

CITY OF COTTONWOOD

ZONING ORDINANCE

Ordinance Number 1993-2

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Prepared by the:

Southwest Regional Development Commission
2524 Broadway Avenue
Slayton, Minnesota 56172
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CITY OF COTTONWOOD
ZONING ORDINANCE

AN ORDINANCE REGULATING THE USE OF LAND, THE LOCATION, BULK, HEIGHT, AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF COTTONWOOD, MINNESOTA, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS.

The City Council of Cottonwood, Minnesota, ordains:

ARTICLE I. AUTHORIZATION, INTENT, AND PURPOSE

This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 and 462.363. The intent of this ordinance is to insure public health, safety, and general welfare in accordance with the adopted development goals, plans and policies as stated in the Comprehensive Plan of the City of Cottonwood, Minnesota; to insure that the land uses of the City are properly situated in relation to one another, providing adequate space for each type of development; to control the density of development in each area of the City so that property can be adequately serviced by such governmental facilities as streets, schools, recreation, and utilities systems; to direct new growth into appropriate areas; to protect existing property by requiring that development afford adequate light, air and privacy for persons living and working within the City; to improve the quality of the physical environment of the City; to protect and maintain property values; and to preserve and develop the economic base of the City.

ARTICLE II. TITLE

This Ordinance shall be known as the "Cottonwood Zoning Ordinance" except as referred to herein, where it shall be known as "this Ordinance".

ARTICLE III. SEVERABILITY

If any article, section, subpart, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE IV. DEFINITIONS

SECTION 401. Interpretation of Terms. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally. For the purpose of this Ordinance the terms in this Article have the meanings given them.

SECTION 402. Definition of Terms.

- 402.1. Accessory Structure or Facility. Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
- 402.2. Accessory Use. A use on the same lot with, and incidental and subordinate to, the principal use or structure.
- 402.3. Building Line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- 402.4. Commercial Use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- 402.5. Conditional Use. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

TABLE OF CONTENTS

	<u>page</u>
ARTICLE I. AUTHORIZATION, INTENT, AND PURPOSE.....	1
ARTICLE II. TITLE.....	1
ARTICLE III. SEVERABILITY.....	1
ARTICLE IV. DEFINITIONS.....	1
ARTICLE V. CLASSIFICATION OF ZONING DISTRICTS	5
SECTION 501. Districts.....	5
ARTICLE VI. SINGLE FAMILY RESIDENTIAL DISTRICT (R-1).....	6
SECTION 601. Permitted Uses and Structures.....	6
SECTION 602. Accessory Uses.....	6
SECTION 603. Conditional Uses.....	6
SECTION 604. Lot Requirements and Setbacks.....	6
SECTION 605. Building Requirements.....	6
SECTION 606. Parking.....	6
ARTICLE VII. