifying property owners of violation and code requirements or bringing violation matters to the appropriate public body,

G Overseeing the keeping of the zoning map and text up-to-date and the provision of this information to the public in the most effective and efficient means possible, and

H Identifying and tracking of non-conformities, as defined under section 305.08 within the City.

Subd. 2 Planning Commission Establishment & Duties

A Establishment

A Planning Commission for the City of Wabasha is hereby continued as previously established by the City Council. The Planning Commission, which is a planning agency as allowed and defined by Minnesota State Statute Chapter 462.354, shall be advisory directly to the City Council, except for other powers and duties that are imposed on it by statute, by charter, or by ordinance consistent with the municipal charter.

B Composition

Such Planning Commission shall consist of seven (7) members who shall be appointed by the City Council and may be removed by a two-thirds vote of the City Council. Terms for Planning Commission members shall be three (3) years. All members shall hold their offices until their successors are appointed and qualified. Vacancies during the term shall be filled by the City Council for the unexpired portion of the term. All members shall serve without compensation.

C Organization and Meetings

The Planning Commission shall elect a chairperson from among its appointed members for the term of one year; and the Planning Commission may create and fill such other offices as it may determine necessary. The Planning Commission shall hold at least one regular meeting each month which shall be rescheduled from its original date if there is a lack of quorum. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which shall be a public record. From time to time through the course of a year, the Planning Commission shall submit to the City Council a report of its work activities or projects during the preceding year. Expenditures of the Planning Commission shall be within amounts appropriated for such purposes by the City Council.

D Adoption of Program of Work.

The Planning Commission shall prepare and adopt a program of work which may be revised from time to time. This program will outline activities proposed to be undertaken in the exercise of the Planning Commissions powers and the performance of its duties consistent with the goals and strategies adopted in the Comprehensive Plan.

E Preparation of Comprehensive Plan

1. It shall be the function and duty of the Planning Commission to prepare and recommend to the City Council for adoption a Comprehensive Plan for the physical development of the City as allowed and regulated under Chapter 462 of State Statute. The Planning Commission shall periodically review the plan and recommend amendments to the City Council as allowed under State Statute.
2. Procedure for Adoption or Amendment of the Comprehensive Plan. Before final recommendation for Comprehensive Plan adoption or amendment to the City Council, the Planning Commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given publication in a newspaper of general circulation at least ten (10) days before the day of the hearing. The adoption of the Comprehensive Plan or any section or any amendment thereof shall be by resolution of the City Council, approved by a two-thirds vote of all of its members.
3. Means of Executing the Comprehensive Plan: Upon adoption of the City Plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the City Council reasonable and practicable means for putting into effect such plan or section thereof. Such means shall consist of a zoning ordinance which includes a zoning map, a subdivision ordinance which provides for the control of plats and changes of lot lines, and may include a plan for future streets, coordination of the normal public improvements of the City, a long term program of capital expenditures and such other matters as will accomplish the purposes of the Comprehensive Plan.

F Review of Recommended Public Works

Each department, board, or commission of the City of Wabasha whose functions includes preparing and recommending plans for development projects shall, submit such plans to the Planning Commission for review prior to the submission of these plans to the City Council. These shall include plans which have interdepartmental implications or pertain to implementation of the Comprehensive Plan, but not those that relate to the regular maintenance or repair of City infrastructure.

Subd. 3 Board of Appeals and Adjustment

A Establishment

The Planning Commission, from its members, shall elect 5 individuals on an annual basis to sit on the Board of Appeals and Adjustment which will be a committee of the Planning Commission as allowed in state statute 462.354. This election shall occur at the first meeting of the Planning

Commission each calendar year where there are no vacancies on the Planning Commission. All eligible members shall continue to serve until a new board is appointed.

B The Board of Adjustment shall have the following powers & duties:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the City Planning Department.
2. To hear and decide requests for variances from this Section of City Code (commonly referred to as "The Zoning Ordinance"), under the process specified in Section 305.04 Subdivision 5.
3. To hear and decide appeals and variances under other sections of City Code as specified in those sections.

Subd. 4 Permits.

A Zoning Permit.

1. For any structure or use where a building permit is not required under building code, but zoning regulations pertain, a Zoning Permit is required. No structure, water, or land shall hereafter be used, no land use shall be substantially changed and no structure shall be erected, moved, or structurally altered, without full compliance with the terms of this Section and other applicable regulations until a Zoning Permit has been issued.

2. All applications for a Zoning Permit shall be made to the Planning Department on forms provided and shall be accompanied by plans in size and quantities specified by the department. Plans shall be drawn to scale showing the name and address of the property owner and location, actual shape and dimensions of the lot to be built upon; the exact size and location of the proposed or existing structure('s); the allowed building envelope, altered or moved; the existing and intended use of each building or part of a building. Items including but not limited to the following will typically be required on the submitted plan when appropriate: ordinary high water level of any abutting water course; flood plains; centerline and/or right-of-way of abutting streets and highways; the number of families the building is intended to accommodate; and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Section of City Code. Fees for such permits shall be established by the City Council.

B Occupancy Permit (Certificate of Occupancy)

1. For uses and structures that require any permit, no vacant land shall be occupied or used and no buildings hereafter erected, altered or moved

until a certificate of occupancy has been issued by the Planning Department. Such certificate shall show that the building or premises or part thereof and the use thereof are in conformity with the provisions of this Section of City Code and all applicable building code. Such certificate shall be issued only when the building or premises and the use thereof conform to all the requirements of this Section.

2. In the case of weather related delays to exterior completion (landscaping or finishing), residential projects with up to two (2) dwelling units total may be given certificate of occupancy as long as all code issues are met. As an alternative for commercial or multi-family residences of three (3) or more units, the Planning Commission will accept a performance bond or bank letter of credit to be placed in an escrow account at an amount determined by the Commission to cover 110% of the estimated cost of completing all outstanding requirements to be placed in an escrow account. The bond or cash will be returned to the applicant upon satisfactory completion of all requirements. An escrow agreement will be entered into with a deadline for project completion. If project requirements are not met within the defined deadline, the Planning Commission may require such escrow funds to be used to satisfactorily complete the project.

C Conditional/Interim Use Permits.

1. Permit. The Planning Commission may issue a Conditional Use Permit for conditional uses or Interim Use Permit for interim uses after review and public hearing, provided such uses or structures are in accordance with the purpose and intent of all City Code and the Comprehensive Plan, and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or community.

2. Application. Applications for Conditional/Interim Use Permits shall be made to the Planning Department as prescribed on forms provided by that office. Completed applications shall be forwarded to the Planning Commission for consideration as prescribed by State Statute. An application may be rejected by the Planning Department if required information is not provided and a written notice explaining the reason for rejection is given to the applicant within 15 days from submission of the incomplete application. Such applications shall include where applicable:

a. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, or other key participants and all opposite and abutting property owners of record.
b. Description of the subject site by the property address and legal description (lot, block and recorded subdivision or by metes and bounds).
c. A written and/or graphic description of the use being requested including an explanation of the proposals compliance with this section and requirement of the specific zoning district where the proposal is located. This may include a site plan of the proposal and/or supporting information including but not limited to proposed: hours of operation, number of employees, locations of structures (existing & proposed), parking, signage, lighting and landscaping. The Planning Department and/or Planning Commission may require that a Site Plan prepared **by a registered Land Surveyor, Professional Engineer, Architect, or Landscape Architect licensed by the State of Minnesota** showing existing and proposed contours and elevations, property boundaries, amount of land (acreage), locations of human made or natural features such as structures, water bodies or wetlands, roads, easement locations, and/or landscaping depending on the specific use requested and/or the nature of the proposed location.
d. Additional information pertaining to the proposed project as may be required by the Planning Department and/or Planning Commission.

3. Review and Approval
   a. The Planning Commission shall review the application and consider the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, road access, traffic generation and circulation, drainage, sewerage and water systems and the operation of the proposed use.
   b. The Planning Commission shall hold a public hearing on the proposed conditional or interim use. Notice of time and place of such hearing shall be published not less than ten (10) nor more than thirty (30) days preceding said hearing and at least once in the newspaper of general circulation in the City. The City shall notify highway agencies where road connections are proposed and all abutting or opposite property owners, as listed by the developer in the original application of the time, date and subject matter of the hearing. Failure to comply with this provision shall not however, invalidate any previous or subsequent action on the application.

4. Criteria
   a. General Standards. No conditional or interim use shall be granted by the Planning Commission unless the Board shall find:
      i. That the establishment, maintenance, or operation of the use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the City;
      ii. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
      iii. That the establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
      iv. That adequate utilities, access road, drainage, and/or necessary facilities have been or are being provided;
      v. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
      vi. That the use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
      vii. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, screening (including fencing and/or plantings), security provisions, refuse management, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Board upon its finding that these are necessary to fulfill the purpose and intent of this Section or other sections of City Code.
      viii. No application for a conditional or interim use that has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order or denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Department
      ix. In any case where a conditional or interim use has not been established within one (1) year after the date of granting thereof, then, without further action by the Planning Commission, the conditional use or authorization shall be null and void.
      x. A date or event which will terminate an Interim Use Permit will be identified on the permit and may include termination by a change to the zoning regulations.

xi. An interim use will not be granted if there is a finding by the Commission that its issuance will impose additional costs on the public if it is necessary for the public to take the property in the future.

5. Amendments to a Conditional or Interim Use Permit.
Changes proposed to a Conditional or Interim Use will be considered by the Planning Commission upon application, review, and approval following the same process as a new application. New conditions or time limits may be imposed on the permit based on criteria and conditions in place at the time of amendment application.

Subd. 5 Variances

A Purpose: To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance maintaining public safety and welfare.

B Procedure:

1. An application for a variance shall be filed in writing with the Planning Department on forms provided. The application shall contain such information as the Board of Adjustment may require. As part of the application, the applicant must cite the hardship as defined under this section of City Code which will allow a variance. An application may be rejected by the Planning Department if required information is not provided and a written notice explaining the reason for rejection is given to the applicant within 15 days from submission of the incomplete application.
2. Notice of the time and place of a public hearing shall be given by mailing notice thereof to all parties owning real property within one hundred (100) feet of the subject property. Said mailing shall be made at least five (5) days prior to the date of hearing. The Board shall thereafter reach its decision within (60) days from the filing of the application unless a written notice stating the reasons for an extension is sent to the applicant with an anticipated length of extension specifically stated, which may not exceed an additional 60 days (120 total) unless approved by the applicant in writing.

C Standards & Criteria for Variance. The Board of Adjustment will consider varying the regulations of this Section of City Code if an "undue hardship" is shown to exist for the property in question. The Board of Adjustment may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section of City Code. The variance will not permit

standards lower than those required by any State Law. The Board will not issue a variance unless it shall make findings based upon the evidence presented to it in each specific case that all of the following are met.

1. The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner as distinguished from mere inconvenience.
2. The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, were not created by the landowner, and are not applicable, generally, to other property within the same zoning classification.
3. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.
4. The granting of the variance will not alter the essential character of the locality and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
5. The variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

D No order of the Board of Adjustment granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or within such period.

E Authorized Variances. Variances may be granted only in the following instances:

1. To permit yard or setback requirements less by the applicable regulations.
2. To permit building height taller than requirements.
3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities required.
5. To increase the maximum distance that required parking spaces are permitted to be located for the use served; and
6. To increase the maximum gross floor area of any use so limited by the applicable regulations.
7. To vary regulations other than use in Section 305.06, Subdivision 12.[ii]
8. The Board of Adjustment may not permit as a variance nor will consider any application for any use that is not allowed in the zoning district of an effected property.

Subd. 6 Appeals

A Purpose: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Planning Department or any administrative officer in the enforcement of the Zoning Ordinance.

B Procedure:

1. Appeals of a decision by the Planning Department. Any person aggrieved or affected by any decision with claims of error in order, requirement, or determination of the City Planning Department in the enforcement of this Section of City Code may appeal to the Board of Adjustment. This appeal will be made with an application of appeal to the Planning Department on forms provided. The application must specify the grounds of appeal within ten (10) days after the decision or action complained of and will be filed with the Board of Adjustment. The Board of Adjustment may determine and vary the procedural requirements or interpretation of this or other sections of City Code (where specified) to be in harmony with their general purpose and intent of City Code and the Comprehensive Plan. A determination shall be made by the Board of Adjustment within 60 days from the submission of a complete application unless notice is provided in writing to the applicant that additional time is required (up to an additional 60 days). Such notice must specify the reason as to the extension and an anticipated time of decision. The Board of Adjustment may take no more than a total of 120 days to make a

determination unless the applicant provides a request for extension in writing to the Planning Department.

2. Appeals of a decision by the Board of Appeals and Adjustments. Appeals from any decision of the Board of Adjustment or Planning Commission may be taken by any person or persons or any tax payer, officer, department, board or bureau of the City, jointly or severally, aggrieved by any decision of the Board, to the City Council, by filing a written notice of appeal with the City Clerk specifying the grounds for appeal within ten (10) days of the decision of the Board.
3. Appeals of a decision by the City Council. The decision of the City Council may be appealed to the District Court of this jurisdiction within twenty (20) days from the date the decision is made by the City Council as provided in MN Statute 462.361.

Subd. 7 Amendments to the Zoning Ordinance

A Purpose: Amendments to the Zoning Ordinance (text or map) may be initiated by the City Council, the Planning Commission, or by an affected property owner for the purpose of carrying out the policies and goals of the Comprehensive Plan and promoting the public health, safety, morals, and general welfare of the community.

B Process:

1. Application by a property owner must be made to the Planning Department on forms provided. An amendment initiated by the City Council or a property owner shall be referred to the Planning Commission for review and recommendation to the City Council who will make decisions as to proposed ordinance amendments. An application for a PUD concept plan shall also constitute an application to rezone a property to a PUD overlay and public notices and procedures shall be the same as with other requests for rezoning.

2. The Planning Commission shall hold a public hearing to consider the proposed amendment. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings,

provided a bona fide attempt to comply with this subdivision has been made.

3. The Planning Commission shall provide a recommendation to the City Council as to the proposed amendment. The City Council shall not approve an amendment until it has received the recommendation of the Planning Commission on the proposed amendment or 60 days have elapsed from the date of reference of the amendment to the Planning Commission without a report from them to the City Council.

4. The City Council may amend the zoning ordinance by a majority vote of all its members. The adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the governing body.

305.05 ESTABLISHMENT OF ZONING DISTRICTS AND MAP

Subd. 1 Districts. In order to classify, regulate and restrict the location of trade and industry, and location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, the City of Wabasha is hereby divided into zoning districts. The use, height and area regulations shall be uniform in each district, and said districts shall be known as:

A. RC Residential Conservancy
B. RRA Rural Residential/Limited Agriculture
C. RRG Rural Residential Growth/Transitional
D. R-1 Low Density Residential
E. R-2 Medium Density Residential
F. R-3 High Density Residential
G. TDC Traditional Downtown Commercial
H. GC General Commercial
I. HC Highway Commercial
J. I Industrial
K. PUD Planned Unit Overlay District
L. Shoreland Overlay District
M. Floodplain Overlay District
N. Business Park Overlay Design District
O. Heritage Preservation Overlay District

Subd. 2 Map.

The boundaries of the aforesaid districts are hereby established as shown on the "Zoning Map" of the City of Wabasha, which is hereby incorporated as a part of this Section. Such map, together with a copy of this Section, shall be available for public inspection in the office of the City Clerk. The map shall be certified by the Mayor of the City and attested by the City Clerk. Any changes in zoning district boundaries shall be recorded on the map. Changes are effective upon adoption of an amendment by the City Council.

Subd. 3 Boundaries.

A. The district boundaries are either streets or alleys, unless otherwise shown and where the designation of the Zoning Map indicates that various districts are approximately bounded by the center line of a street or alley, such street or alley center line shall be construed to be the district boundary line.
B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into lots and blocks, the

district boundaries shall be construed to be the lot lines and where the designations on the Zoning Map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.

C. In un-subdivided property, the district boundary lines shown on the Zoning Map shall be determined by use of the scale shown on such map.

1. Annexed Territory. Any land which may be annexed to the City in the future shall be placed in the RRA-Rural Residential Agriculture District until action of the City Council shall assign such land to another district.

2. Overlay Districts. Overlay districts as defined in Section 305.09 and provided for in Section 305.06 are hereby established. In the event of conflicting provisions between the underlying zoning district and the overlay district the overlay district standard shall generally apply, unless specifically determined otherwise by the Planning Commission

305.06 DISTRICT REGULATIONS.

Subd. 1 Residential Conservancy

A. **Purpose:** To allow for limited development in areas of the City where topography or natural resources require careful alterations to the land and placement of structures and infrastructure.

B. **Permitted Uses:** Single-family detached residential, non-dwelling [iii]accessory structures and uses, Accessory apartments, Agricultural crop farming, Agricultural limited livestock raising (as regulated by City Code Chapter VII, Section 705, pertaining to animals in the City), Agricultural buildings and accessory structures, Agricultural stands and Permitted single family uses as required under MN. State Statute 462.357 Subdivision 7 (or as amended).

C. **Conditional Uses:** Private guest cottages, Recreational and entertainment facilities (minor), Essential utility and public service facilities, marina's[iv]

D. **Interim Uses:** Home occupations, Public or private campgrounds, Resorts, and Bed & Breakfast establishments, Kennels[v]

E. Conditions imposed on Conditional or Interim uses will be based on maintaining the purpose of this district. Along with the general conditions specified in Section 305.04 Subdivision 4C, additional conditions may include but are not limited to the following:
   1. Adequate public or private sewer and water for proposed use
   2. Adequate transportation facilities to and from the proposed use
   3. Adequate access from public streets or roads to the proposed use
   4. Adequate parking facilities for the proposed use
   5. Non-obstruction of scenic views from public right-of-ways or existing residential uses
   6. Lighting type and intensity which prevents light pollution
   7. Preservation of natural resources including but not limited to filling and grading limitations
   8. Drainage and erosion control
   9. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way

*Adequacy and other standards will be determined by the Planning Commission based upon the proposed type and intensity of use and specific site conditions.

F. Minimum District Performance Standards:

Residential Density:	. . . . .	2 dwelling units per acre maximum
Minimum Lot Size City Sewer:	. . . . .	9,600 square feet (.22 acres)
Minimum Lot Size Private Sewer (septic):	. . . . .	20,000 square feet (.45 acres)
Minimum Lot Width:	. . . . .	60 feet
Minimum Lot Frontage:	. . . . .	25 feet
Maximum Building Height:	. . . . .	35 feet
Bluff Setback	Top of bluff:	30 feet
Principal Building Setbacks:	Front:	25 feet
	Side:	5 feet
	Corner side street: . . .	10 feet
	Rear:	25 feet
Accessory Building Setbacks:	Front:	Behind principle structure
	Side:	3 feet
	Corner side street: . . .	10 feet
	Rear:	3 feet

Sites on septic systems must be able to provide two individual septic locations, a primary and a backup which are indicated on the site plan. All septic systems must meet the standards identified by the Minnesota Pollution Control Agency in Minnesota Rules 7080

Subd. 2 Rural Residential/Limited Agriculture

A **Purpose:** To allow for the use and limited development of areas within City limits that will retain a rural type of development pattern due to the fact that City infrastructure such as sewer & water services are not available currently or in the foreseeable future.

B **Permitted Uses:** Single-family detached residential, non-dwelling[vi] accessory structures and uses, Home occupations, Private guest cottages or accessory apartments, Agricultural crop farming, Limited livestock raising (as regulated by City Code Chapter VII, Section 705 pertaining to animals in the City), Agricultural buildings and accessory structures, Agricultural stands, Essential utility and public service facilities limited to 600 square feet structure, Utility lines, and Permitted single family uses as required under MN. State Statute 462.357 Subdivision 7 (or as amended).

C **Conditional Uses:** Agriculturally related commercial, light industrial and agricultural services, Major repair and maintenance service facilities, Landscaping businesses, Contractor yards, Commercial Greenhouse or Nursery operations, Major or minor entertainment and recreational facilities, Public or private campgrounds, Resorts, Bed & Breakfast establishments, Veterinary Clinics, Commercial stables, Airports, Hunting/shooting clubs, Communication antenna towers and related accessory structures, [vii] Institutional Uses, Self-storage facilities[viii], Cemeteries, marina's[ix] Essential utility and public service facilities of 601 square feet or more

D **Interim Uses:** Kennels[x]

E Conditions imposed will be based on maintaining the purpose of this district. Along with the general conditions specified in Section 305.04 Subdivision 4C, additional conditions may include but are not limited to the following:

1. Adequate private septic and well for proposed use
2. Adequate transportation facilities to and from the proposed use
3. Adequate access from public streets or roads to the proposed use
4. Adequate screening from public right-of-ways and residential uses
5. Non-obstruction of scenic views from public right-of-ways or existing residential uses
6. Lighting type and intensity which prevents light pollution
7. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way

*Adequacy and other standards will be determined by the Planning Commission based upon the proposed type and intensity of use and specific site conditions.

F District Minimum Performance Standards:

Residential Density:	. . . . .	1 dwelling unit per 40 acres maximum
Minimum Lot Size:	. . . . .	108,900 square feet (2.5 acres)
Minimum Lot Width:	. . . . .	270 feet
Minimum Lot Frontage:	. . . . .	25 feet
Maximum Building Height:	. . . . .	35 feet with the exception of agricultural buildings such as barns or silos
Building Setbacks (principal & accessory):	Front:	30 feet
	Side:	30
	Corner side street:	30
	Rear:	30 feet

Sites on septic systems must be able to provide two individual septic locations, a primary and a backup which are indicated on the site plan.

Subd. 3 Rural Residential Growth/Transitional

A **Purpose:** To allow for the use and limited development of areas that are within City limits, do not have practical access to City sewer and water facilities, but will likely have such access in the future. This district is intended to allow for limited development on private septic and well systems but provide for an orderly transition to a more urban development pattern on public sewer and water infrastructure as the City grows.

B **Permitted Uses:** Single-family detached residential, non-dwelling accessory structures[xi] and uses, Agricultural crop farming, Agricultural buildings and accessory structures, Agricultural stands, Essential utility and public service facilities limited to 600 square, Utility lines, and Permitted single family uses as required under MN Statute 462.357 Subdivision 7 (or as amended).

C **Conditional Uses:** Residential developments (subdivisions) with densities of less than 1 dwelling unit per 40 acres but no more than 1 dwelling unit per 2.5 acres*, Major and minor entertainment and recreational facilities, Bed & Breakfast establishments, Airports, Communication antenna towers and related accessory structures, Institutional Uses[xii], Self-storage facilities[xiii], Cemeteries, marina's[xiv] Essential utility and public service facilities of 601 square feet or more, waste management facilities.

D **Interim Uses:** Home occupations, Limited livestock raising as allowed under City Code 705.04, but limited to a maximum of 1 animal unit per each acre, Major repair and maintenance service facilities, Agricultural Services, Landscaping businesses, Contractor yards, Commercial Greenhouse or Nursery operations, Veterinary Clinics, Kennels[xv], Public or private campgrounds, Resorts.

E Conditions imposed for Conditional or Interim Uses will be based on maintaining the purpose of this district. Termination dates of interim use permits will be determined at the time of issuance based on expected growth and development of neighboring properties and that area of the City. Along with the general conditions specified in Section 305.04 Subdivision 4C, additional conditions may include but are not limited to the following:

* For Subdivisions utilizing a ghost platting concept in this district, the conditional use process will be done concurrently with the Preliminary Plat and the CUP fee will be waived.

1. Adequate private septic and well for proposed use, including potential use of community septic and/or well when approved by the City Engineer
2. Adequate infrastructure and transportation facilities to the proposed use
3. Adequate access from public streets or roads to the proposed use
4. Adequate screening from public right-of-ways and residential uses
5. Adequate parking facilities
6. Non-obstruction of scenic views from public right-of-ways or existing residential uses
7. Lighting type and intensity to prevent light pollution
8. Use of "ghost platting" indicating future development potential on public sewer & water
9. Clustering of residential lots to allow for future development with an orderly extension of public sewer & water

*Adequacy and other standards will be determined by the Planning Commission based upon the proposed type and intensity of use and specific site conditions.

F District Minimum Performance Standards:

Residential Density:	. . . . .	1 dwelling unit per 2.5 acres maximum
Minimum Lot Size: without CUP:	. . . . .	108,900 square feet (2.5 acres)
Minimum Lot Size with CUP:	. . . . .	20,000 square feet
Minimum Lot Width:	. . . . .	60 feet
Minimum Lot Frontage:	. . . . .	25 feet
Maximum Building Height:	. . . . .	35 feet
Building Setbacks (principal & accessory):	Front:	25 feet
	Side:	5 feet
	Corner side street:	10 feet
	Rear:	25 feet
Accessory Building Setbacks:		
	Front:	Behind principle structure
	Side:	3 feet
	Corner side street:	10 feet
	Rear:	3 feet

Subd. 4 R-1 Low Density Residential

A **Purpose:** To allow for the use and development of residential structures, yards, and directly related complimentary uses at a lower density than traditionally developed in the originally platted City of Wabasha.

B **Permitted Uses:** Single-family detached residential, non-dwelling accessory structures[xvi] and uses, Essential utility and public service facilities limited up to 600 square feet, Utility lines, Residential PUD's when overlay zoning is approved, Mixed use developments developed as a PUD where the commercial or service portion of the project provides goods or services to residences in the neighborhood and when overlay zoning is approved and Permitted single family uses as required under MN Statute 462.357 Subdivision 7 (or as amended).

C **Conditional Uses:** Single-family attached dwellings of up to 2 units per structure, Private guest cottages or accessory apartments, Public or private parks, Manufactured Home Parks as required under state statute, Schools and government or private institutional uses that serve residents of the neighboring vicinity, golf courses, clubs, and other recreational uses not conflicting with neighboring residential use, Hospitals, dentists offices and clinics, Institutional Uses[xvii], Cemeteries, marina's[xviii], Essential utility and public service facilities of 601 square feet or more.

D **Interim Uses:** Home occupations

E Conditions imposed for Conditional or Interim Uses will be based on maintaining the purpose of this district. Along with the general conditions specified in Section 305.04 Subdivision 4C, additional conditions may include but are not limited to the following:

1. Adequate transportation facilities to and from the proposed use
2. Adequate access from public streets or roads to the proposed use
3. Adequate screening and/or fencing from neighboring properties
4. Landscaping with trees, flowers, or other appropriate plantings
5. Adequate parking facilities
6. Adequate waste management plan and screening or enclosure for trash or storage areas
7. Vehicle and pedestrian circulation within and to adjacent uses
8. Hours of business operations
9. Lighting type and intensity to prevent light pollution
10. Conditions limiting or prohibiting traffic, parking, noise, odor, hours of operation, sale of alcohol, or other potential nuisances
11. Maximum sizes of structures, site, or operations to maintain residential neighborhood environment

*Adequacy and other standards will be determined by the Planning Commission based upon the proposed type and intensity of use and specific site conditions.

F District Minimum Performance Standards:

Residential Density:	. . . . .	4 dwelling units per acre maximum except that 1 additional guest cottage up to 1,000 square feet or no larger than the principle structure is allowed per each principal residential structure on lots that meet minim lot size. [xix]
Minimum Lot Size:	. . . . .	9,600 square feet
Minimum Lot Width:	. . . . .	60 feet
Minimum Lot Frontage:	. . . . .	20 feet
Maximum Building Height:	. . . . .	35 feet
Principle Building Setbacks[xx]:	Front:	25 feet
	Side:	5 feet (except single family attached homes which have no side yard setback where attached)[xxi]
	Corner side street:	10 feet
	Rear:	25 feet
Accessory Building Setbacks:		
	Front:	Behind principle structure
	Side:	3 feet
	Corner side street:	3 feet
	Rear:	3 feet

Subd. 5 R-2 Medium Density Residential

A **Purpose:** To allow for the use and development of a mix of uses typical in the traditional Wabasha community including single-family and multi-family residential structures and accessory uses, yards and associated uses, small service and retail businesses, and institutional and recreational uses serving the residents of the community.

B **Permitted Uses:** Single-family detached residential, Single-family attached residential dwellings of 2 dwelling units per structure, non-dwelling accessory uses and structures, Essential utility and public service facilities limited to 600 square feet, Utility lines, Residential or mixed use developments developed as a PUD when overlay zoning is approved, and permitted single family uses as required under MN Statute 462.357 Subdivision 7 (or as amended).

C **Conditional Uses:** Single Family attached dwellings of more than 2 dwelling units per structure, Multi-Family dwellings of up to 20 units, Private guest cottages or accessory apartments, Bed & Breakfast establishments, Public or private parks, Manufactured Home Parks as required under state statute, State licensed residential facilities as required under state statute, Institutional uses, golf courses, clubs, marinas, Public or private campgrounds, and other recreational uses not conflicting with neighboring residential use, Hospitals, dentists offices and clinics, , Cemeteries, Commercial Retail up to 1,500 square feet (footprint), Office Use up to 1,500 square feet (footprint), Professional Services up to 1,500 square feet (footprint), Self-storage facilities (indoor only) up to 1,500 square feet (footprint) Essential utility and public service facilities of 601 square feet or more.

D Interim Uses:
Home occupations

E Conditions imposed for Conditional or Interim Uses will be based on maintaining the purpose of this district. Along with the general conditions specified in Section 305.04 Subdivision 4C, additional conditions may include but are not limited to the following:

1. Adequate transportation facilities to and from the proposed use
2. Adequate access from public streets or roads to the proposed use
3. Adequate screening and/or fencing from neighboring properties
4. Landscaping with trees, flowers, or other appropriate plantings

5. Adequate parking facilities
6. Adequate management and staffing
7. Maximum size of structures, site, or operation to maintain the traditional neighborhood environment
8. Adequate waste management plan and screening or enclosure
9. Vehicle and pedestrian circulation within and to adjacent uses
10. Hours of business operations
11. Conditions limiting or prohibiting traffic, parking, noise, odor, hours of operation, sale of alcohol, or other potential nuisances
12. Lighting type and intensity to prevent light pollution

*Adequacy and other standards will be determined by the Planning Commission based upon the proposed type and intensity of use and specific site conditions.

F District Performance Minimum Standards:

Residential Density:	. . . . .	7 dwelling units per acre maximum except that 1 additional guest cottage up to 1,000 square feet or no larger than the principle structure is allowed per each principal residential structure on lots that meet minim lot size. [xxii]
Minimum Lot Size:	. . . . .	6,000 square feet
Minimum Lot Width:	. . . . .	60 feet
Minimum Lot Frontage:	. . . . .	20 feet
Maximum Principle Building Height:	. . . . .	35 feet
Maximum Accessory Building Height:	. . . . .	25 feet
Principal Building Setbacks:	Front:	25 feet
	Side:	5 feet (except single family attached homes which have no side yard setback where attached)
	Corner side street:	5 feet
	Rear:	25 feet
Accessory Building Setbacks:	Front:	Behind principal structure
	Side:	3 feet
	Corner side street:	5 feet
	Rear:	3 feet

Subd. 6 R-3 High Density Residential

A **Purpose:** To allow for the use and development of a mix of multi-family and single-family housing, associated residential accessory uses, yards and outdoor recreational spaces, small service and retail businesses, and institutional uses serving the residents of the neighborhood.

B **Permitted Uses:** Single-family detached residential, Single-family attached dwellings, Multi-Family dwellings of up to 8 units per structure (also see height requirements), non-dwelling accessory structures and uses[xxiii], Essential utility and public service facilities limited to 600 square feet, Utility lines, Residential or mixed use developments developed as a PUD when overlay zoning is approved, and Permitted single family uses as required under MN Statute 462.357 Subdivision 7 (or as amended).

C **Conditional Uses:** Multi-Family dwellings of more than 8 units per structure, Private guest cottages or accessory apartments, Public or private parks, Manufactured home parks as required under state statute, State licensed residential facilities as required under state statute, Institutional uses[xxiv], dentists offices and clinics, Cemeteries, marinas[xxv], Commercial Retail up to 1,500 square feet (footprint), Office Use up to 1,500 square feet (footprint), Professional Services up to 1,500 square feet (footprint), Self-storage facilities (indoor only) up to 1,500 square feet (footprint)[xxvi], Essential utility and public service facilities of 601 square feet or more and Permitted multi-family uses as required under MN Statute 462.357 Subdivision 8 (or as amended).

D Conditions imposed for Conditional or Interim Uses will be based on maintaining the purpose of this district. Along with the general conditions specified in Section 305.04 4C, additional conditions may include but are not limited to the following:

1. Adequate transportation facilities to the proposed use
2. Adequate access from public streets or roads to the proposed use
3. Adequate screening and/or fencing from neighboring properties
4. Landscaping with trees, flowers, or other appropriate plantings
5. Adequate parking facilities
6. Adequate waste management plan and screening or enclosure
7. Vehicle and pedestrian circulation within and to adjacent uses
8. Hours of business operations
9. Conditions limiting or prohibiting traffic, parking, noise, odor, hours of operation, sale of alcohol, or other potential nuisances
10. Lighting type and intensity to prevent light pollution

*Adequacy and other standards will be determined by the Planning Commission based upon the proposed type and intensity of use and specific site conditions.

E District Minimum Performance Standards:

Residential Density:	. . . . .	10 dwelling units per acre
Minimum Lot Size:	. . . . .	6,000 square feet
Minimum Lot Width:	. . . . .	60 feet
Minimum Lot Frontage:	. . . . .	20 feet
Maximum Principle Building Height:	. . . . .	45 feet
Maximum Accessory Building Height:	. . . . .	25 feet

		# of dwelling units per lot		
Principal Building Setbacks:		1 - 2	3 – 6	8 or more
	Front:	25 feet	25 feet	25 feet
	Side:	5 feet (except single family attached homes which have no side yard setback where attached)[xxvii]	8 feet	10 feet
	Corner side street:	5 feet	8 feet	10 feet
	Rear:	25 feet	25 feet	25 feet
Accessory Building Setbacks:	Front:	Behind the principle structure		
	Side:	3 feet	8 feet	10 feet
	Corner side street:	5 feet	8 feet	10 feet
	Rear:	3 feet	8 feet	10 feet

Subd. 7 TDC - Traditional Downtown Commercial

A **Purpose:** To allow for the continued use and redevelopment of the downtown or central business district for mixed commercial, service, recreational and residential use. This district is intended to promote the preservation of the traditional historic downtown development pattern typified by densely developed zero lot line structures, multi-occupancy (commercial, service or residential) buildings, and mixed use lower level commercial and upper story residential use. A portion of the TDC district is also covered by the Heritage Preservation District as described in Section 315 of City Code.

B **Permitted Uses:** Single-family detached dwellings, non-dwelling accessory structures[xxviii] and uses, Commercial retail, Professional services, Office uses, Minor repair and maintenance services, Indoor recreational & entertainment facilities (minor), Funeral Parlors, Traditional restaurants, Bars/cocktail lounges, Hotel/motels with up to 25 guest rooms, Arts & Crafts fabrication and studios, Commercial art galleries, Parks and open spaces, Mixed use structures or developments with any permitted uses and up to 4 dwelling units, Essential utility and public service facilities of up to 600 square feet, and Permitted single family uses.

C **Conditional Uses:** Single-family attached residential dwellings, Multi-family residential dwellings, Places of public assembly, Child care centers, Cultural Institutions, Hotel/motels with 26 to 50 guest rooms, outdoor parking lots, parking garages (when not an accessory use to single-family residential), Institutional Uses, Self-storage facilities (indoor only) up to 1,500 square feet (footprint),[xxix] marinas[xxx], Mixed use structures or developments with 5 or more dwelling units and/or with any permitted or conditional uses allowed, Essential utility and public service facilities of 601 square feet or more.

D **Interim Uses:** Outdoor sales/display area as a commercial retail accessory use, Outdoor dining/seating as an accessory use to traditional restaurants or bars, Outdoor service, sales, or rentals as an accessory use, Outdoor commercial entertainment & recreational facilities.

E Conditions imposed for Conditional or Interim Uses will be based on maintaining the purpose of this district. Of particular concern are the effects of the conditional use on neighboring uses permitted in the district and the maintenance of the downtown as a historic and traditional business district and visitor attraction. Along with the general conditions specified

in Section 305.04 4C. Additional conditions may include but are not limited to the following:

1. Exterior building treatments, including construction materials comparable to those used in buildings and designed in a manner conforming to the architectural design and general appearance of the district
2. Ingress and egress to the property, including provisions for pedestrian, bicycle, boat, and bus traffic as well as automotive when deemed appropriate by the Planning Commission
3. Refuse and service areas, including location and amount of receptacles and screening with fencing or vegetation
4. Parking and loading areas (amount & configuration)
5. Signage and lighting, with reference to glare, traffic safety and compatibility with other properties in the district
6. The limitation of hours of operation, of noise allowed (e.g. music), & requirements for waste management, security, fencing or screening, and any other provisions to harmonize outdoor operations with neighboring residential or business uses
7. Outside services, sales, or dining areas as accessory uses is limited to 30% of the interior floor area of the principal use
8. Use of landscaping, fencing, or walls for screening, and to create a continuation of street setback conforming to the other structures of the district for public or private parking lots

F District Minimum Performance Standards:

Residential Density:	. . . . .	None
Minimum Lot Size:	. . . . .	None
Minimum Lot Width:	. . . . .	None
Minimum Lot Frontage:	. . . . .	5 feet
Maximum Principle Building Height:	. . . . .	35 feet
Maximum Accessory Building Height:	. . . . .	20 feet
Principal Building Setbacks:	Front:	None
	Side:	None
	Corner side street:	None
	Rear:	None
Accessory Building Setbacks:	Front:	Behind principle structure
	Side:	3 feet
	Corner side street:	3 feet
	Rear:	3 feet

G District Parking Standards:

The following amount standards for off-street parking shall apply within the TDC district only and must be provided within 1,000 feet measured from the nearest point of the structure to the nearest point of the off-street parking lot. For uses allowed in the TDC, but not indicated in the following chart, no off-street parking is required (unless required within a CUP). Amount standards apply to new construction only, including any building expansions. Expansion will require that the amount of parking apply to the expansion area only. All parking *design standards* contained within Section 305.07, Subdivision 3 shall apply to the TDC Zone. Additional parking may be required on a case by case basis as part of a Conditional or Interim Use Permit.

Use	**Parking Requirement**
Single Family detached Residential	2 Spaces per dwelling unit
Single Family attached Residential	1.5 Spaces per dwelling unit
Hotels and Motels	1 space per every three rooms
Apartment buildings or mixed uses with 6 or more dwelling units	1 space per every dwelling unit
Commercial retail, Professional services, Funeral Parlors and Minor repair and maintenance services over 3,000 square feet of *usable floor area*	1 space per every 500 square feet
Indoor commercial entertainment & recreational facilities, Cultural Institutions, Restaurants, Bars/cocktail lounges, over 3,000 square feet	1 space for every 500 square feet
Office uses with over 5 employees	1 space for every two employees
Places of Public Assembly	1 space per every 6 seats or 1 space for every 10 feet of pews
Mixed Uses	For any structure or development which involves more than one type of land use, the total off-street parking required shall be the sum of the various uses computed separately.

Subd. 8 G-C General Commercial

A **Purpose:** To allow for a coexisting mix of commercial and residential uses in certain commercial nodes which are characterized by adjacent arterial or collector roads or a waterway which provides a majority of business to the establishment.

B **Permitted Uses:** Single-family detached residential, Single-family attached residential with up to 4 units, Multi-family residential with up to 8 dwelling units, non-dwelling accessory structures[xxxi] and uses, Commercial retail, Commercial art galleries, Art & craft fabrication, Professional services, Office uses, Minor repair and maintenance services, Indoor recreational & entertainment facilities, Places of public assembly, Funeral Parlors, Traditional restaurants, Bars/cocktail lounges, Hotel/motels with up to 25 guest rooms, Public or private parks and open spaces, Mixed use or commercial developments developed as a PUD when overlay zoning is approved, Essential utility and public service facilities of up to 600 square feet, and Permitted single family uses as required under MN Statute 462.357 Subdivision 7 (or as amended).

C **Conditional Uses:** Gas stations, Major repair and maintenance services, Drive-in/drive-through restaurants, Outdoor recreational & entertainment facilities, Hotel/motels with 26 to 50 guest rooms, Marina's, Child care centers, Institutional uses[xxxii], Self-storage facilities (indoor only) up to 4,000 square feet (footprint)[xxxiii], Communication Towers[xxxiv], Essential utility and public service facilities of 601 square feet or more, and Permitted multi-family uses as required under MN Statute 462.357 Subdivision 8 (or as amended), Mixed use structures or developments with any allowed uses and up to 4 dwelling units.

D Interim Uses:
Outdoor sales/display area as a commercial retail accessory use, Outdoor dining/seating as an accessory use to restaurants or bars, Outdoor service sales or rentals as an accessory use, Kennels when part of a pet shop, veterinary clinic, or pet boarding facility[xxxv].

E Conditions imposed for Conditional or Interim Uses will be based on maintaining the purpose of this district. Of particular concern are the effects of the conditional use on neighboring uses permitted in the district, in particular residential uses and access from adjacent road or water routes. Along with the general conditions specified in Section 305.04 4C, Additional conditions may include but are not limited to the following:

1. Ingress and egress to the property, including provisions for automotive, pedestrian, bicycle and boat traffic where appropriate
2. Refuse and service areas, including screening with fencing or vegetation
3. Parking and loading areas
4. Signage and lighting, with reference to glare, traffic safety and compatibility with other properties in the district
5. The limitation of hours of operation of noise allowed (e.g. music), & fencing or screening, and any other provisions to harmonize outdoor operations with neighboring residential uses
6. Outside services sales, or dining areas as accessory uses is limited to 30% of the floor area of the principal use

F District Minimum Performance Standards:

Residential Density:	. . . . .	7 dwelling units per acre maximum
Minimum Lot Size:	. . . . .	8,520 square feet
Minimum Lot Width:	. . . . .	60 feet
Minimum Lot Frontage:	. . . . .	30 feet
Maximum Building Height:	. . . . .	35 feet
Principal Building Setbacks:	Front:	25 feet
	Side:	10 feet (except single family attached homes which have no side yard setback where attached)[xxxvi]
	Corner side street:	10 feet
	Rear:	25 feet
Accessory Building Setbacks:	Front:	Behind principle structure
	Side:	5 feet
	Corner side street:	5 feet
	Rear:	5 feet

Subd. 9 HC Highway Commercial

A **Purpose:** To allow for development or redevelopment of land for commercial/business uses whose needs are, in terms of visibility, transportation access, space, building design, or outdoor usage, inconsistent with the traditional downtown development patterns. A portion of HC is also covered by the Business Park Overlay Design District as described in Section 305.06, Subdivision 14.

B **Permitted Uses:** Commercial retail, Professional services, Office uses, Major and minor repair and maintenance services, Gas Stations, Indoor & Outdoor recreational & commercial entertainment facilities, Places of public assembly, Funeral Parlors, Restaurants (traditional & drive-in/drive-through), Bars/cocktail lounges, Hotel/motels with up to 50 guest rooms, Commercial PUD's when overlay zoning is approved, Public and private parks and open spaces, Self-storage facilities (indoor), Non-dwelling accessory structures and uses[xxxvii], Essential utility and public service facilities of up to 600 square feet and Permitted single family uses as required under MN Statute 462.357 Subdivision 7 (or as amended).

C **Conditional Uses:** Single-family detached residential and accessory uses, Open sales lots, Outdoor sales/display area as a commercial retail accessory use, Child care centers, Accessory apartments to a permitted principal use, Hotel/motels with 51 or more guest rooms, Institutional Uses, Self-storage facilities (outdoor)[xxxviii], Light Industrial uses, Industrial warehousing distribution or storage facilities, marinas[xxxix], Essential utility and public service facilities of 601 square feet or more.

D

Interim Uses:	**Termination of Interim Use Permit**
Excavation/ Mineral extraction	Termination date of permit will be determined at time of issuance based on expected growth and development of the neighboring properties
Kennels when part of a pet shop, veterinary clinic, or pet boarding facility	Termination will occur when the business issued permit ceases operation [xl]

E Conditions imposed for Conditional or Interim Uses will be based on maintaining the purpose of this district. Of particular concern are aesthetic issues for prominently visible areas within the community and access management. Along with the general conditions specified in Section 305.04 4C, Additional conditions may include but are not limited to the following:

1. Ingress and egress to the property, including provisions for automotive, pedestrian, and bicycle traffic
2. Screening of outdoor storage, refuse service areas, including screening with fencing or vegetation
3. Compatibility of mixed uses
4. Signage and lighting, with reference to glare, traffic safety and compatibility with other properties in the district
5. The control of nuisances to neighboring businesses & residences such as odor, dirt, dust and noise

F District Minimum Performance Standards:

Residential Density:	. . . . .	None
Minimum Lot Size:	. . . . .	10,800
Minimum Lot Width:	. . . . .	90 feet
Minimum Lot Frontage:	. . . . .	60 feet
Maximum Building Height:	. . . . .	50 feet
Maximum Accessory Building Height:	. . . . .	35 feet
Principal Building Setbacks:	Front:	25 feet
	Side:	20 feet
	Corner side street:	20 feet
	Rear:	20 feet
Accessory Building Setbacks:	Front:	In back of principle building
	Side:	10 feet
	Corner side street:	10 feet
	Rear:	10 feet

Subd. 10 I - Industrial

A **Purpose:** To allow for development or redevelopment of land for industrial, manufacturing, processing, warehousing, packaging or treatment of products and also intensive commercial uses including those with needs for outdoor bulk storage, services that support industrial businesses, or commercial/service businesses that are not appropriate in other more traditional commercial districts.

B **Permitted Uses:** Light industrial uses, Industrial warehousing distribution or storage facilities, Industrial service businesses, Gas stations, non-dwelling accessory structures and uses, Self-storage facilities (indoor)[xli], Essential utility and public service facilities of up to 1,000 square feet, Industrial or mixed commercial/industrial PUD's when overlay zoning is approved, Public and private parks and open spaces

C **Conditional Uses:** Heavy Industrial uses, Open sales lots, Self-storage facilities (outdoor)[xlii], accessory apartments to a permitted principal use, marinas[xliii], Essential utility and public service facilities of 1,001 square feet or more, Waste management facility

D Interim Uses:	**Termination of Interim Use Permit**
Excavation/ Mineral extraction	Termination date of permit will be determined at time of issuance based on expected growth and development of the neighboring properties
Temporary Structures & Portable Storage Containers	Termination of permit will occur when (if) conditions of approval are no longer being met. A new Interim Use Permit will be considered upon new application for those cases where owner/operator chooses to request a change in conditions.
Adult Entertainment Establishment	Sale of business or property, rezoning of property, legal violation of owner or operator

E Conditions imposed for Conditional or Interim Uses will be based on maintaining the purpose of this district and protecting non-compatible adjacent uses. Of particular concern are the effects of odor, dust, dirt, noise, vibrations, or unsightly outdoor storage or processing locations on neighboring properties in particular those in different zoning districts with less intensive uses, such as residential and commercial locations. Also of concern is the effect of such businesses on the availability of public infrastructure and services. Along with the general conditions specified in

Section 305.04 4C, Additional conditions may include but are not limited to the following:

1. Demonstrated ability of public infrastructure or services to adequately serve the project or financing provided through escrow or bond to upgrade such services (to maintain pre-existing level of service to the overall community)
2. Ingress and egress to the property, including provisions for automotive, truck delivery and loading traffic. Also pedestrian and bicycle traffic if deemed appropriate by the Planning Commission
3. Screening of outdoor storage, refuse service areas, loading and processing areas including screening with fencing and/or vegetation
4. Signage and lighting, with reference to glare, traffic safety and compatibility with other properties in the district and adjacent properties
5. The control of nuisances to neighboring businesses or properties such as odor, dirt, dust and noise
6. Increased setbacks, screening, or barriers, in particular for uses which may be injurious to the health or welfare of individuals
7. Limitations on the height of structures, appurtenances, and/or storage of bulk or containerized materials
8. Limitations of the amount and locations of impervious surfaces
9. Requirements for additional stormwater planning or other types of engineering models

F District Minimum Performance Standards:

Minimum Lot Size:	. . . . .	21,780 square feet (½ acre)
Minimum Lot Width:	. . . . .	90 feet
Minimum Lot Frontage:	. . . . .	60 feet
Maximum Building Height:	. . . . .	50 feet
Building Setbacks:		
	Front:	10 feet
	Side:	10 feet
	Corner side street:	10 feet
	Rear:	10 feet

Subd. 11 PUD - Planned Unit Development Overlay District

A **Purpose:** The purpose of Planned Unit Development is to provide comprehensive procedures and standards intended to allow flexibility in development in order to further the broad public interests by encouraging:

1. Variety in type, design, and placement of structures, open spaces, and amenities
2. Conservation of resources and more efficient use of land
3. Sensitivity to unique and valuable natural, cultural, and scenic characteristics
4. Efficiency of infrastructure with the consolidation of areas for recreation and reductions in street lengths and other utility-related expenses.
5. Transfers of density with clustering based on number of units per acre instead of specific lot dimensions
6. Integration of compatible mixed land uses including single and multi family residential, low intensity commercial, and institutional uses
7. Creation of cohesive high amenity neighborhoods or districts in order to establish or preserve local identity or to allow infill within areas of the city which are characterized by existing development
8. The implementation of the goals identified in the adopted Wabasha Comprehensive Plan

B **Scope:** PUD's will be considered within any of the underlying zoning districts where indicated as permitted or conditional. Public and private land owners also are encouraged to utilize the PUD overlay in those areas identified in the Comprehensive Plan as Designed Development Areas in order to achieve stated purposes.

1. The PUD overlay zone shall only be considered when the proposed project property meets the following minimum size standards:

R-1, R-2, R-3 Districts:	5 Acres
H.C. & I:	10 Acres
G.C.:	No minimum

2. Allowed Uses: Uses allowed in PUD overlay districts are specified in the underlying district permitted or conditional uses. If a conditional use is proposed within a PUD no additional conditional use permit is required to be obtained, but additional conditions may be placed on the PUD. Specific uses and performance standards for each PUD shall be delineated in the concept, preliminary and final PUD and development agreement and those uses shall become permitted uses with the acceptance of the PUD and agreement. Any change of uses proposed in the plan after preliminary PUD acceptance will be considered an

amendment to the PUD and will require an additional preliminary PUD approval.

C **Procedure for Processing a Planned Unit Development Application:** There are four stages to the PUD process: Application Conference, Concept Plan, PUD Plan, and Final Plan, as described below:

1. Application Conference
   Before filing an application for a PUD, the developer of the proposed PUD shall arrange for and attend a conference with Planning Department staff and relevant local and state agencies that may have permitting responsibilities as part of the application. The primary purpose of the conference shall be to provide the developer with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which the PUD is proposed and its conformity to the provisions of Sections 300 and 305 of the City Code before incurring substantial expense in the preparation of plans, surveys and other data.

2. Concept Plan
   The Concept Plan provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the entire proposed development without incurring substantial costs for architectural, planning, engineering, legal or other services.
   a. The Concept Plan shall be filed in writing with the Planning Department on forms provided. The Concept Plan application shall include the following in narrative and graphic format:
      i. Overall maximum PUD density.
      ii. Specific location of major streets and pedestrian ways.
      iii. Location and extent of public and common open space.
      iv. Staging and time schedule of development.
      v. Other special criteria for development.
      vi. Specific location of residential and nonresidential land uses with approximate type and intensities of development
      vii. Narrative statement substantiating how the proposed development will be superior or more innovative than conventional development undertaken through the city's land use regulations. The statement shall also substantiate how the proposed PUD will provide a benefit to the public beyond what is available through conventional development.
      viii. Public Process:
      ix. Rezoning: Approval of a concept plan shall be considered a formal approval attaching the "floating" PUD overlay district to the parcel proposed for a PUD. The City shall follow public notice procedures in the same manner as a rezoning.

x. The Concept Plan will be considered at a public hearing before the Planning Commission. The Planning Commission will make a recommendation to the City Council with respect to the Concept Plan. The City Council may also, at it's own discretion, hold a public hearing to consider the Concept Plan within the time limitations of state statute.

xi. Approval/Disapproval: The City Council shall approve or disapprove the Concept Plan. An approval of a Concept Plan by the City Council is not a final approval of the proposed PUD but merely an authorization for the developer to submit a PUD plan. A disapproval of a Concept Plan by the City Council is without prejudice to the developer submitting another Concept Plan for the City for its consideration.

3. PUD Plan

Following approval of the Concept Plan, the applicant may submit an application for PUD and preliminary plat approval concurrently (if applicable), with all supporting data and documentation. The application shall proceed and be acted upon in accordance with the requirements of this Section.

a. The PUD application shall be filed in writing with the Planning Department on forms provided with any necessary exhibits attached and in the quantity specified.

b. Applications shall include the following information in narrative and graphic format.

i. If applicable, a preliminary plat. This shall include all information required by the City's Subdivision Ordinance and may also include additional information required for the PUD

ii. Additional exhibits (as many as needed) in order to convey the required information in a clear and complete manner

iii. The landowner's name and address with an explanation of interest in the property and proposed project if different from the applicant.

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

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

vi. Evidence that the applicant has sufficient control over the property to effectuate the proposed PUD plan, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the property and including an up-to-date certified abstract of title or registered property

report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

vii. The name of the proposed development

viii. The address and legal description of the property.

ix. The existing zoning classification and present use of the property and all lands within 350 feet of the property.

x. A map depicting the existing development of the property, its total acreage, all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within 100 feet of the property.

xi. Graphic reproductions of the existing site conditions at a maximum scale of 1 inch = 100 feet including:
- Contours; minimum 2 foot intervals.
- Location, type and extent of tree cover.
- Slope analysis.
- Soil conditions as they affect development.
- Significant rock outcroppings.
- Existing drainage patterns.
- Vistas and significant views.
- Location and extent of water bodies, wetlands and streams and floodplains on or within 300 feet of the property.
- Other information as requested by the City Planning Department.

xii. All of the graphics should be the same scale as the preliminary plat, if applicable, and concept plan to allow easy cross-reference.

xiii. The use of overlays is recommended for clear reference.

xiv. Schematic drawing of the proposed development concept including but not limited to the general location of major traffic (vehicle and pedestrian) circulation elements, public and common open space, residential and other land uses, and a vegetation management plan where appropriate.

xv. A written statement generally describing the proposed development that will constitute the PUD ("Project Description") and the market which it is intended to serve, its demand, its relationship to the City's Comprehensive Plan and how the proposed PUD plan is to be designed, arranged and operated in order to permit the development in accordance with the applicable regulations of the City and in a manner that is compatible with the use of neighboring properties.

xvi. A statement of the estimated total number of dwelling units proposed for the PUD plan and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

- Area devoted to residential units
- Area devoted to residential units by building type
- Area devoted to transient units
- Area devoted to transient unit by building type
- Area devoted to common open space
- Area devoted to public open space.
- Approximate area devoted to streets.
- Approximate area and floor area, devoted to industrial or office use.
- Approximate area, and floor area, devoted to commercial uses.
- Approximate area devoted to, and number of, off-street parking and loading spaces and related access.
- Approximate height of all structures
- Area devoted to outdoor recreational areas for use by owners, guests of dwelling units, occupants of transient units, or the public

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

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

xix. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD plan.

xx. Schematic utilities plan indicating allocation of water, sanitary sewer, and a drainage plan for the site.

xxi. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

xxii. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD plan.

c. PUD Plan and Preliminary Plat Consideration.

i. After verification by the City Planning Department that the preliminary PUD plan, preliminary plat, if applicable, and supporting data is adequate, the Planning Commission shall hold a public hearing on the preliminary PUD plan and preliminary plat, if applicable.

ii. The Planning Commission shall conduct the public hearing and report its findings and make recommendations to the City Council. Notice of the hearing shall consist of a legal property description, description of preliminary PUD plan, preliminary plat, if applicable, and project, and be published in the official newspaper at least 10 days prior to the hearing. Written notification of the hearing shall also be mailed at least 10 days prior thereto to owners of land within 350 feet of the boundaries of the property proposed for development.

iii. The City may request additional information from the applicant concerning any matters it deems appropriate or retain expert testimony at the expense of the applicant concerning such other matters.

iv. Upon completion of the public hearing, the Planning Commission shall report and provide a recommendation to the City Council regarding the requested PUD. The Planning Commission may provide recommended conditions as part of their report.

v. The City Council shall consider the requested PUD after the receipt of the report and recommendations from the Planning Commission within the time allotted by MN Statute. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The City Council may approve the preliminary PUD plan, and preliminary plat, if applicable, and attach such conditions, as it deems reasonable or deny the preliminary PUD plan and preliminary plat, if applicable.

vi. Conditions may include returning to Planning Commission and/or City Council providing updates as to project progress and meeting imposed conditions.

4. Final PUD Plan:

Following PUD approval, the applicant shall within six months submit the final PUD plan for approval of the Planning Commission, with the

purpose of illustrating that all conditions of the PUD are being met. If platting is occurring simultaneously, final PUD and final Plat review by the Planning Commission may occur at the same time. The final PUD will be approved by the Planning Commission only if the Commission finds that the Final PUD is compliant with the requirements made by the City Council for the PUD approval in the previous stage. The Final PUD plan shall be submitted (with number of duplicates determined by staff) and shall include but not be limited to:

a. A final plat, if applicable, and information required by the City's subdivision ordinance
b. The final PUD Plan drawn to a scale of a maximum of 1 inch=100 feet (or such scale requested by the City Planning Department) containing at least the following information:
    i. The name of the development.
    ii. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property including any wetlands on the property.
    iii. The location, size, use, and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing building which will remain, if any.
    iv. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other traffic circulation (pedestrian, bicycle, and vehicle) elements; and the total site coverage of all such traffic circulation elements.
    v. Location, designation, and total area of all common open space.
    vi. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
    vii. Proposed lots and blocks, if any and numbering system.
    viii. The location, use and size of structures and other land uses on adjacent properties.
    ix. Detailed sketches and provisions of proposed landscaping.
    x. Detailed grading and drainage plans for the developed PUD.
    xi. Any and all conditions that were required by the City Council in conjunction with approval of the Preliminary PUD Plan.
    xii. An accurate legal description of the entire area within the PUD for which final PUD Plan approval is sought.
    xiii. A tabulation indicating the final number of residential dwelling units and/or transient units and expected population.

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

xv. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes.

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

xvii. Detailed grading and site alteration plan illustrating changes to existing topography and natural site vegetation. This plan should clearly reflect the site treatment and its conformance with the approved Concept Plan and approved preliminary PUD plan.

xviii. A soil erosion control plan acceptable to any agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

xix. Before final approval of a PUD, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

5. PUD Order Certificate of Compliance:
   a. Upon completion of all conditions and requirements of the PUD imposed by Planning Commission and City Council, and consistent with State and Federal law and Wabasha City Code and with the other standards and requirements herein contained, an order authorizing development and use in accordance with the Final approved PUD shall be issued by the Planning Department. The PUD order may contain any lawful conditions or restrictions which the City Council established in its approval of the preliminary PUD Plan. The PUD order shall incorporate the Final PUD Plan and shall specify in writing the final conditions of approval.
   b. All of the provisions of the Wabasha Zoning Ordinance applicable to the zone district or overlay districts within which the PUD is located shall apply except as otherwise provided in the PUD order.
   c. PUD orders shall be recorded with the City Clerk and the applicable Land Title recording office of Wabasha County.
   d. If a plan or a section thereof is given final approval and thereafter the landowner shall abandon the plan that has been finally approved or if the landowner shall fail to commence the planned

development within 18 months after final approval has been granted, such final approval shall terminate and be deemed null and void unless such time period is extended by the Planning Commission upon written application of the landowner. The Planned Unit Development zoning district created by the approval of the Concept Plan shall revert back to the zoning classification that applied to the land prior to approval of the planned development district. The zoning district reversion shall be communicated to the Planning Commission and City Council at its next regular meeting, and the zoning map shall be changed accordingly.

D PUD Performance Standard guidelines:

1. Height
   The maximum height of buildings in PUD's shall not exceed 35 feet in height unless the City Council determines that a taller structure will not create an adverse impact on the surrounding area. Under no circumstances may a structure permitted as part of a PUD exceed 50 feet in height. In order to assist in this decision, the City will require the following from the project applicant:
   a. A detailed explanation as to the reason for the desired increase in height
   b. A detailed explanation of how the increased height will not create an adverse visual impact.
   c. Drawings or other visual renderings that show what the proposed development will look like from the Mississippi River and other areas as requested by the City.
2. Open Space Requirements:
   a. At least 50% of the total project area must be preserved as open space, with at least 25% as common open space.
   b. Road rights-of-way, land covered by road surfaces, parking areas, and all structures are considered developed areas and shall not be included in the computation of minimum open space.
   c. Open space may include improved outdoor recreational facilities for use by owners, guests of the dwelling units, occupants of transient units, or the public.
   d. PUD's in a Shoreland Zone must contain open space meeting all of the following criteria:
      i. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.

ii. Areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries must be preserved in the open space.

iii. Open space may contain water-oriented accessory structures or facilities if they meet or exceed design standards of Shoreland Standards in Subdivision 12, Subsections G and H, and are centralized.

iv. The shore impact zone, based on normal structure setbacks, must be preserved as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

3. Erosion Control and Stormwater Management Plans
   a. Plans must be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features or stormwater systems. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
   b. PUD's must be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff.

4. PUD’s within Shoreland
   a. Impervious surface coverage within any tier (See Subdivision 12, Section 5) must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Subdivision 12, Sections I and G6.
   b. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the dimensional standards for the relevant shoreland classification including: setback from the ordinary high water level, elevation above the surface water features, and maximum height.

c. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
d. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
e. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.
f. PUD's must be connected to publicly owned water supply and sewer systems

5. City Costs
Any costs directly related to a PUD including, but not limited to professional fees and expenses incurred by the City for consultants, including but not limited to Planners, Engineers, Architects and Attorneys, who the City determines in its sole judgment are necessary to assist the City in reviewing, implementing or enforcing the provisions of this Section, shall be reimbursed to the City by the Applicant from a deposit made by the Applicant with the City. The amount of the deposit, or any addition thereto required by the City, shall be established by the City Council, which shall thereafter, from time to time, make an accounting thereof to the Applicant. The City and the Applicant may agree to share the costs of consultants based upon a specific written agreement.

6. Revisions or Changes
a. Minor changes in the location, placement and height of structures may be authorized by the Planning Commission if required by engineering or other circumstances not foreseen at the time the Final PUD Order was issued.

b. Changes in uses. Significant changes in the location, size, or height of structures, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to PUD Order may be made only after a public hearing conducted by the Planning Commission and the procedures for preliminary PUD Plan approval and Final PUD plan approval set forth in this Section are followed. Any such changes shall be recorded as amendments to the recorded copy of the PUD Order.

c. Review: If substantial development with the development schedule as specified in the PUD Order or the Development Agreement has not occurred within one year after approval of the PUD Order, the City Council may instruct the Planning Department to rescind approval of the PUD Order.

E Phasing and Guarantee of Performance

1. The Planning Commission shall compare the actual development accomplished with a PUD Order on a periodic basis.
2. Upon recommendation of the Planning Commission and for good cause shown by the developer, the City Council may change the development schedule as required by the PUD Order.
3. The construction and provision of all of the common open space and public and recreational facilities which are shown on the Final PUD Plan must proceed at least at the same (but not slower than) rate as the construction of dwelling units, transient units or other useable buildings in the PUD, if any. The Planning Department shall review all of the building permits issued for the PUD and examine the construction that has taken place on the site. If the City Planner finds that the rate of construction of dwelling units, transient units or other useable buildings in the PUD is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, he/she may forward this information to the City Council with a recommendation for action.
4. A performance bond or letter of credit shall be required to guarantee performance by the Developer. The amount of this bond or letter of credit, and the specific elements of the PUD Plan and/or PUD Order that it is intended to guarantee, will be stipulated in the development agreement.
5. A Development Agreement shall be entered into by the developer with respect to a PUD that contains terms and provisions acceptable to the City to insure completion of the PUD in a timely manner and that provides for security for the performance of the developer's obligation under the Final PUD Plan and PUD Order.

F Control of Planned Unit Development Following Completion

1. After a PUD Order has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the PUD shall be governed by the PUD Order, the Development Agreement and applicable building and fire codes. After a PUD Order has been issued, no changes shall be made in the approved Final PUD Plan except as provided in this Section or as provided below:
   a. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the Final PUD Plan and PUD Order. No change authorized by this Section may increase the square cubic volume of any building or structure by more than ten percent.
      i. Any building or structure that is totally or substantially destroyed by fire or other casualty may be reconstructed only in compliance with Final PUD Plan unless an amendment to the Final PUD Plan and PUD Order is approved under the provisions of this Section.
      ii. Changes in the use of the common open space may be authorized only by an amendment to the Final PUD Plan and PUD Order under this Section.
      iii. Any other changes in the Final PUD Plan and PUD Order must be authorized by an amendment pursuant to this Section.

2. Open Space Preservation
   Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
   a. Commercial uses not approved during the PUD process are prohibited in the designated open spaces.
   b. Vegetation and topographic alterations other than routine maintenance is prohibited.
   c. Construction of additional buildings or storage of vehicles and other materials prohibited.
   d. Uncontrolled beaching of watercraft prohibited.

Subd. 12 Shoreland Overlay Zone

A Statutory Authorization

This Shoreland Management Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the City Planning and Zoning Enabling Legislation, Minnesota Statutes, Chapter 462.

B Policy

The uncontrolled use of shorelands of the City of Wabasha, Minnesota affects the public health, safety and general welfare by contributing to pollution of public waters and by impairing the local tax base. It is, therefore, in the best interests of the public health, safety and welfare to provide for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. The Legislature of Minnesota has delegated this responsibility to local governments. The responsibility is hereby recognized by the City of Wabasha.

C General Provisions And Definitions

1. Jurisdiction. The provisions of this Section shall apply to the shorelands in the City of Wabasha of the public waters identified and classified in Subsection E "Shoreland Classification System" of this Section.
2. Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Section.
3. Enforcement. The Planning Department is responsible for the administration and enforcement of this Section. Any violation of the provisions of this Section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Section can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section D1 or Section 305.04, Subdivision 4 of this Ordinance.
4. Interpretation. In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be

deemed a limitation or repeal of any other powers granted by MN Statute.

D Administration of Shoreland Regulations

1. Permits Required

   A Zoning Permit as identified under Section 305.04 Sub 4a is required for any structure, use of or alteration of land, the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section G6 "Vegetation Alterations" and I Topographic Alterations/Grading and Filling" of this Section. Application for a permit shall be made to the Planning Department on the forms provided. The application shall include the necessary information so that the Planning Department can determine the site's suitability for the intended use and that compliant sewage treatment will be provided.

2. Notifications to the DNR required

   a. Copies of all notices of any public hearings to consider variances, zoning amendments (map or text), conditional uses, and subdivisions or plats within the designated Shoreland must be sent to the commissioner or the commissioner's designated representative (typically the Area Hydrologist) and postmarked at least ten days before the hearing. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
   b. Upon final approval of a zoning ordinance amendment a subdivisions/plats, a granting of variances or conditional uses located with the designated Shoreland, notification of such approvals must be sent to the commissioner or the commissioner's designated representative (typically the Area Hydrologist) and postmarked within ten days of final action.
   c. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

3. Appeals and Variances

   An application for a variance shall be filed in writing with the Planning Department as specified under Section 305.04 Sub 5

4. Rezoning (modifications to underlying zoning districts within the Shoreland boundary)
   Any modification to underlying zoning districts within the Shoreland boundary shall be consistent with the goals, policies, and objectives of the adopted comprehensive land use plan, in conformance with the criteria specified in Minnesota Regulation (Part 6120.3200, Subd. 3, or as amended), and the following criteria, considerations, and objectives:
   a. General Considerations and Criteria for All Land Uses:
      i. Preservation of natural areas;
      ii. Present ownership and development of shoreland areas;
      iii. Shoreland soil types and their engineering capabilities;
      iv. Topographic characteristics;
      v. Vegetative cover;
      vi. In-water physical characteristics, values, and constraints;
      vii. Recreational use of the surface water;
      viii. Road and service center accessibility;
      ix. Socioeconomic development needs and plans as they involve water and related land resources;
      x. The land requirements of industry which, by its nature, requires location in shoreland areas; and
      xi. The necessity to preserve and restore certain areas having significant historical or ecological value.

   b. Factors and Criteria for Planned Unit Developments:
      i. Existing recreational use of the surface waters and likely increases in use associated with Planned Unit Developments;
      ii. Physical and aesthetic impacts of increased density;
      iii. Suitability of lands for the Planned Unit Development approach;
      iv. Level of current development in the area; and
      v. Amounts and types of ownership of undeveloped lands.

   c. When an interpretation question arises about whether a specific land use fits within a given zoning district or "use" category, the interpretation shall be made by the Planning Commission.

   d. When there is a request for rezoning within the Shoreland District, the applicant must provide the supporting and/or substantiating information for the specific parcel in question indicating that the new zone would meet the standards described in Section D5 (*a-c above*).

E Shoreland Classification System

The public waters of the City of Wabasha have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Wabasha County, Minnesota. The shoreland areas for the waterbodies listed below shall be as defined in Section 305.09 and as shown on the Official Zoning Map.

	Protected Water Classification	**Protected Waters Inventory I.D.#**
U.S. Lock and Dam No.4 Pool (Mississippi Pool #4)	General Development Lake	79005 00
Robinson Lake	General Development Lake	79005 02
Schmidt Coulee (Brewery Creek)	Tributary Stream	Legal DescriptionT111N, R10W, Sec.19 & 30

F Shoreland Zones and Requirements

Whenever allowed uses are not consistent between the Shoreland Overlay zone and the underlying zoning district, the more restrictive of the two shall apply.

1. S-1. The purpose of the S-1 shoreland overlay zone is to provide standards for Shoreland areas within the City that are primarily undeveloped.

   a. Allowable Uses

      i. Permitted Uses
      - Single-family detached residential dwelling units
      - Forest management
      - Sensitive resource management
      - Agricultural: cropland and pasture

      ii. Conditional Uses
      - Parks and historic sites
      - Extractive uses

      iii. Interim Uses[xliv]
      - Grading, filling, and excavation over 3 cubic yards per 100 square feet of land in the shore impact zone or on steep slopes, and/or more than 1,000 cubic yards outside of shore impact or steep slopes. (see also Section I, "Topographic Alterations, Excavations, and Grading")

   b. Minimum lot area & width Standards

Sewered Areas:	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
	15,000	75	10,000	75

Unsewered Areas:	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
	40,000	150	40,000	150

c. Residential Density

	Riparian	Nonriparian
Sewered	2.9 d.u. per acre	4.3 d.u. per acre
Unsewered	1 d.u. per acre	2 d.u. per acre

d. Impervious Surface Coverage: Impervious surface coverage of lots must not exceed 25% of lot area.

e. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones

f. Public & semipublic uses with needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

   i. Parking areas or parking structures must be designed to incorporate topographic and vegetative screening from the public waters assuming summer, leaf-on conditions;

   ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

   iii. Uses that depend on patrons arriving by watercraft may use unlit signs to convey needed information to the public, subject to the following general standards:

      - No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
      - 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 25 square feet in size; and

- 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 direct illumination out across public waters. This does not preclude use of navigational lights.

g. Agricultural Use Standards
For cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting steep slopes and shore and bluff impact zones must be maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation district or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone boundary for parcels with allowed (permitted or conditional) agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

h. Animal feedlots
   i. New feedlots are not allowed in the Shoreland districts.
   ii. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or bluff impact zone.

2. S-2
Provides standards for Shoreland areas that have some development, but residential densities are intended to remain low (low density residential land uses)

a. Allowable Uses
   i. Permitted Uses
      - Single-family residential dwelling units (detached, or attached) with up to four dwelling units
      - Multi-family residential with up to four dwelling units
      - Forest management
      - Sensitive resource management
      - PUD with uses as allowed in underlying zoning district
   ii. Conditional Uses
      - Semipublic uses (when allowed as permitted or conditional in the underlying zoning district)
      - Parks and historic sites
      - Extractive uses

- Golf courses, clubs, and other recreational uses not conflicting with neighboring residential use
- Places of public assembly

iii. Interim Uses[xlv]

- Grading, filling, and excavation over 3 cubic yards per 100 square feet of land in the shore impact zone or on steep slopes, and/or more than 1,000 cubic yards in all Shoreland areas. (see also Section I, "Topographic Alterations, Excavations, and Grading")

b. Minimum lot area & width Standards

Sewered Areas:	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	14,000	75	10,000	60
Duplex	26,000	135	17,500	120
Triplex	38,000	195	25,000	190
Quad	49,000	255	2,5000	245

Unsewered Areas:	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	40,000	150	40,000	150
Duplex	80,000	265	80,000	265
Triplex	120,000	375	120,000	375
Quad	160,000	490	160,000	490

c. Residential Density

	Riparian	Nonriparian
Sewered	3 d.u. per acre	4.3 d.u. per acre
Unsewered	1 d.u. per acre	2 d.u. per acre

d. Impervious Surface Coverage: Impervious surface coverage of lots must not exceed 25% of lot area.

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

f. Commercial, Public, and Semipublic uses located on riparian lots must meet the following standards:

i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Section, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.

iii. 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:

- No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
- 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; and
- 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 direct illumination out across public waters. This does not preclude use of navigational lights.

3. S-3

Provides standards for Shoreland areas that cover the historic neighborhoods of the City, which are primarily residential, but also include commercial and institutional uses. The use of PUD's or other clustering techniques is not allowed in order to encourage the traditional neighborhood pattern of development.

a. Allowable Uses

i. Permitted Uses

- Single-family residential dwelling units (detached, or attached with up to two dwelling units)
- Multi-family residential with up to two dwelling units
- Sensitive resource management
- Forest management

ii. Conditional Uses

- Single-family attached residential with 3 or more units (when allowed as permitted or conditional in the underlying zoning district).
- Multi-family residential with 3 or more units (when allowed as permitted or conditional in the underlying zoning district)
- Semipublic uses (as allowed in the underlying zoning district
- Parks and historic sites.
- Mixed use (Residential & Commercial) with only those uses allowed in the underlying zoning district.
- Surface water oriented commercial uses (as allowed in the underlying zoning district).
- Hospitals, dentists offices and clinics.
- Places of public assembly.
- Commercial and service oriented businesses (as allowed as a conditional or permitted use in the underlying zoning district).
- Essential governmental uses buildings and storage facilities (as allowed as a conditional or permitted use in the underlying zoning district).

iii. Interim Uses[xlvi]

- Grading, filling, and excavation over 3 cubic yards per 100 square feet of land in the shore impact zone or on steep slopes, and/or more than 1,000 cubic yards in all Shoreland areas. (see also Section I, "Topographic Alterations, Excavations, and Grading").

b. Minimum lot area & width Standards

Sewered Areas:	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	8,580	60	8,580	60
Duplex	14,300	100	14,300	100
Triplex	38,000	195	25,000	190
Quad	49,000	255	25,000	245
Multi > 4 units	49,000	255	25,000	245
Non-residential	8,580	60	8,580	60[xlvii]

*All development in this zone must be connected to City sewer

c. Maximum Residential Density

	Riparian & Nonriparian
Sewered	6 d.u. per acre

d. Every effort should be made to design roads, driveways, and parking areas to meet structure setbacks. These will only be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

e. Non-conforming structures: A request for a variance (following the process outlined in Subsection D4) will be considered for reconstruction of pre-existing structures within the pre-existing footprint and height if damaged more than 50% of the assessor's market value for uses allowed as permitted or conditional within the S-3 overlay and underlying zoning district.

f. Impervious Surface Coverage: Impervious surface coverage of lots must not exceed 40% of lot area. Conditional uses may be required to provide up to 75% non-impervious surface (25% impervious)

g. Commercial, Industrial, Public, and Semipublic Uses located on riparian lots must meet the following standards:
   i. Parking lots shall be designed to incorporate topographic or vegetative screening of parking areas from public waters when visible from the waters;
   ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
   iii. 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:
      - No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
      - 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; and

- 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 direct illumination out across public waters. This does not preclude use of navigational lights.

4. S-4
   Provides standards for Shoreland areas that are historically high density mixed use or commercial in nature (e.g. downtown Wabasha)
   a. Allowed Uses: Uses as identified in the underlying Zoning Ordinance shall prevail.
   b. Lot area & width Standards: Standards as identified in the underlying Zoning Ordinance shall prevail. All development in this zone must be connected to City sewer
   c. Impervious Surface Coverage: The following shall apply to new construction or additions to an existing building footprint

Type of Use	**Maximum Impervious Surface Coverage**
Residential with up to two dwelling units	50%
Commercial, public, or mixed uses of up to 18,000 square feet (building footprint)	No maximum
Commercial, public, or mixed uses of 18,001 square feet or more (building footprint)	25% *

   * Impervious coverage may be increased by 15% for these uses if the following is provided:
   - A stormwater retention plan be submitted showing containment of the 5-year, 24-hour storm event on the parcel.
   - 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.

   d. Every effort should be made to design roads, driveways, and parking areas to meet structure setbacks. These will only be placed within bluff and shore impact zones when no other reasonable and feasible placement alternatives exist. Evidence providing proof that such locations are not feasible must be provided with

application and found acceptable by the Planning Department or Planning Commission. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

e. Commercial, Industrial, Public, and Semipublic Uses located on riparian lots must meet the following standards:
   i. Parking lots shall be designed to incorporate topographic or vegetative screening of parking areas from public waters when visible from the waters;
   ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
   iii. 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:
      - No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
      - 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.
      - 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 direct illumination out across public waters. This does not preclude use of navigational lights.

5. Brewery Creek
   Provides standards for the Brewery Creek Shoreland area

   a. Lot width Standards - There are no minimum lot area requirements for streams. The lot width standards are:

	Sewered	Unsewered
Single	75	100
Duplex	115	150
Triplex	150	200
Quad	190	250

b. Residential Density: Densities of the underlying zoning district will prevail

a. Impervious Surface Coverage: Impervious surface coverage of lots must not exceed 25% of lot area

c. Allowable Uses
   i. Permitted Uses
      - Forest management
      - Sensitive resource management
      - Agricultural: cropland and pasture
   ii. Conditional Uses
      - Parks and historic sites
      - Extractive use
      - Agricultural Feedlots

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

G Additional Zoning Requirements: The following standards apply to areas within every Shoreland district

1. Setbacks from OHWL

When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

	Structure		Sewage Treatment System
	Sewered	Unsewered	
Mississippi Pool #4	50 feet	75 feet	50 feet
Brewery Creek	50 feet	100 feet	75 feet
Water-orientated accessory structure*	10 feet	10 feet	-
* One water-oriented accessory structure per residential lot designed in accordance with Subsection H of this Section is allowed			

2. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From:	Setback
top of bluff;	30 feet
unplatted cemetery;	50 feet

Setbacks from streets and property lines are required as indicated in the underlying zoning district

3. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

4. Uses Without Water-oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

5. A sewage treatment system not meeting the requirements of Subsection P "Sewage Treatment" of this Section must be upgraded, when a permit or variance of any type is required for any improvement on, or use of, the property.

6. Vegetation Alterations
   a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subsection J, "Placement Design; Roads, Driveways, and Parking Areas" of this Section are exempt from the vegetation alteration standards that follow.
   b. Removal or alteration of vegetation (except for allowable agricultural and forest management uses) is allowed subject to the following standards:
      i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forestland conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
      ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access

paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

- The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- Along creeks, existing shading of water surfaces is preserved; and
- The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

c. Use of fertilizers and pesticides in all districts must minimize runoff into shore impact zones and public waters by use of earth, vegetation, or both.

7. One guest cottage may be allowed on lots which meet or exceed the standards for a duplex within that shoreland zone. The following standards must also be met:
   a. For lots which qualify for future subdivision, the guest cottage must be located in proximity to the principle residence so that the structures would remain on the same parcel if a lot split were to occur;
   b. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
   c. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by use of vegetation, topography, increased setbacks, or color (assuming summer leaf-on conditions).

8. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
   a. They must meet the width and size requirements for residential lots, and be suitable for their intended uses.
   b. If docking, mooring, or over-water storage of more than 6 watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by 5 percent of the requirements for riparian residential lots for each watercraft beyond 6.
   c. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.

d. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

H Design Criteria for Structures.

1. High water elevations. Structures must be placed in accordance with any flood plain regulations applicable to the site. Where these controls do not exist, along Brewery Creek, the elevation to which the lowest floor, including the basement, is placed or flood proofed must be determined as follows:
   a. By placing the lowest floor at least 3 feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least 3 feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation.
   b. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
   c. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

2. Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Subsection F1 - F5 of this Section if this water-oriented accessory structure complies with the following provisions:
   a. The structure or facility must not exceed 10 feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed 8 feet above grade at any point;
   b. The setback of the structure or facility from the ordinary high water level must be at least 10 feet;
   c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by use of vegetation, topography, increased setbacks, or color (assuming summer, leaf-on conditions);
   d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
   e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
   f. As an alternative for general development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

3. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following requirements:
   a. Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and Planned Unit Developments;
   b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and Planned Unit Developments;
   c. Canopies or roofs are not allowed on stairways, lifts, or landings;
   d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards herein are complied with in addition to the requirements of Minn. Rules, Chapter 1340.

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

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

6. Height of Structures. All structures in residential districts, except places of worship and nonresidential agricultural structures, must not exceed the height limits specified in the underlying zoning districts.

I Topographic Alterations/Grading and Filling

1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
2. Public roads and parking areas are regulated by Subsection J, “Placement and Design of Roads”.
3. Notwithstanding Items 1. and 2. above, a zoning permit will be required based on the following table.

	Shore Impact (within 25 feet of shoreline)or Steep Slopes	**Shoreland outside of Shore Impact or Steep Slopes**
Under 1 cubic yard per 100 square feet*	No permit required	No permit required
Between 1 and 3 cubic yards per 100 square feet*	Zoning Permit Required	No Permit required
3 or more cubic yards per 100 square feet*	Interim Use Permit Required	Zoning Permit Required
1,000 cubic yards or more total*	Interim Use Permit	Interim Use Permit
* Amount of square feet is the project area where work is occurring not the entire property. [xlviii]		

4. The following considerations and conditions must be adhered to during the issuance of construction permits, zoning permits, conditional/interim[xlix] use permits, variances and subdivision approvals:
   a. grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities:*
      i. sediment and pollutant trapping and retention;
      ii. storage of surface runoff to prevent or reduce flood damage;
      iii. fish and wildlife habitat;
      iv. recreational use;
      v. shoreline or bank stabilization; and
      vi. Noteworthiness, including special qualities such as historic significance, habitat for endangered plants and animals, or others.

      *This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.
   b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
   c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
   d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;

e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
f. Fill or excavated material must not be placed in a manner that creates an unstable slope;
g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
h. Fill or excavated material must not be placed in bluff impact zones;
i. Any alterations below the ordinary high water level of public waters must first be authorized by the DNR commissioner under Minnesota Statutes, section 103G.245;
j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted under the following circumstances:
    i. The finished slope does not exceed 3 feet horizontal to one foot vertical or meets the average slope of the current bank throughout the project area
    ii. , the landward extent of the riprap is within 10 feet of the ordinary high water level
    iii. The height of the riprap above the ordinary high water level does not exceed 3 feet or the meets the average height of the current bank throughout the project area.
    iv. Along any shore open to the public (public land or right-of way)
        - At least 1 pedestrian path or stairway for each parcel of land under separate ownership is provided for access to the water
        - Placement of riprap will not cover beaches (areas typically above water at normal water level) unless the DNR verifies the need in order for shore stabilization[1]

5. A Zoning Permit is required for excavations where the intended purpose is connection to public water, such as boat slips, canals, lagoons, and harbors. This may be issued only after the commissioner of the DNR has approved the proposed connection to public waters.

J Placement and Design; Roads, Driveways, Parking Areas

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography in Shoreland areas

where it still exists to achieve maximum screening from view from public waters. Documentation must be provided by a Civil Engineer or landscape architect that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

2. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones, but must be designed and constructed to take advantage of natural vegetation and topography in Shoreland areas where it still exists, to achieve maximum screening from view from public waters and minimize and control erosion to public waters. Construction requiring grading and filling as identified in I, "Topographic Alterations/Grading and Filling" must meet all zoning permit requirements listed in that section.

K Stormwater Management; General Standards

1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities
4. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district.
5. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

L Forest Management Standards

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution

Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota".

M Extractive Use Standards

1. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate. adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
2. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

N Conditional Uses

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures established in Section 305.04.04. The following additional evaluation criteria and conditions apply within shoreland areas:

1. Evaluation Criteria. The Planning Commission shall review the application and consider the waterbody, the topography, vegetation, and soils conditions on the site and only issue a CUP where there are findings to ensure:
   a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
   b. The visibility of structures and other facilities as viewed from public waters is limited in undeveloped areas and screened as deemed appropriate in developed areas;
   c. The site is adequate for water supply and sewage treatment; and
   d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
2. Conditions Attached to Conditional Use Permits. The Planning Commission, upon consideration of the criteria listed above and the purposes of the Shoreland section, shall attach conditions to the issuance of conditional use permits as it deems necessary to fulfill the purposes of the Zoning Ordinance & adopted Comprehensive Plan. Conditions imposed will be based on the goals of maintaining or improving water quality and/or the scenic and natural atmosphere from the protected public water. Conditions may include, but are not limited to, the following:
   a. Increased setbacks from the ordinary high water level.

b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
d. Requirements to connect to City sewer services.
e. Additional stormwater management infrastructure or procedures.

O Non-conformities

All legally established nonconformities as of the date of this Section may continue, according to applicable state statutes and regulations stated in Subsections F and G of this Subdivision; except that the following standards will also apply in all shoreland areas:

1. Lots of record in the office of the County Register of Deeds on the date of enactment of local shoreland controls that do not meet the requirements of Subsections F and G of this Section may be allowed as building sites without variances from lot size requirements provided the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Section are met.
2. A variance from setback requirements, if necessary, must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
3. If, in a group of 2 or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section F1 – F5 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 minimum lot area requirements for that area of Shoreland as much as possible.
4. A deck addition to a structure not meeting the required setback from the ordinary high water level may be allowed without a variance if all of the following criteria and standards are met:
   a. The structure existed on the date the structure setbacks were established;
   b. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
   c. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from

the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and

d. The deck is constructed primarily of wood, and is not roofed or screened.

P Sewage Treatment

1. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
   a. The City sewer system must be used where available.
   b. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this Section.
2. Nonconforming Sewage Treatment Systems
   a. A sewage treatment system not meeting the requirements of Subsection 1a and 1b of this Section (above) must be upgraded, when a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall be considered conforming if the only deficiency is the setback from the ordinary high water level.
   b. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103F.201, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with insufficient separation from groundwater shall be considered nonconforming.

Q Water Supply

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

R Subdivision Provisions

1. Land Suitability. Each lot created through subdivision, including Planned Unit Developments must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage

treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community. Information required as part of the Subdivision process (as detailed in City Code Section 300) will be used to make a determination of land suitability.

2. Consistency with Other Controls. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and sewage treatment consistent with all other sections of this subdivision can be provided for on every lot. In unsewered areas, each lot shall meet the minimum lot size requirements of that district, and have at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
3. Information Requirements. Sufficient information must be submitted by the applicant to make a determination of land suitability. The information shall include at least the following:
   a. Topographic contours at 10 foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
   b. The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
   c. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
   d. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
   e. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
   f. Lines or contours representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

S Planned Unit Developments (PUD'S)

1. Planned Unit Developments (PUD's) are allowed in the S-2 shoreland area for new projects on undeveloped land, and redevelopment of previously built sites.
2. Processing of PUD'S: PUD's must be processed according to Section 305.05, Subdivision 11.
3. Site "Suitable Area" Evaluation: PUD's may utilize a tier system to allow for additional density within the shoreland area as based on the following:
   a. Shoreland Tier Dimensions
      (measured from the ordinary high water level proceeding landward)

	Unsewered (feet)	Sewered (feet)
Pool 4 first tiers	200	200
Pool 4 all other tiers	267	200
Brewery Creek	300	300

   b. The suitable area within each tier is calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial PUD density evaluation steps to arrive at an allowable number of dwelling units or sites.
4. Residential and commercial PUD density evaluation
   a. The base density for residential uses in the S-2 zone is indicated in Subdivision 12, F2c of this Section.
   b. Commercial uses may be incorporated into a PUD as long as all zoning layers allow and be included within the density transfer process. For the purpose of determining density of a commercial use:
      i. Determine the average residential dwelling unit square footage (interior living space) within the PUD project
      ii. Apply this to the proposed commercial unit, with each 1 dwelling unit amount of square footage in the proposed commercial use being equivalent to 1 dwelling unit
   c. Allowable densities may be transferred from any tier to any other tier further from the waterbody within the same zoning district, but must not be transferred to any other tier closer to the water.
   d. Density Increases
      Increases to the site base densities listed in Section F-2c are allowable only if the dimensional standards in Section F-2b, the General Requirements stated in G are met, and the structure setbacks from the Ordinary High Water Levels is increased by 50% greater than minimum setback or the impact on the waterbody

is reduced through vegetative management, topography, or other means and the setback is at least 25% more than otherwise minimum. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial PUD's:

Maximum Density Increase by Tier (percent)	
First	50
Second	100
Third	200
Fourth	200
Fifth	200

5. Conversions
   Existing resorts or other land uses and facilities may be converted to residential Common Interest Communities through the City platting process as outlined in Section 300 of City Code.

Subd. 13 Flood Plain Districts. (See Flood Plain Zoning Ordinance, Section 325)

Subd. 14 Business Park Overlay Design District (BPODD)

A. District Boundaries

The BPODD is comprised of the same lands associated with the Wabasha Business Park Tax Increment Finance District (Legal Description: Lots 1-4, Block 1 and Lots 1-4, Block 2, Wabasha Business Park) with a physical description bounded by Minnesota Trunk Highway Number 60 to the south and east, U.S. Highway 61 to the South and West, Canadian Pacific Railroad Line to the North and East, SE'LY Line, Block 7, Keplers' Addition to the North and West.

B. Purpose and Intent.

The BPODD will serve as the first impression of Wabasha for travelers along Trunk Highway 61. The standards and criteria herein are made for the purposes of establishing and maintaining the harmony of appearance between existing buildings and newly constructed buildings and to require the use of materials and colors which are compatible with the surrounding environment. Buildings in the BPODD shall be designed with consistent architectural features, attractive landscaping, and efficient traffic and pedestrian circulation.

C. Design Standards

1. Location and Screening of Parking Areas. All new or revised parking must be visually screened from Trunk Highway 61 and Commerce Street through the use of extensive landscaping, earthen berms, and/or fencing.
2. Building Design Standards. Wabasha's characteristic buildings reflect its historical past. Design techniques can be used to maintain compatibility with characteristic styles and still leave enough flexibility for architectural variety. To achieve this purpose, the following design standards apply to new and remodeled building projects:

   a. Exterior Building Materials and Details. Building materials and details strongly define a project's architectural style and overall character. Similar materials and details shall be used on all sides of a building, visible from a public road, to achieve continuity and completeness of design or proper screening from view.

      i. Predominant Exterior Building Materials. Predominant exterior building materials must be of good quality and characteristic of Wabasha, such as horizontal lap siding, vertical lap siding, wood shakes, brick, stone or simulated stone, glass and vinyl or metal clapboard.

         - Adobe, corrugated metal sidings, asphalt shingles or panels, standard concrete block, plywood or particleboard are prohibited as the primary materials.

- Stucco and tilt-up concrete panels may be considered if the Planning Commission determines that they meet the purpose of the BPODD.

ii. Blank Walls. A wall may not extend for a length of more than fifty (50) linear feet without an architectural feature such as a dormer, pilaster, cornice, corner, window, porch, or visually compatible door to break up the large mass of a featureless wall, unless vegetative screening is planted to cover 20% of the blank wall. As an exception, walls with a clapboard facade may extend for a length of up to one hundred (100) feet without such an architectural feature.

iii. Pole Buildings are prohibited

b. Roofs. Roofs must meet the following standards:

i. Form. A building's prominent roofs must be pitched a minimum of 4:12 unless demonstrated to the Planning Commission's satisfaction that this is not practicable. Acceptable roof styles are gabled, gambrel, and hipped roofs. Flat roofs, shed roofs and roof facades (such as "stuck on" mansards) may be considered with the addition of arch features approved by the Planning Commission.

ii. Materials. Allowed visible roofing materials include shake shingles and imitations, treated wooden shake shingles, earth-tone composition shingles, and dark, non-reflective metal roofing.

iii. Color. Roof colors must be muted. Bold or bright hues are discouraged.

iv. Rooftop Mechanical and Electrical Equipment. Rooftops shall be free of visible clutter from a public road. The roof design must screen or camouflage rooftop protrusions to minimize the visual impact of air conditioning units, air handler units, exhaust vents, transformer boxes and the like. Interior-mounted equipment is encouraged. Whenever possible, utility equipment areas shall be placed in an obscure location and screened from view.

3. Landscaping Standards. To achieve attractive site design, screened parking areas assure development benefits the city. The following landscaping requirements apply to new and remodeled developments:

a. Landscape Planting Strip. A vegetated landscape-planting strip must be provided a minimum of ten (10) feet wide, a maximum of

fifty (50) feet wide and an average of thirty (30) feet in width adjacent to the roadway.

i. Ground Cover. The entire landscape planter strip must be vegetated with grass or sod, plantings, and other landscape materials except for approved driveways, walkways, bikeways and screened utility equipment.

ii. Street side Trees. Street trees must be planted at intervals of forty to fifty (40-50) feet along the street frontage. The trees must be a minimum 2.5-inch caliper, and be at least six (6) feet high at the time of planting. The forty to fifty (40-50) foot interval distance between trees may be modified to allow one visual opening for signage per Public Street fronted. Such roadside trees must be native to woodlands of the town, such as maple, oak, ash, beech, white pine, or tamarack, rather than flowering ornamentals.

iii. Planter Strip. Shrubs and flowering perennials must be planted at a minimum of ten (10) plants per forty (40) linear feet of street frontage.

iv. Special Situations.

- Expansions of less than five hundred (500) square feet to existing uses are exempt from the landscaping standard of this subsection.
- Depth of Landscape Planter Strip. In instances where the required average depth of the landscape planter strip is legally utilized for parking, display, storage, building or necessary vehicle circulation, the depth may be narrowed by the Planning Commission to the minimum extent necessary to achieve the objective of the proposed project, provided at least a single line of shrubs and perennials on four-foot centers are planted along the street frontage to soften the appearance of the development from the public street. If providing the required landscape planter strip along with other required landscaping and required vegetated areas in and around wetlands would cause the project to exceed the required open space standards, the depth of the landscape planter strip and the front yard may be reduced by the Planning Commission so that the open space standards are not exceeded, but in no case to less than an average width of twenty (20) feet for this reason.
- Roadside Trees. For additions to existing buildings, one roadside tree is required for every five hundred (500) square feet of additional gross floor area added, or the numbers revised as is necessary to be practical, up until

the normal standard is satisfied. In instances where parking, display area, storage, building or necessary vehicle circulation exists at the time of enactment of this section, the required roadside trees may be clustered and/or relocated away from the road as is necessary to be practicable.

- Lighting. Light poles may be no taller than twenty (20) feet measured from the ground. Downward-focused or cut-off lighting is required.
- Outdoor Storage and Dumpsters. Outdoor storage and dumpsters must be screened from view from public streets.
- Loading Docks. Loading docks must be situated to minimize their view from public streets.

4. Traffic and Circulation Standards. Sidewalks and roadways must be provided within the site to internally join abutting properties that are determined by the Planning Commission to be compatible. In addition, a safe pedestrian route must be provided between the principal customer entrance and the front lot line where it is determined by the Planning Commission to be compatible.

5. Open Space Standards. Open space must be provided as a percentage of the total area of the lot, freshwater wetlands, water bodies, streams and setbacks included. Twenty-five (25) percent of each lot must be designated as open space. Required open space must be shown on the plan with a note dedicating it as "open space." Open space is considered to be any pervious surfaces such as grass or vegetated planter strips. Paved roadways are not considered open space.

6. Signage. The allowable signage in the BPODD corresponds with the underlying zoning district. No advertising signs are allowed in the BPODD. Signage proposed as part of a building addition or alteration, or new development project which requires design review must be included in this review process and must be approved by the Planning Commission.

7. Deviation from Design Standards. The Planning Commission may allow deviation from these standards if the applicant demonstrates a hardship in following one or more of the design standards. In order for a deviation to be considered, the applicant shall indicate, in writing, the reasons for the hardship.

D. Design Review Process.

All additions or alterations to existing structures and new development will require design review following the criteria contained in Subdivision 14, Section C.

1. The design review application shall be reviewed at the regularly scheduled meeting of the Planning Commission
2. Application Deadline: Applications for a design review shall be submitted ten (10) days prior to the meeting.
3. In order to be reviewed, the application must contain the following:
   a. Preliminary architectural drawings including:
      i. color building elevations (all sides)
      ii. building materials, colors
      iii. signage plan
   b. Landscape Plan
   c. Preliminary site development plan including:
      i. Parking and circulation areas
      ii. Location of buildings
      iii. Orientation of windows and doors
      iv. Entrances and exits
      v. Open spaces
      vi. Pedestrian circulation
      vii. Drainage plan (if required)
      viii. Lighting plan (fixture type and height)
      ix. Sign plan (location)

4. Action on Design Review Plan:
   a. The Planning Commission will take action on the application by summarizing their findings and conclusions. These will indicate the relationship between the design review process and the criteria and standards.
   b. The Planning Commission will make final decisions regarding design review in the BPODD.
   c. All decisions by the Planning Commission may be appealed to the City Council.
   d. Findings required. Prior to approval, approval with conditions or denial, the Planning Commission shall consider the development as it relates to:
      1. The action proposed is consistent with the purpose and intent of the BPODD
      2. Design of the project conforms to the design guidelines of the BPODD
      3. That any additional conditions stipulated as necessary in the public interests, have been imposed and,

4. That such design will not constitute a visual nuisance or be detrimental to the unique design qualities of the area.

e. No building permit will be issued until approval has been made on the design review application

5. Appeals. See Section 305.11, Subdivision 3 “Appeals & Variances”

305.07 PERFORMANCE STANDARDS

The purpose of the performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to the environment. Standards shall apply to future development in all districts unless otherwise noted.

Before any building permit is approved, the Planning Department shall determine whether the proposal will conform to the performance standards. The developer, applicant, or landowners shall supply data necessary to demonstrate such conformance.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions that could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements.

Subd. 1 Heights

Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcast towers, masts or aerials, and necessary mechanical appurtenances are hereby excepted from the height regulations of this Section and may be erected in accordance with other regulations or Ordinances of the City.

Subd. 2 Fire Hazards.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.

Subd. 3 Vibration.

No vibration shall be permitted that is discernible without instruments on any adjoining lot or property. The standard shall not apply to vibrations created during the process of construction.

Subd. 4 Air Pollution.

No pollution of air by fly-ash, dust, vapors, odors, smoke or other substances shall be permitted which are harmful to health, animals, vegetation or other

property, or which can cause excessive soiling. For the purpose of this ordinance, the regulations and standards adopted by the Minnesota Pollution Control Agency shall apply.

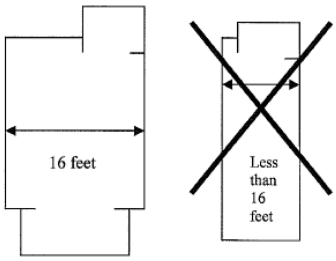
Subd. 5 Refuse.

All waste material, debris, refuse or garbage shall be kept in an enclosed building or property contained in a closed container designed for such purposes. The owner of vacant land shall be responsible of keeping such land free of refuse.

Subd. 6 Dwelling Units and Structures

All structures intended for the purpose of serving as a dwelling (with the exception of those categorized as a Manufactured Home under MN Statute, Chapter 327.31 or as amended) shall meet the following standards:

A. All residential dwellings shall be a minimum of sixteen feet wide (measured at its maximum width)



B. All dwellings shall be placed on a permanent foundation which complies with all standards and specifications of the Uniform Building Code as adopted in Minnesota. Said foundation shall be solid extending the entire length and width of the dwelling.
C. New porches and decks (as defined in Section 305.09) shall be required to meet all setbacks. Pre-existing porches and decks may be re-constructed as long as they are not enlarged and any encroachment is not furthered or expanded. Stoops and patios are not required to meet structural setbacks. No porch, deck, stoop or patio shall be placed on any recorded easements.[li]
D. All residential structures shall be required to have sewer and water which meets state health code standards and city Code chapters 500 and 505. The minimum lot size for Individual Sewage Treatment Systems (septic systems) shall be determined by MN Rules 7090 (or as amended).

Subd. 7 Accessory Structures (permanent)

All accessory structures including those not requiring a building permit (under the size of 120 square feet or as amended in the Uniform Building Code) shall meet the following standards:

A. Meet all zoning district setbacks for accessory structures
B. Shall not be placed in any required front yard for the zoning district it is in

Subd. 8 Minor Structures, Fences, & Walls

Any small (under 120 square feet), movable accessory construction such as birdhouses, tool houses, play equipment, arbors, as well as walls and fences shall meet the following standards:

A. Be contained wholly within the property to which it belongs
B. Be set back from property lines sufficiently to allow for accessibility for maintenance purposes from within the property to which it belongs
C. No fence shall be allowed to be constructed or maintained which will obstruct road intersection sight lines or which will in any other way create a hazardous situation for the public
D. All fences located within the required front or corner lot street side yard (or setback) shall be
   1. No more than 4 feet in height **OR**
   2. Meet the definition of an "open fence"
E. All fences over 6 feet in height shall require a building permit (or as amended in the International Building Code)
F. All retaining walls over 4 feet in height shall require a building permit (or as amended in Uniform Building Code)

Subd. 9 Temporary Structures

All temporary structures as defined in Section 305.09 shall meet the following standards:

A. No temporary structure shall be placed within the required front yard (setback) of any zoning district.
B. Temporary structures must meet all setback requirements for the zoning district in which it is located. [lii]

Subd. 10 Portable Storage Containers

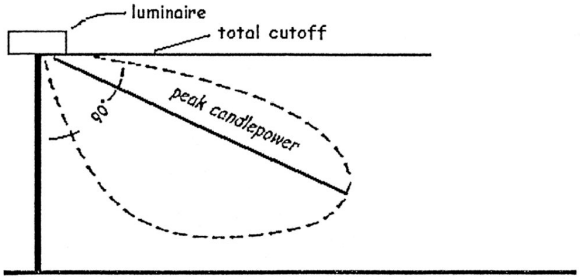
All portable storage containers as defined in Section 305.09 shall meet the following standards.

A. Shall be allowed for no more than 30 days for the purpose of loading or unloading, truck sales, or similar short term uses with no more than four 30 day periods within a one year time frame. Each 30 day period may begin after 15 calendar days have elapsed.
B. Location of the container shall be placed in the rear yard or on paved or graveled driveway if in the front or side yard of a property.
C. Exception to these requirements are for those storage containers within zoning districts where they are explicitly allowed as either permitted or conditional (specific zoning district standards apply) and for parking during the process of delivery, loading, or unloading of merchandise or personal effects from delivery trucks.

Subd. 11 Vehicles & Equipment
See City Code Section 1110 "Parking Regulations"

Subd. 12 Lighting

A. Lighting level should be the lowest possible for the purpose intended.
B. All lighting installations shall be designed and installed with illumination to be at a cut off of 90 degrees or less except as in exceptions in F below,



90° CUTOFF LUMINAIRE

C. Maximum lamp wattage for commercial lighting shall be 250 watts
D. Maximum lamp wattage for residential lighting shall be 100 watts incandescent, 26 watts compact fluorescent.
E. Light trespass shall be controlled with the proper choice of luminaires and optics.
F. The following are excepted from the above lighting standards:
   1. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
   2. Exit signs and other illumination required by building codes.
   3. Lighting for stairs and ramps, as required by the building code.
   4. Signs are regulated by the Sign Code, but all signs are recommended to be fully shielded.
   5. Holiday and temporary lighting (less than thirty days use in any one year).
   6. Athletic field lighting (e.g. football, baseball, softball), with Planning Commission approval, when steps have been taken to minimize glare and light trespass, and utilize sensible curfews.
   7. Low voltage landscape lighting, but such lighting be shielded in such a way as to eliminate glare and light trespass.

Subd. 13 Landscaping

In all districts where setbacks exist or are required, all developed uses shall provide a landscaped yard, which may include among other items grass, decorative stones, or shrubs and trees, along all streets. In all districts, all structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

Subd. 14 Transportation Interconnectivity

All development shall provide for the segment of road, sidewalk, and/or trail on the development property to adjacent property line where such transportation routes have been identified within any plan or policy adopted by the City of Wabasha.

Subd. 15 Stormwater Management & Erosion Control

A. All projects shall be required to meet Minnesota National Pollutant Discharge Elimination System (NPDES) and the State Disposal System (SDS) standards for sediment control.
B. The rate of water run-off for post-development of any project shall be the same as pre-development rates for the same property.
C. Applicants/land owners may be required to provide to the City storm water calculations and surveys of drainage ways to meet these requirements.

Subd. 16 Wetlands

All projects shall be required to meet federal and state wetland protection rules, in particular MN Rules 8420 and 6115 (or MN. State Wetland Conservation Act or as amended). For this purpose, the following standards shall apply:

A. The Wabasha Soil & Water Conservation District (SWCD) shall be the designated Local Government Unit (LGU) administering the Wetland Conservation Act (WCA)
B. Any proposed project/development which has a likelihood of impact on an existing wetland within the City of Wabasha *may* be required to conduct and provide to the City and/or Wabasha SWCD a wetland delineation.
C. Any proposed project/development which has the likelihood of creating a wetland (or feature which meets the definition of wetland under State standards) *may* be required to conduct a pre-construction survey of soils and provide to the City and/or Wabasha SWCD a copy of that survey.

Subd. 17 Bluffs

For all properties that contain or are contained within a bluff impact zone, all development, construction, and alterations to topography and vegetation shall be conducted in such a manner as to prevent bluff erosion and preserve existing scenic values, water and soil qualities. For this purpose, the following standards shall apply:

A. New structures and accessory facilities (with the exception of stairways, lifts, and landings) shall not be placed within bluff impact zones
B. Pre-existing structures located within a bluff impact zone may be reconstructed, if damaged by fire, weather or other force of nature or act of God, provided the damage is less than 50% of the fair market value of the damaged structure.

C. Setback from the top and toe of bluff to any structure in any district shall be no less than twenty (20) feet.
D. No person shall begin a new mining or quarrying activity within three hundred (300) feet of the toe or top of a bluff without a Conditional Use Permit when allowed as a permitted or conditional use within the zoning district.
E. No towers, with the exception of emergency towers, shall be located within one-quarter (1/4) mile of the bluff impact zone.
F. Stairways and lifts may be allowed to achieve access up and down bluffs and steep slopes to shore areas or plains. All stairways and lifts on bluffs and in shoreland areas shall be visually inconspicuous, and meet the following design requirements:
    1. Stairways and lifts shall not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and Planned Unit Developments.
    2. Landings for stairways and lifts on residential lots shall not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and Planned Unit Developments.
    3. Canopies or roofs are not allowed on stairways, lifts, or landings.
    4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
    5. Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water and lower areas, assuming summer leaf-on conditions, whenever practical.
    6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore and lower areas, provided that the dimensional and performance standards of sub-items 1-5 are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
G. No grading, excavating or filling within the bluff impact zones, except for approved erosion control measures. Erosion control projects within the bluff impact zone shall comply with 1. and 2. below:
    1. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Wabasha Soil and Water Conservation District and the USDA, Natural Resources Conservation Service.
    2. Plans to place fill or excavated materials in bluff impact zones shall be prepared by a qualified professional for continued slope stability, and approved by the Department of Environmental Services. All costs to be born by the applicant.

H. The top or toe of bluffs shall be determined by the Planning Department and the applicant may be required that a registered land surveyor determine such location.

Subd. 18 Home Occupations

Where allowed (as permitted, conditional, or interim in the zoning district, Section 305.06), home occupations shall meet the following minimum standards:

A. The business shall be located within the principal dwelling structure or an accessory structure of the property of the business owner.
B. The maximum amount of space devoted to the business shall not exceed 25% of the gross floor area of the residence.
C. No stock-in-trade shall be displayed so as to be visible from any street
D. The home occupation shall comply with all county, state, and federal regulations.

Subd. 19 Pools – See Section 725 of City Code.

Subd. 20 Loading and Unloading Requirements.

In any Commercial or Industrial District, sufficient space for the loading and unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the public street shall at all times be free and unobstructed to the passage of vehicular and pedestrian traffic.

Gross Floor Space	Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area
0 to 1,500 Sq. Ft.	None
1,501 to 10,000 Sq. Ft.	One (1) Space
10,001 and Up Sq. Ft.	One (1) Space Plus One (1) Space for Each 20,000 Sq. Ft. in Excess of 10,000 Sq. Ft.

All spaces shall be of at least ten by fifty (10X50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height.

Subd. 21 Off-Street Parking Requirements.

A. No parking lot shall be constructed or reconstructed unless and until a Zoning Permit is issued. Applications for a Permit shall be submitted with two (2) copies of plans for the development and construction of the parking lot.
B. Adequate ingress to the parking lot shall be provided and all parking spaces shall be provided adequate access by means of maneuvering lanes.

Provision of adequate ingress and egress shall receive review and the approval of the City Engineer or other officials as may be desired by the City Council.

C. Parking spaces shall be a minimum of nine by seventeen (9x17) feet in size for spaces arranged in a perpendicular lot layout or approved by the City Engineer for other layouts.

D. The following table of parking requirements for various uses shall be applied to all new and expanded developments with the exception of those located in the TDC zone (see section 305.06, Subdivision 7F for TDC parking requirements). Allocation of said parking areas should be indicated on the plans required for obtaining a Zoning or other required permits. Off-street parking shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot.

Use	**Number of Spaces Required**
Accessory/Caretaker apartments accessory to a permitted principal use	1 space per dwelling unit plus spaces required for the principal use
Adult entertainment establishments	1 space for each employee and 1 space for every 2 customers
Agricultural crop farming	0
Agricultural limited livestock raising	0
Agriculturally related commercial	1 space per 500 square feet of usable floor area, plus 1 space for every employee
Animal Hospitals and Kennels	2 Spaces per Employee
Arts & Crafts fabrication and studios	1 space per each employee
Auto Sales Establishments	2 Spaces per Employee
Bars/cocktail lounges	1 space per 3 patrons calculated at maximum capacity
Bed & Breakfast establishments	1 space per each room or guest unit, plus 2 spaces per permanent residential unit
Boarding Houses, Etc.	1 Space per 3 Rooming Units, plus 1 Space per each employee
Bowling Alleys	See Indoor minor commercial entertainment & recreational facilities
Campgrounds and travel trailer parks	1 Space per Campsite, plus 1 space per each 2 employees

Use	Number of Spaces Required
Car Wash Establishment	1 Space per 3 Employees, plus 1 Space for Manager, plus Spaces Equaling 5 times that of capacity of the wash
Cartage and Express Facilities, Industrial distribution, freight or transfer facilities	1 Space per Vehicle Operated, plus 1 Space per 2 Employees
Cemeteries	1 space per each employee
Church related buildings	(See specific use, residence, school, etc.)
Commercial Retail	1 space for each 200 square feet of usable space, plus 1 space for each vehicle owned and/or maintained by the business (e.g. delivery or service vehicles)
Commercial Schools (Music, Dance, Etc.)	1 Space per 2 Employees, plus 1 Space per Every 5 Students
Commercial stables	1 space per employee plus 1 space for every 4 animals stabled
Communication antenna towers and related accessory structures	1 space per employee, plus 1 space per each vehicle stored on site, with a minimum of 1 space provided
Community Center & Cultural Institutions	Parking Spaces Equal to 30% of Capacity in Persons
Contractor or Construction Yards or offices	1 Space per 1 Employee, plus 1 space for each vehicle owned and/or maintained by the business
Child care centers serving more than 4 children	1 space for every 4 children calculated at maximum capacity which may include short-term drop off parking
Dentists offices & clinics	1 space for every 2 exam rooms and 1 space per each employee
Elementary Schools	1 Space per 2 Employees, plus 1 Space per 10 Students
Essential utility and public service facilities over 600 square feet	1 space per employee, plus 1 space per each vehicle stored on site, with a minimum of 1 space provided
Excavation/ Mineral extraction	
Funeral Parlors	8 Spaces per Chapel or Parlor, plus 1 Space per Funeral Vehicle owned and/or maintained by the business
General Industrial Establishments	1 Space per 1.3 Employees (Max Number of Employees at One Time in Plant)

Use	Number of Spaces Required
Government or private institutional uses • Offices providing community services • Places of public assembly	 1 space per every employee, plus 1 space per each 2 private offices located within department or facility See Places of public assembly
Heavy Industrial uses	1 space per each employee
Permitted Single-family and Multi-family uses	1 Space per employee plus the following based on specific type of use:
• Day care facilities	1 space for every 4 attendees which may include short-term drop off parking
• Residential facility or housing with services	1 space per every 2 dwelling units (individual apartments within a complex) and/or 1 space for every two beds.
Hospitals	1 space for each two hospital beds plus one space for each employee
Hotels & Motels	1 Space per 3 Rooms, plus 1 space per each employee, plus parking required for *additional* uses (restaurants, bars, banquet facilities, and retail shops etc.) based on parking specified for those uses
Indoor recreational & entertainment minor facilities (minor) including bowling alleys, pool halls, skating rinks, dance halls, athletic clubs, and private clubs/lodges	1 space per 3 patrons calculated at maximum capacity, plus parking required for *additional* ancillary uses (restaurants, bars, banquet facilities, and retail shops etc.) based on parking specified for those uses
Indoor Theaters (other than schools)	See Places of public assembly
Industrial service businesses	1 space for each employee, plus 1 space for each 1,000 square feet of gross floor area, plus 1 space for each vehicle owned and/or maintained by the business
Industrial warehousing distribution or storage facilities	1 space for each 1,000 square feet of gross floor
Laboratories	1 Space per 3 Employees

Use	Number of Spaces Required
Landscaping businesses, Commercial Greenhouse, or Nursery operations	1 Space per 1 Employee, plus 1 space for each vehicle owned and/or maintained by the business, plus 1 space per each 300 square feet of floor area devoted to customer sales and service
Laundries	1 Space per 3 Employees
Libraries	1 Space per 800 Gross Sq. Ft.
Light industrial and agriculturally related service businesses	1 space for every employee, plus 1 space for every 1,000 square feet
Light Industrial uses, Industrial manufacturing (light or heavy)	1 space per each employee (including office, service, and manufacturing), plus an additional 5 % of the number of spaces for employees, and 1 space for each vehicle that the business owns and/or maintains
Major entertainment and recreational facilities,	15 spaces plus 50 per every acre of developed recreational area
Major repair and maintenance service facilities	1 space per every employee plus 1 space per every 400 square feet of usable waiting room, display or similar public area
Manufactured Home Parks	See Section 415 City Code
Marina's	1 space for every two boat slips, plus parking required for *additional* ancillary uses, (restaurants, bars, banquet facilities, and retail shops etc.) based on parking specified for those uses
Medical and Dental Clinics	3 Spaces per Staff Member
Minor repair and maintenance services	1 space for each 200 square feet of usable space, plus 1 space for each vehicle owned and/or maintained by the business (e.g. delivery or service vehicles)
Mixed use structures or developments	For any structure or development which involves more than one type of land use, the total off-street parking required shall be the sum of the various uses computed separately.
Mobile Home Parks	2 Spaces per Lot

Use	Number of Spaces Required
Multi-Family dwellings	1.5 spaces per number of dwelling units
Nursing homes	1 Space per 4 Beds, plus 1 Space per 2 Employees,
Open sales lots	1 space per employee, plus 1 space for every 200 square feet of usable space beyond those spaces used for the display of merchandise on sale
Outdoor recreational & entertainment facilities (minor) including golf courses, hunting & shooting clubs, and other similar sporting and recreational facilities	1 space per 4 patrons calculated at maximum capacity, plus parking required for ancillary uses, such as restaurants, bars, banquet facilities, and retail shops, based on parking specified for those uses
Philanthropic and Charitable Uses	1 Space per 2 Employees, plus Adequate Number to Serve Public (As Determined by the Planning Commission)
Places of public assembly including churches, public meeting rooms, and commercial theaters	1 space per every six seats at maximum capacity or 1 space per every 11 feet of pew, bench, or similar seating arrangement
Pool Halls, Dance Halls, Pools, Skating Rinks	Parking Spaces Equal to 30% of Capacity in Persons
Post Offices	1 Space per 2 Employees, plus 1 Space per 300 Gross Sq. Ft. In Excess of 4,000 Sq. Ft.
Printing and Publishing Establishments	1 Space per 3 Employees
Private guest cottage or accessory apartments,	1 additional space beyond what is required for the main residence
Professional services Offices	1 space per every employee, plus 1 space per each 2 private offices located with the firm or business
Public or private parks	None are required unless required as part of a Conditional Use Permit.
Public or private schools or training facilities (other than K-12 schools)	1 space per every 3 students at maximum capacity, plus 1 space per every employee
Radio and TV Stations	1 Space per 2 Employees

Use	Number of Spaces Required
Resorts	1 Space per 2 Employees, plus Spaces Equal to 20% of Capacity or 1 Space per Rental Unit Whichever Is Greater
Restaurants (Traditional or Drive-in/drive-through)	1 space per every 100 square feet of usable floor area or 1 space per every 2 patrons calculated at maximum capacity, whichever is greater
Riding Stables	1 Space per 1 Employee, plus 1 per every three patrons at maximum capacity
School Auditoriums Gyms, Stadiums, Etc.	1 Space per 8 Seats, which may be calculated out of the parking required for the school if parking is within 300 feet from the facility
Schools	See Elementary or Secondary Schools
Secondary Schools	1 space per each employee, plus 1 space per every 3 students (at maximum capacity) in 11th & 12th grades
Service Gas Stations	1 Space per 2 Employees, plus 1 Space for Manager
Single-family attached and condominium dwellings	1.5 spaces per dwelling unit
Single-family detached residential	2 Spaces per Dwelling Unit
State licensed residential facilities or supervised group residential facilities,	1 space per every three persons at maximum facility capacity (unless residents are prohibited from owning or operating personal automobiles), plus 1 space per each employee
Warehousing and Publishing Establishments	1 Space per 3 Employees
Waste management facility	1 space per each employee, plus one space for each vehicle operated

E. The following standards shall apply in the calculation of spaces required for off-street parking (in all districts).
   1. When calculation of the number of required off-street parking spaces results in a fraction, the fraction shall be rounded up to the next highest number.
   2. When the number of off-street parking spaces is based on the maximum number of persons or patrons this shall be defined by building or fire code requirements.

3. When the number of off-street parking spaces is based on the number of employees, this shall be defined by the number of employees at the facility during the largest shift regardless of full time status.
4. When number of parking spaces is based on number of seats and benches, pews, or other similar seating facilities are used, each twenty-two inches of such seating facilities shall be counted as one seat.
5. In cases where future potential uses of a building or development site will generate additional parking demand, the city may require a proof of parking plan for the difference between minimum parking requirements and the anticipated future demand.
6. Spaces required for vehicles owned and/or maintained by the business use including service trucks and vans and passenger vehicles which are being used and/or stored at the facility in question. The Planning Commission may consider reducing the number of spaces required for passenger vehicles owned by the business if evidence is provided that adequate storage is being provided off site.

F. The parking requirement for uses not listed in this subdivision, Subdivision F, may be established by the city based on the characteristics of the use and available information on parking demand for such use.

G. The Planning Commission shall consider varying the amount, location, and design requirements for parking in PUD's if a finding is made that changing (potentially lessening) of standards provides adequate parking for the proposed development and better meets the goals of Section 305.06 Subdivision 11A.

305.08 NON-CONFORMING USES, STRUCTURES AND LOTS.

Subd. 1 Lawful non-conformity

The burden of proof to show a lawful non-conformity rests with the applicant and/or property owner. Documentation as to a non-conformity existing prior to adoption or changes to this section of City Code may be required if an application for any permit or zoning action is received.

Subd. 2 Existing (Lawful) Non-Conforming Uses.

A. The lawful pre-existing non-conforming use of a structure, land, or waterway existing at the time of the adoption or amendment of this Section may be continued although the use does not conform with the provisions of this Section.

B. Lawful non-conforming uses may not expand or intensify unless allowed to do so under this section or by other law (such as with the issuance of a special permit, if require). Only that portion of the land or structure in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except

when required to do so by law or order or so as to comply with the provisions of this Section, **unless** the value of the extension, enlargement, reconstruction, substitution or structural alteration of the structure does not exceed 50% of the assessor's market value of the structure at the time of the extension, enlargement, reconstruction, substitution or structural alteration.

C. Total life-time structural repairs, extensions, enlargements, reconstructions, substitutions or alterations to house or support a non-conforming use, shall not exceed 50% of the assessor's market value of the structure at the time of the extension, enlargement, reconstruction, substitution or structural alteration, unless it is permanently changed to conform to the use provisions of this Section.

D. Substitution of new equipment or similar changes related to the non-conforming use may be permitted by the Board of Adjustment if such equipment or change will reduce the incompatibility of the non-conforming use with the neighboring uses. Application for such approval will follow the process of appeals (See Section 305.04 Subd. 6). [liii]

E. Abolishment or Replacement.

1. If such non-conforming use is discounted or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Section.

2. A current file of all non-conforming uses shall be maintained by the Zoning Administrator listing the following: Owner's name and address; use of the structure or land; and assessed value at the time of its becoming a non-conforming use.

Subd. 3 Existing Non-Conforming Structures.

The lawful non-conforming structure existing at the time of the adoption or amendment of this Section may be continued although its size or location does not conform with the width, yard, height, parking and loading and access provisions of this Section. Enlargement, reconstruction, substitution or structural alteration may occur if it does not exceed 50% of the assessor's market value of the structure at the time of the extension, enlargement, reconstruction, substitution or structural alteration and the non-conformity is not enlarged or furthered.

Subd. 4 Changes and Substitutions.

Once a non-conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use or structure.

Subd. 5 Substandard Lots.

In any district, an allowable use and its accessory structures may be erected on any lawful non-conforming lot or parcel, providing such lot or parcel was of record in the Office of the County Register of Deeds before the effective date

of the ordinance establishing the minimum lot standard. Such lot or parcel shall be in separate ownership from abutting lands, if abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Section. If in separate ownership, all other district requirements (uses, setbacks, building heights etc.) shall be complied with.

DEFINITIONS.

Subd. 1	Accessory apartments:	A dwelling unit with up to 50% of the principle structure, subordinate to and located in an owner-occupied single-family dwelling or principle structure of a commercial business
Subd. 2	Accessory Building/ Structure:	A building subordinate to but not part of the principle building, and used for a purpose incidental to the principle building, structure, or use. Accessory buildings include residential garages, sheds, and other structures, but shall not include any structure lacking a permanent foundation including, but not limited to, shipping containers, trailers or construction offices, truck bodies (with or without wheels or carriages) or other constructions used for temporary or permanent storage or habitation.
Subd. 3	Accessory structures, non-dwelling:	Any accessory structure that is not connected to public or private sewer. [liv]
Subd. 4	Accessory Use:	A use subordinate to but not part of the principle use, incidental to the principle use of the site.
Subd. 5	Adult Entertainment Establishment:	As defined in Minnesota State Statute 617.242, a business that is open only to adults and that presents live performances that are distinguished or characterized by an emphasis on the depiction of sexual conduct or nudity. For the purpose of this ordinance, this definition includes those establishments that sell food, beverage, and/or liquor where such performances take place, and those establishments where any person is in a state of nude or semi-nude condition.
Subd. 6	Agricultural Services:	Establishments that perform services which support or assist agricultural endeavors, such as soil preparation services, crop services, farm management services, or breeding services on a fee or contract basis, along with experimental farms for research or educational purposes including buildings and other structures that provide office, warehouse, and storage areas for these establishments.

Subd. 7	Agricultural Stand:	A structure, or portion thereof, up to 1,000 square feet or an outdoor area used for the retail sale of agricultural and related incidental products primarily grown on the premises (excluding livestock).
Subd. 8	Agriculturally Related:	Uses that are associated with the operation of or primarily use products from farming or other agricultural endeavors
Subd. 9	Alley:	A dedicated public or private thoroughfare (platted or recorded easement) located through the interior of a block generally to provide secondary access and limited travel from local roads for the purpose of accessing utility, parking and service needs to adjacent lots.
Subd. 10	Allowed Use:	A use which is accepted in a certain zoning district with or without any additional permits required includes both permitted and conditional uses.
Subd. 11	Animal 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.

Subd. 12 Animal unit: A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage area calculated by multiplying the number of animals of each type in clauses (1) to (9) by the respective multiplication factor and summing the resulting values for the total number of animal units.

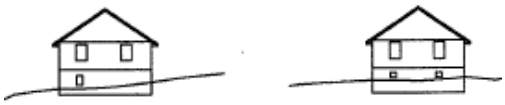
Dairy 1 mature cow (milked or dry)	
> 1,000 lbs.	1.4 animal units
< 1,000 lbs.	1.0 animal units
1 calf	0.2 animal units
1 Swine	
> 300 lbs.	0.4 animal units
between 55lbs-300lbs.	0.3 animal units
< 55 lbs.	0.05 animal units
1 horse	1.0 animal units
1 sheep or lamb Sheep	0.1 animal units
1 chicken (dry manure system)	
> 5 lbs.	0.005 animal units
< 5 lbs.	0.003 animal units
1 Turkey	
> 5 lbs.	0.018 animal units
< 5 lbs.	0.005 animal units
1 duck	0.01 animal units

*Or as amended by the Minnesota Pollution Control Agency.
**For animals not listed above, the number of animal units, is the average weight of the animal in pounds divided by 1,000 pounds.

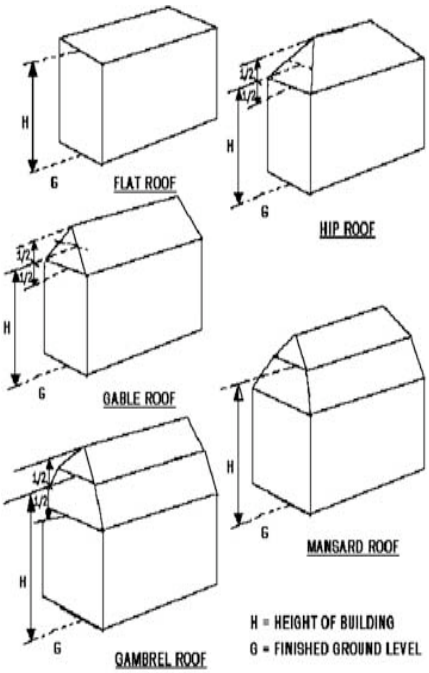
Subd. 13 Antique Shop: A retail establishment offering for sale, primarily within a building, articles such as glass, china, furniture or similar furnishings and decorations that have value and significance as a result of age, design or sentiment.

Subd. 14	Art Gallery, Commercial:	The display and sales of art with at least 51 % of sales being retail.
Subd. 15	Arts & Craft Fabrication:	The production of arts or crafts, where the goods are custom-produced in small quantities often one of a kind, including but not limited to items made from wood, glass, metal, paint, paper, fabric and whose operations include 5 or fewer employees (full time equivalent)
Subd. 16	Arts & Crafts Studios:	A building that contains artist or craft studio space or schools and where art or craft fabrication takes place and where items produced on site may be sold on or off the premises.
Subd. 17	Bar/cocktail lounge:	An establishment where alcoholic beverages are sold at retail for consumption on the premises and where if food is also sold, sale of alcoholic beverages is 25%[1] or more of gross receipts.
Subd. 18	Basement Story:	A story which is not a crawl space that is that portion of any structure located at least partly below the average adjoining lot grade, including walkouts or basements.

Subd. 19	Basement:	Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level (as defined in the Floodplain Ordinance)



Subd. 20	Bed & Breakfasts Establishments:	A structure designed for and occupied as a single-family residence with not more than five guestrooms used to provide transient accommodations and meals for overnight guests for a daily or weekly fee.
Subd. 21	Bluff Impact Zone:	A bluff and land located within 20 feet from the top of a bluff.
Subd. 22	Bluff:	A topographic feature such as a hill, cliff, or embankment having the following characteristics • The slope rises at least 25 feet above the adjacent plain; • The grade of the slope from the toe of the bluff to a point 25 feet or more above the adjacent plain averages 30 percent or greater; (an area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff)
Subd. 23	Boathouse:	A structure designed and used solely for the storage of watercraft or boating equipment.
Subd. 24	Building Height:	The vertical distance from the average curb level in front of the lot, or the finished grade at the building line, whichever is higher, to the highest point of the coping of flat roof, to the deck line of a mansard roof, to the average height of the gable of a gambrel, or to the hip or pitched roof.



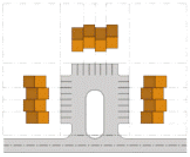
Subd. 25	Building Line:	Lines creating a building envelope defining the area where a structure may be built. These are determined by drawing parallel lines to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
Subd. 26	Building Setbacks:	See yard requirements
Subd. 27	Building, Accessory:	See "Accessory Building"
Subd. 28	Building, Principal:	A building in which the principal use of the site occurs.
Subd. 29	Building, zero lot line:	A building attached by party walls with other buildings in such a manner that the common (party walls) is located on the common lot line(s) including but not limited to such common references as twin homes.
Subd. 30	Building:	See structure
Subd. 31	Bunkhouse:	A residential accessory structure secondary to a cabin or dwelling used for sleeping quarters, with no sanitation or cooking facilities.
Subd. 32	Business Complex:	A building or group of connected buildings containing two (2) or more businesses and under the same control or ownership.
Subd. 33	Business:	Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
Subd. 34	Cabin - Seasonal or Recreational:	A residence occupied only on a part-time basis for seasonal or recreational use and not as a single family dwelling.
Subd. 35	Caliper:	The diameter of the trunk of a tree as measured 6 inches above ground level, up to and including 4-inch caliper size, and 12 inches above ground for larger sizes.

Subd. 36	Campground:	An open-air recreation area where temporary shelters, such as tents and Recreational Camping Vehicles, are allowed and intended to provide transient occupancy and associated buildings and accessory structures such as picnic shelters, bath houses, and offices used in the operation of the facility.
Subd. 37	Childcare Center:	Those facilities licensed by the Minnesota Department of Human Services and defined under MN Rules 9503 which provide child care services that are not included in the definition of Permitted Single-family Uses. These include commercial non-residential childcare facilities. For this purpose, a child is a person who is under eighteen (18) years of age.
Subd. 38	Church:	See "Institutional Use"[lv]
Subd. 39	Commercial Planned Unit Development:	A commercial use project developed under the Planned Unit Development process
Subd. 40	Commercial Retail:	The selling of merchandise or goods in small quantities to the end consumers (as opposed to wholesale). This includes but is not limited to: grocery stores/supermarkets, meat markets, bakeries, drug stores, department stores, apparel shops, jewelry stores, hardware stores, furniture stores, bookstores, stationery, flower, gift shops, antique stores, craft & hobby supply, sporting goods, and household items.
Subd. 41	Commercial Use:	In shoreland zones is the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
Subd. 42	Common Interest Community Plat (C.I.C. Plat):	A type of plat defined in State Statute 515B (or as amended) which provides for a development and platting process for condominiums, planned communities, and/or cooperatives in which the unit owners' interests are characterized as real estate.

Subd. 43	Conditional Use:	A use of land, water or building which is not generally permitted in a specific zoning district, but may be allowed with restrictions and conditions after the issuance of a special permit upon a finding that with these conditions the use is appropriate to and compatible with the purpose of the district and conforms with the Comprehensive Plan.
Subd. 44	Condominium:	As defined by State Statute 515B Subdivision 11, which is "a common interest community in which (i) portions of the real estate are designated as units, (ii) the remainder of the real estate is designated for common ownership solely by the owners of the units, and (iii) undivided interests in the common elements are vested in the unit owners" or as amended.
Subd. 45	Constructed Rain Garden:	A method of stormwater management, a shallow water retention pond where the soil is amended to a minimum depth of 18" with 1 part organic matter to 2 parts soil, planted with grasses, and/or shrubs, and/or trees; that stores water and performs bio-filtration.
Subd. 46	Contractor Yards:	A site used for storage of equipment and supplies used by a construction or landscape contractor in the operation of their business
Subd. 47	Corner Lot:	A lot abutting two or more streets at their intersection.
Subd. 48	Crawl space:	Space below or above grade below the first floor of a structure which is unusable as living space but may provide access to structural systems or foundation
Subd. 49	Crop farming:	The tilling of the soil, the growing, harvesting and storing of crops including are see also "farm site".

Subd. 50	Cultural Institution:	A facility used for the storage, preservation, study, or exhibition of objects of importance to human history, culture or scientific interest operated by a public or legitimate private non-profit entity for the recreation or cultural education of the public. Includes museums, libraries, interpretive centers or similar educational or cultural establishments. Gift shops, educational or recreational services as ancillary uses are included.
Subd. 51	Day Spa:	An establishment offering a variety of personal health and beauty related services, including weight reduction, massage, beauty treatments and hair styling, with no overnight accommodations, but expressly excluding anything that is defined under adult entertainment establishments.
Subd. 52	Deck:	A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than 3 feet above ground.
Subd. 53	Density, Residential:	The number of dwelling units per acre; for the purpose of meeting minimum performance standards this shall be calculated as the net density and shall not include temporary structures, or transient dwelling units.[lvi]
Subd. 54	Density, Residential Gross & Net:	"Density" means the method of describing the intensity of development patterns typically measured in dwelling units per acre. Gross density includes the entire property, whereas net density refers to the land available for development (e.g., less roads and critical areas).[lvii]
Subd. 55	Development Project:	Construction projects of buildings, structures, streets, or other infrastructure.
Subd. 56	DNR Commissioner:	The commissioner of the Minnesota Department of Natural Resources.

Subd. 57	Duplex, Triplex, and Quad (Shoreland):	A residential structure in the shoreland districts having two, three, and four dwelling units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
Subd. 58	Duplex:	See Dwelling Unit, Multi-family
Subd. 59	Dwelling Site, Transient:	A designated location for use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites (termed Dwelling Site under State Shoreland Standards)
Subd. 60	Dwelling Unit, Transient	Any structure or portion of a structure, designed as short term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins (termed Dwelling Unit under State Shoreland Standards).
Subd. 61	Dwelling Unit:	Any room or group of rooms located within a dwelling forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family (with a connection to public or private sewer).[lviii]
Subd. 62	Dwelling, multiple family:	A structure or portion thereof intended and designed for two or more dwelling units.

Subd. 63	Dwelling, Single Family Attached:	A building designed or used exclusively for residential purposes by one family on it's own separate lot and is attached on at least one side by another single family dwelling, 
Subd. 64	Dwelling, Single Family Detached:	A building containing one (1) dwelling unit on its own separate lot, not attached to any other dwelling units, having yards on all sides of the unit, including but not limited to stick built housing, manufactured housing complying with Minnesota Statutes Sections 327.31 - 327.35, and mobile homes complying with Minnesota Statutes Sections 327.31 through 327.35 designed for and occupied by one family only, the entire length and width of the dwelling.
Subd. 65	Dwelling:	Any building or portion thereof used and occupied for human habitation or intended to be so used.
Subd. 66	Essential utility and public service facilities:	Structures which provide shelter for equipment, a central utility hub for utilities, booster, or transmitting (not including towers).
Subd. 67	Excavation	Any artificial movement of the earth, including grading, digging, filling, removal, or addition of earth material

Subd. 68	Excavation/ Mineral extraction:	Any artificial excavation of the earth, dug, excavated, or made by the removal from the natural surface of earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth.
Subd. 69	Extractive Use:	The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
Subd. 70	Family:	An individual, couple, or group of persons living together as a single housekeeping entity in a single dwelling unit.
Subd. 71	Farm Site	Land and farm buildings for storing and protecting farm machinery and equipment from the elements; and farm dwellings occupied by farm owners, operators, tenants or seasonal or year 'round hired farm workers. Excluded in this definition are industrial operations such as grain elevators or commercial transfer stations and storage facilities.
Subd. 72	Feedlot:	See “Animal Feedlot”
Subd. 73	Fence Height:	The height of a fence, hedge, or wall measured from the ground level at the lowest grade level within three feet of either side thereof.
Subd. 74	Fence, Open:	A fence, including entrance and exit gates, designed and constructed so that the surface area of any segment of such fence contains at least seventy percent (70%) open spaces and thirty percent (30%) or less solid materials.
Subd. 75	Fence, Ornamental:	An open fence other than a chain link fence that is erected for decorative purposes only and is not intended to be used, either by itself or together with wire or other material, as an enclosure, barrier, or means of protection or confinement.
Subd. 76	Fence, Solid:	A fence that is not an open fence

Subd. 77	Fill, Filling, or Filling Operation:	The depositing of fill, dredge, sand, gravel, dirt and all other similar material in excess of 1,000 cubic yards or more onto or into a parcel of land.
Subd. 78	Flea Market:	A market (indoor or outdoor) conducted by an operator as a business where five (5) or more individual vendor spaces are rented, leased, or are otherwise available to individual vendors who offer goods for sale to the public.
Subd. 79	Floating zones:	Zoning districts that do not have predetermined boundaries and can be applied within a jurisdiction if certain criteria are met, including meeting the goals of the Comprehensive Plan. Planned Unit Developments is one example.
Subd. 80	Floor Area Ratio:	The square footage of floor area on all floors for each square foot of lot area.
Subd. 81	Floor Area:	Area in square feet of all floors in all buildings including elevators and stairways. Measured from outside of exterior wall to outside of exterior wall and multiplied by the number of floors. (Includes basement stories.)
Subd. 82	Forest Land Conversion:	The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
Subd. 83	Frontage:	The smallest dimension of a lot, parcel or plot of land abutting a public street measured along the street line.
Subd. 84	Funeral Parlor :	Private non-denominational funeral chapels and other facilities for the purpose of spiritual meditation and vigil before burial of deceased persons.
Subd. 85	Garage, Commercial:	Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, sold or stored.

Subd. 86	Garage, Private:	An accessory building or space for the storage only of not more than three (3) motor-driven vehicles per dwelling or other equipment or personal items.
Subd. 87	Garage, Storage:	Any building or premises used for storage only of motor-driven-vehicles, or other equipment or other items and where no vehicles are serviced, repaired, hired or sold.
Subd. 88	Gas Station:	An establishment which sells gasoline typically at outdoor pumps to automobiles and other vehicles, and may include a retail component selling convenience items, groceries, prepared food, and travel items.
Subd. 89	General Development Lakes:	As defined by Minnesota Rules 6120.3000 "SHORELAND MANAGEMENT CLASSIFICATION SYSTEM", are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.
Subd. 90	Ghost Platting:	A plan that shows the potential eventual build out of a parcel at urban densities by establishing future lot lines; building envelopes; layout of future streets; easements; and information on how public utilities may be extended to accommodate future, development.
Subd. 91	Governmental uses and buildings:	Buildings and their accessory and ancillary uses which are owned and/or operated by Federal, State, or local governments for the use in governmental operations, including offices, storage facilities, and meeting rooms used in the operation of the government or the provision of services.

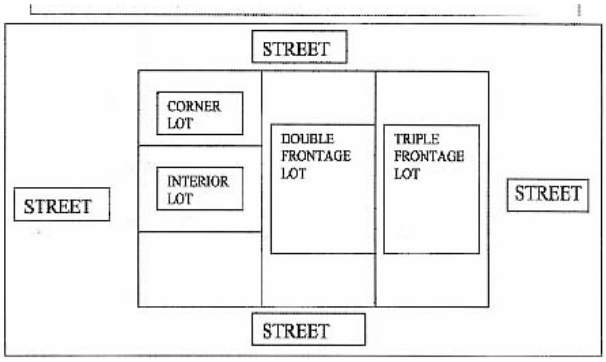
Subd. 92	Grade or Grading:	The process of moving 1,000 cubic yards or less of earth to level or smooth a site to a desired gradient in the preparation for construction or development of the land.
Subd. 93	Guest Cottage (private):	An accessory structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
Subd. 94	Hardship, undue:	Means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
Subd. 95	Hazardous materials:	Any substance that because of its quantity, concentration, or physical/chemical characteristic poses a significant present or potential hazard to human health or the environment when improperly used, handled, treated, processed, stored, transported, disposed of, or otherwise managed.
Subd. 96	Height of Building:	See building, height

Subd. 97	Home Occupation:	Any occupation or business conducted within the principle building (home) or accessory structure by the resident (‘s) including where there is: advertising (on or off premise) of the location as a business, the presence of customers, signage, or equipment or product on display or stored in a visible location at the residence or where construction of structures or modifications to a site are proposed for the purpose of operating such a business, but which is clearly secondary to the main use of the premises as a dwelling place, for the gain or support of the residents of the property and, where the space used by the business does not exceed twenty-five percent (25%) of the usable floor area of the principal structure (home) [lix].
Subd. 98	Home Office:	Considered part of residential use, the use of part of a residence for work associated with business or an occupation which is conducted by the resident(‘s) of the premise and there is no outward appearance of any business activity (e.g. no signage, customers, or visible storage of equipment).
Subd. 99	Hotel/Motel:	A structure or group of structures in which three or more units for lodging are offered to transient guests with furnishing of sleeping accommodation in rooms or suites of rooms for compensation, and may also include an ancillary eating establishment, gift shop, or other ancillary tourist services available to guests and/or to the general public[lx].
Subd. 100	Impervious surface:	A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt or gravel driveways.

Subd. 101	Industrial Service:	Establishments involved in large scale repair and servicing of industrial, or business machinery, equipment, products. Examples include welding shops, machine shops, tool, electric motor, industrial instruments repair, heavy truck servicing and repair, fleet storage and maintenance, building, heating, plumbing or electrical contractors that include workshops, with some ancillary sales, repair, storage, or salvage operations and truck stops.
Subd. 102	Industrial Use:	The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
Subd. 103	Industrial Warehousing Distribution or Storage:	Establishments involved in the storage or distribution of materials or equipment on a primarily wholesale basis or as support to a service industry includes but is not limited to: warehousing facilities, Freight terminals, fleet storage, Contractors yards, wholesale Industrial equipment sales and rental, and ancillary business offices.
Subd. 104	Industrial, Heavy:	Establishments involved in the manufacturing, fabrication or compounding of products, on a primarily wholesale basis, in particular those involving the use of mechanical power and machinery to produce products from raw materials, or to prepare or alter materials for use in a finished product, or to assemble parts into products where there is the creation of odor, dirt, dust and noise, including but not limited to: tire retreading, or recapping, large scale laundry, dry-cleaning and carpet cleaning plants, lumber products (millwork, cabinet-making), textiles, bottling works, furniture manufacturing, rubber and plastics (compounding processed resins, molding plastics), gravel or stone based products (pottery, cutting, finishing granite, firing and decorating clay products), metal fabrication, machine shops, assembly operations, and ancillary business offices.

Subd. 105	Industrial, Light:	Establishments involved in the processing or assembly of products where the process involved is relatively clean and nuisance-free, in the creation of finished products for sale on a primarily wholesale basis including but not limited to: electronic assembly, dental laboratories, Newspaper or printing, Laboratories, Large scale Laundromats/cleaners, and ancillary business offices.
Subd. 106	Institutional Use	Any use which typically provides a service on a not-for-profit basis by an organized establishment, foundation, society, or the like, including religious, private, or public non-profit organizations such as schools, hospitals, churches, and government facilities[lxi].
Subd. 107	Intensification of Use:	The changes to a use which is greater than when it was initially approved or allowed including such circumstances as the increase in traffic produced by the use (including both to or from the location of the use), an increase in the number of customers visiting the location, an increase in the amount of outside storage or other outdoor usage at the location, and/or construction of additional structures, parking spaces, or other facilities to allow such increases. [lxii]
Subd. 108	Intensive Vegetation Clearing:	The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
Subd. 109	Interim Use:	A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

Subd. 110	Junkyard:	Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk and ancillary business offices. A junkyard does not include such uses conducted entirely in an enclosed building.
Subd. 111	Kennel:	See City Code 705.06
Subd. 112	Landfill	See also Waste Management Facility
Subd. 113	Landscaping:	Planting of vegetation material including items such as trees, grass, ground cover, or shrubs, and including the use of items for soil or plant support, stabilization, and containment such as rock, timbers, paving, and trellis.
Subd. 114	Legal/Lawful Non-conforming Use	See Non-conforming Use, legal/lawful
Subd. 115	Light Trespass:	Exterior lighting from another property which is 0.5 horizontal foot candles or more at a distance of 25 feet beyond the property boundary.
Subd. 116	Limited Livestock Raising:	The keeping, grazing or feeding of livestock for sale, value increase, or livestock increase including dairy and beef cattle, goats, horses, ponies, sheep, hogs, poultry, game birds, dogs, deer, rabbits, mink, and bees with a maximum of 1 animal unit per acre and a minimum of 2 acres for the first animal unit. Excluded in this definition are commercial feedlots, commercial transit stations or animal stockyards and auction houses, canning or slaughterhouse operations, wherein agricultural products produced primarily by others are stored or processed.
Subd. 117	Liquor Stores, Off-sale:	The sale of liquor in original packages in a retail store for consumption off or away from the premise where sold.

Subd. 118	Loading Area:	A completely off-street space or berth on the same lot for the loading or unloading of carriers, having adequate ingress and egress to a public street or alley.
Subd. 119	Lot Frontage:	See frontage.
Subd. 120	Lot Lines:	The lines bounding lots as defined herein.
Subd. 121	Lot Size:	A measurement which is the area of the land surface of a designated lot.
Subd. 122	Lot Types:	
Subd. 123	Lot Width:	The shortest distance between lot lines measured at the midpoint of the building line.
Subd. 124	Lot, Depth of:	The main horizontal distance between the front and rear lot lines.
Subd. 125	Lot:	A parcel of land on a public street having a width and depth sufficient to provide the space necessary for one main building and its accessory building together with the open space required by this Section.
Subd. 126	Maintenance:	Definition for "maintenance" from the Uniform Building Code (or as amended) shall apply[lxiii].

Subd. 127	Manufactured Single Family Dwelling:	A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contain therein, or as modified in the Manufactured Home Building Code as defined in Minnesota Statutes Chapter 327.31 Subdivision 3.
Subd. 128	Marina:	A dock or basin providing moorage for four watercraft or more and which may offer supply, repair, rental, or other support facilities. [lxiv]
Subd. 129	Mineral resources:	Rock, gravel, sand and metallic and non-metallic substances of commercial value.
Subd. 130	Mining site/operation:	A tract of land and the operations necessary to excavate, process, stockpile, or remove materials such as sand, gravel, aggregate, rock or other mineral resources. The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g. residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if: processing of the material does not occur on the property; the activity is completed quickly, does not occur over an extended period of time, and on-site stockpiles are fully depleted; and, a mining permit is not required from the Department of Natural Resources.
Subd. 131	Minor Structures:	Any small (under 120 square feet), movable accessory construction such as birdhouses, tool houses, play equipment, arbors, and walls and fences under four (4) feet in height.

Subd. 132	Mixed Use Planned Unit Development:	A mix of different types of residential (single and multi-family) and/or mix of residential, commercial, and/or institutional uses developed under the Planned Unit Development process
Subd. 133	Mixed use:	A mix of more than one principal use per lot or parcel including different types of residential (single and multi-family) and/or mix of residential, commercial, and/or institutional uses.
Subd. 134	Mobile home:	Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a residence or sleeping place for one or more persons.
Subd. 135	Movable Construction:	Any structure which is not permanently affixed to the ground by means of footings, foundation, or slab.
Subd. 136	Multi-family Residential Structure:	See dwelling, multi-family
Subd. 137	New Development:	Is a new structure or a structure extended or enlarged to a size equal to or more than fifty percent (50%) of the size of the existing structure.
Subd. 138	Nonconforming building or structure:	A building or structure that was lawfully established prior to the adoption or applicable amendment of this title, which fails by reason of such adoption or amendment to conform to the present setback, lot coverage, or other development requirements of this chapter.
Subd. 139	Nonconforming lot:	A lot that was lawfully established prior to adoption or applicable amendment of this title, which fails to conform to the present area or dimensional requirements of this chapter.

Subd. 140	Nonconforming use	A use of land, buildings, or structures that does non conform to the present land use regulations established in this chapter and which may be legal or illegal depending on what uses were allowed at the time the use in question was established. [lxv]
Subd. 141	Nonconforming use, legal/lawful:	A use of land, buildings or structures that was lawfully established prior to the adoption or applicable amendment of this title and since maintained, which fails by reason of such adoption or amendment to conform to the present land use regulations established by this chapter.
Subd. 142	Nursery/ Greenhouse Landscaping business:	A business growing and selling trees, flowering, decorative and/or edible plants which may be conducted in or outside of a building.
Subd. 143	O.H.W.L.:	See Ordinary High Water Level
Subd. 144	Occupant Car Ratio:	The minimum number of off-street parking stalls without parking time limits to be provided for the occupant of each living unit in a multi-family structure.
Subd. 145	Office Showroom:	A facility in which the handling of information or the performing of administrative services is conducted as a principal use; including services provided to persons both on-site and off-site on a walk-in or appointment basis. Up to 25% of the gross floor area of the structure may be used for the display of merchandise and equipment, and its sale to a customer where delivery of purchased merchandise is made directly to the ultimate consumer from a warehouse.

Subd. 146	Office Use:	A use wherein services are performed involving predominately administrative, professional, or clerical operations where the sale, production, or service of goods is ancillary to the office use. This includes but is not limited to: financial institutions, insurance, private or public utility, telephone exchanges, Call centers, broadcasting facilities, corporate headquarters or regional offices.
Subd. 147	Opaque:	At least 80% of the view from the opposite side is blocked, when observed from a point perpendicular to the opaque material, fence, or wall.
Subd. 148	Open Sales Lot:	A business where the majority of goods, materials, or merchandise is displayed, stored, or purchased outside of a permanent structure with a roof.
Subd. 149	Open Space Ratio:	The square footage of site "open space" provided for each foot of building floor area.
Subd. 150	Open Space, Common:	Any open space, including parks, nature areas, playgrounds, trails, and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.
Subd. 151	Open Space:	Any open area not covered by structures, not limited to the following uses: required or established yard areas, parking areas, sidewalks, school walks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, ground water recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.

Subd. 152	Ordinary High Water Level:	The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. For Wabasha, the O.H.W.L. elevation has been determined to be 670.3 (NGVD 1929 datum) for the main river channel.
Subd. 153	Outdoor dining/seating:	More than 3 tables (with or without chairs) or 4 benches or chairs provided by a business for the purpose of allowing their patrons to eat and/or drink outside of the business. Includes areas covered by awnings, porches, and/or enclosed or partially enclosed by fencing or landscaping elements.
Subd. 154	Outdoor sales/display accessory use:	The use of an outdoor space for display and/or sales as an accessory use to a business where the majority of product is located and business occurs within a permanent structure.
Subd. 155	Overlay Zone:	A set of zoning requirements that are described in the zoning ordinance text, are mapped, and subsequently imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones, or whichever is stricter.

Subd. 156	Overlay Zoning District:	Generally used when there is special public interest that doesn't coincide with the traditional zoning in that geographic area. It is a mapped area with restrictions in addition to or less than those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional area and establishes additional regulations, or reduces or extends the existing uses. While the underlying zone or zones identify permitted land uses, the overlay zone might provide design restrictions, additional setbacks, or other exceptions to the base district regulations.
Subd. 157	Parks and Open Spaces:	Public or privately owned lands which are open to the public without a fee and generally provide a location for natural environmental, cultural, or recreational activities and enjoyment.
Subd. 158	Pastures:	Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.
Subd. 159	Patio:	An uncovered paved area or platform 17 inches or less above the ground (measured from the top of the decking surface) used as an outdoor living space within the yard of a principal use.
Subd. 160	Permanent Structure:	Any structure which is permanently affixed to the ground by means of footings, foundation, slab, and/or utilities whether constructed or erected on site or prefabricated off site and relocated to the site wholly or in pieces and then assembled.

Subd. 161	Permitted Single Family Use:	A use which is required under MN Statute 462.357 (or as amended) to be permitted in zoning districts that allow single-family residential as a permitted use. These include a state licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children. A residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use under this definition.
Subd. 162	Permitted Multifamily Use:	A use which is required under MN Statute 462.357 (or as amended) to be allowed in zoning districts that allow multi-family residential as a permitted use. These include a state licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons. [lxvii]
Subd. 163	Places of Worship:	A tax exempt institution that people regularly attend to participate in or hold religious services meetings and other activities related to religious ceremonies. See also "Institutional Uses"[lxviii]

Subd. 164	Planned unit development - shoreland:	"Planned unit development" in shoreland zones means a method of land use or development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and that incorporates clustering of these units or sites to provide areas of common open space, and a mix of structure types and land uses. These developments may be organized and operated as residential or commercial enterprises such as individual dwelling units, townhouses, condominiums, time-share condominiums, cooperatives, common interest communities, shared-interest communities, apartment buildings, non-resort campgrounds and youth camps, recreational vehicle parks, manufactured home parks, hotels, motels, or any combination of these. Planned Unit Developments may also include any conversion of preexisting structures and land uses in order to utilize this method of development.
Subd. 165	Planned unit development (PUD):	A method of land use or development which utilizes a unified site design characterized by mixed land uses, infill, and/or clustering of development with the purpose of allowing flexibility in order to further broad public interests by encouraging variety, preservation of local identity, conservation of and sensitivity to resources, efficient use of land and infrastructure, cohesive high amenity neighborhoods or districts and goals identified in the adopted Wabasha Comprehensive Plan. A Shoreland PUD is one type of PUD with additional or alternate standards.

Subd. 166	Pole Building:	A type of building constructed with a design using poles placed in holes in the ground, which are then filled with cement. These poles are generally spaced 8+ feet apart to form square or rectangle buildings. The poles provide support for engineered trusses. These trusses are connected to the poles and are designed to support the roof system, which usually consist of purlins. Pole barns can have enclosed sides or open sides, as in a lean-to design.
Subd. 167	Porch:	An open or enclosed gallery or room covered with a separate roof and attached to the outside of a structure or incorporated into the roofline of a structure generally used as an outdoor living space or entry to a building.
Subd. 168	Portable storage containers:	Shipping containers, truck bodies without wheels or carriages, trailers or similar items not permanently attached to the ground with footings or foundation.
Subd. 169	Preservation:	The act or process of applying measures to maintain and sustain the existing form, integrity and material of a building, structure or district and the existing form of a site.
Subd. 170	Primary façade:	One or more principal faces or elevations of a structure with features that define the character of the structure's architecture.
Subd. 171	Principal:	Primary or predominant, as applied to a use or structure, as distinguished from secondary or accessory.
Subd. 172	Private Office:	A work space where private meetings may occur with clients.
Subd. 173	Private Open Space:	An outdoor area adjoining each dwelling unit, designed to provide privacy and having one or more points of ingress to the residence.

Subd. 174	Private Vacation/ Residential Club	A private club with shared ownership in a vacation residence similar to a time share or interval use.
Subd. 175	Professional Engineer:	An engineer licensed by the state of Minnesota.
Subd. 176	Professional Service:	The selling of personal or professional services to the end consumers that typically do not produce a tangible commodity and the sale of merchandise is less than 25% of the business. This includes but is not limited to: dental, medical, chiropractic, law, secretarial, printing or copying, banks, financial, insurance, real estate, laundry, tailor, barber, beauty, shoe repair, photography, architectural, and engineering services.
Subd. 177	Public & Private Institutions	See Institutional Use [lxix]
Subd. 178	Public and semi public uses:	The use of land by government or by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside of the regular constituency.
Subd. 179	Public Waters:	Any waters as defined in Minnesota Statutes, section 103G.005, subdivision 15.
Subd. 180	Recreation and entertainment establishment, Major:	A structure or open space operated with the intention of providing entertainment or recreational opportunity for the public including but not limited to: Riding stables, Amusement centers, Movie theaters with more than 2 screens or stages, and indoor or outdoor water parks or amusement parks, concert venues, dance halls (excluding those which are defined as adult entertainment establishments).[lxx]

Subd. 181	Recreation and entertainment establishment, Minor:	A structure or open space operated with the intention of providing entertainment or recreational opportunity for the public including but not limited to: parks and open spaces, bowling alleys, pool or billiard halls, tennis courts, racquetball courts, golf courses, riding stables, roller and ice skating rinks, driving ranges, concert venues with a capacity of up to 200 patrons, theaters with up to 2 screens or stages, (excluding those which are defined as adult entertainment establishments)[lxxi].
Subd. 182	Recreation Space Ratio:	The square footage of space for active recreation provided for each square foot of building floor area.
Subd. 183	Recreation Space:	Total area in square feet which is countable as open space, but is not paved in streets, walks or driveways and is suitable for active recreational pursuits. The smallest countable recreation area is 1,000 square feet. That part of a recreational area having a dimension of less than twenty (20) feet shall not be included as countable recreation space.
Subd. 184	Repair and maintenance services – major:	The provision of repair or maintenance services including auto, mechanical, machinery repair or retooling.
Subd. 185	Repair and maintenance services – minor:	The provision of repair or maintenance services including electrical, watch, clock or jewelry, re-upholsters and furniture, miscellaneous repair, and repair service occurring on-site.
Subd. 186	Re-plat:	The process of changing the lot lines, legal description, and/or other elements of an area which was previously platted through the Subdivision process.
Subd. 187	Residential Density	See Density, Residential

Subd. 188	Residential Planned Unit Development - Shoreland:	A use in a shoreland district where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential Planned Unit Developments. To qualify as a residential Planned Unit Development, a development must contain at least 5 dwelling units or sites.
Subd. 189	Residential Planned Unit Development:	A residential use project developed under the Planned Unit Development process. A shoreland residential PUD is one type of residential PUD with additional or alternate standards.
Subd. 190	Residential Use:	A location comprised of one or more dwelling units that are occupied by the owner or by a renter or lessee. [lxxii]
Subd. 191	Resort:	A commercial establishment, that includes buildings, campgrounds, lodges, structures, dwelling units/sites, enclosures or any part thereof kept, used, maintained or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent three or more cabins, rooms, campsites, or enclosures. These establishments must be primarily service-oriented for transient lodging of guests. All cabins, rooms, dwelling units/sites, or enclosures must be included in the resort rental business except dwellings used as residences for resort staff[lxxiii].
Subd. 192	Restaurant, drive-in/drive-through	Any eating establishment with a drive-through or a drive-in facility.

Subd. 193	Restaurant, traditional:	An eating establishment where food and beverage is served to a customer and consumed while seated at a counter or table or where food is selected by a customer while going through a serving line and taken to a table for consumption. Establishments serving alcohol for consumption (where gross sales of alcohol are 25% or less) on site or providing take out food to order as ancillary use are included. Also includes but is not limited to cafes, coffee shops, ice cream parlors, tearooms, and cafeterias.
Subd. 194	Restoration:	The replication or reconstruction of a building's original architectural features.
Subd. 195	Retail Agriculture:	Establishments that are primarily engaged in providing services related to or conducting the sale at retail of horticulture and floriculture products, including nurseries, greenhouses, lawn and garden services, or ornamental shrub and tree services with majority of retail products produced or grown of their own stock, rather than imported from other establishments.

Subd. 196	Retail shopping:	Stores and shops selling the personal services or goods over a counter, these include items such as: antiques; art and school supplies; auto accessories; bakeries; barber shop; beauty parlor; bicycles; books and stationery; candy; cameras and photographical supplies; carpets and rugs; catering establishment; china and glassware; Christmas tree sales; clothes pressing; clothing and costume rental; custom dressmaking; department stores and junior department store; drugstores, dry goods; electrical and household appliances, sales and repair; florist, food, furniture, furrier shops; garden supplies (year-round operation only); gifts; hardware; hats; hobby shops for retail of items to be assembled or used away from the premises; household appliances; hotels and apartment hotels; laboratories; medical and dental research and testing; laundry and dry cleaning pick-up; processing to be done elsewhere; Laundromats; leather goods and luggage; locksmith shops; musical instruments; office supply equipment; optometrists; paint and wallpaper; audio and video accessories; tape cassettes; audio and/or visual discs; photography studios, traditional restaurant; shoes; sporting goods; tailoring; theater, except open-air drive-in; tobacco; toys; variety stores; wearing apparel and similar type uses.
Subd. 197	Rezoning:	An amendment to the Zoning Map, changing the designation of a parcel or parcels from one zoning district to different zoning district.
Subd. 198	Riparian Lots:	All lots within 200 feet of the Ordinary High Water Level (OHWL) within any shoreland district.
Subd. 199	Riprap	Coarse stones and natural rock averaging more than 6 inches and less than 30 inches in diameter which is free from debris(including concrete) that may cause pollution or siltation that is placed randomly and loosely along the shoreline to stabilize banks or slopes[lxxiv]

Subd. 200	Scenic View:	A view available to the public (visible from public right-of-way or public property) and/or visible from 5 or more private properties which provides a view of natural, cultural, or historic area of importance within the community including the river, the slough, backwaters, bluffs, coulees, and historically developed, open space, or rural areas of the City.
Subd. 201	Self-storage facility	A site, structure or building in which customers can rent space to store possessions. Indoor self storage facilities are those that are completely enclosed with walls and roof.[lxxv]
Subd. 202	Semipublic Use:	The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
Subd. 203	Sensitive Resource Management:	The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
Subd. 204	Setback:	The minimum horizontal distance between a structure, sewage treatment system, or other facility measured from the nearest point of the structure or any projection thereto and an ordinary high water level, top of a bluff, road, highway, property line, or other facility. SEE ALSO "YARD"
Subd. 205	Sewage Treatment System:	A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in MN Rules 7080.
Subd. 206	Sewer System:	Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Subd. 207	Shopping center:	A structure or group of structures developed as a planned business center with a unified arrangement of buildings and service facilities for the purpose of providing commercial business locale.
Subd. 208	Shore Impact Zone:	Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.
Subd. 209	Shoreland Transient Planned Unit Development:	Typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations in a shoreland district which are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities. (Referred to as Commercial PUD in state Shoreland standards).
Subd. 210	Shoreland:	Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage and 300 feet from a river or stream, or the landward extent of a floodplain designated by Section on a river or stream, whichever is greater, as indicated on the City Zoning Map. The City of Wabasha has several shoreland districts within this boundary which are detailed herein. Pool 4 of the Mississippi River includes the area commonly known as the slough.
Subd. 211	Sign:	Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association corporation, profession, business, commodity or product and which is visible from any public street or highway.

Subd. 212	Significant Historic Site:	Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
Subd. 213	Significant Tree:	A deciduous tree 6 inches in caliper or greater and evergreen trees 8 feet or greater in height.
Subd. 214	Significant Vegetation:	Deciduous trees 6 inches in caliper or greater, and evergreen trees 8 feet or greater in height.
Subd. 215	Site Plan Review:	The process whereby the Planning Commission and staff or an appointed site plan review team, review the site plan or a development to assure that they meet the stated purposes and standards of zoning and other regulations, provide for the necessary public facilities such as roads and schools, and protect and preserve desirable features and adjacent properties through the appropriate location of structures and the uses of landscaping.
Subd. 216	Site Plan:	A scale drawing showing proposed uses and structures for a parcel of land as required by applicable regulations. It includes lot lines, lot area, streets, parking spaces, private roadways, walkways, topographic features, reserved open space, buildings, and other structures, major landscape features, and the location of proposed utility easements. It is more detailed than a plat and may include density and statistical data.

Subd. 217	Sketch Plan:	Preliminary submittals drawn to scale, which fully delineate the architectural characteristics of a structure, but which are not detailed enough to be considered working or construction drawings.
Subd. 218	Start of Construction:	The first placement of permanent construction of a structure on a site such as the pouring of slabs, footings, or foundation, the installation of piles, columns, or piers, or the placement of a manufactured home on a foundation. Land preparations such as clearing, grading and filling and the installation of streets and/or walkways, and the excavation for a basement or footings and the construction of accessory structures does not qualify as the "start of construction"
Subd. 219	State licensed residential facility:	These include "housing with services establishment" registered under and defined in MN State Statute chapter 144D or as amended.
Subd. 220	Steep Slope:	Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Section. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over distances of 50 feet or more, that are not bluffs.
Subd. 221	Stoop:	An uncovered series of steps and landings along with railings and/or walls with no step or landing being more than 25 square feet in size.
Subd. 222	Story:	That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
Subd. 223	Street Line:	A dividing line between a lot, tract or parcel of land and a contiguous street.

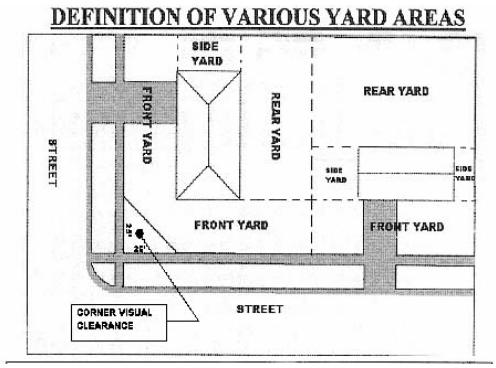
Subd. 224	Street:	All property dedicated or intended for public or private street purposes or subject to public easement.
Subd. 225	Structural Alterations:	Any change in the supporting members of a building or any substantial change in the roof or in the exterior walls.
Subd. 226	Structure, Temporary:	Any enclosure larger than 120 square that does not meet the definition of "Manufactured Home" (as defined in Minnesota Statutes) which is not permanently attached to the ground with a foundation Including but not limited to stretched fabric on frame structures, trailers or temporary construction offices, or other constructions used for temporary or permanent storage
Subd. 227	Structure:	Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to: buildings, factories, sheds, detached garages, cabins, and manufactured homes.
Subd. 228	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 business operation. Marinas, resorts and restaurants with transient docking facilities are examples of such use.
Subd. 229	Temporary Structure	See Structure, Temporary
Subd. 230	Toe of the Bluff:	The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Subd. 231	Top of the Bluff:	The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.
Subd. 232	Townscape:	The interrelated elements of the urban landscape including the physical setting, street patterns, watercourses, vegetation, building placement, building height, scale, wall types and prominent views.
Subd. 233	Transient Accommodations:	The rental or leasing of overnight accommodations, up to and including one complete dwelling unit or more, for one month or less at a time, including hotels, motels, resorts, and tourist house or condominium rental.
Subd. 234	Travel Trailer:	A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.
Subd. 235	Tributary river segments:	As defined by Minnesota Rules 6120.3000 "SHORELAND MANAGEMENT CLASSIFICATION SYSTEM", consist of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes in items D to H. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.

Subd. 236	Usable Floor Area	That interior area of a structure used for or intended to be used for the principal use such as living space for residences or for commercial use the sale of merchandises or services, use of space for patrons, clients or customers and all that area devoted to employee workspace. Such floor area which is used or intended to be used principally for the storage of merchandise, hallways, elevator or stair bulkheads or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area". Measurement of usable floor area shall be the horizontal areas of all the floors of a building, measured from interior wall to wall.
Subd. 237	Use:	Activity to which land or building is devoted and for which either land or building is, or may be occupied or maintained.
Subd. 238	Variance:	The same as defined or described in MN Statute, Chapter 462.
Subd. 239	Vision Clearance:	An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting the points determined by measurements for the corner of each street line.
Subd. 240	Waste Management Facility:	The land, structures, monitoring devices, and other improvements on the land used for the processing of garbage, mixed municipal solid waste, recyclable materials, construction debris, and/or yard waste as defined in Section 115A.03 of MN Statute or as amended.
Subd. 241	Water Feature:	An artificial ornamental water storage structure used in a landscape such as fountains, fish ponds or other similar landscape features.

Subd. 242	Water-Oriented Accessory Structure or Facility:	Any small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
Subd. 243	Wetland:	Any lands as defined in Minnesota Statutes, section 103G.005, subd. 19. These lands are 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. Wetlands must have the following three attributes: (1) have a predominance of hydric soils; (2) are inundated or saturated by surface or ground water 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.
Subd. 244	Yard, Front:	A yard extending the full width of the lot between the front lot line and the nearest part of the main building.
Subd. 245	Yard, Rear:	A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the main building.
Subd. 246	Yard, Side:	A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and side lot line.
Subd. 247	Yard:	An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Subd. 248 Yards:



Subd. 249 Zoning Action: Actions regulated under the Zoning Ordinance such as Conditional & Interim Use Permits, Variances, and Zoning Permits.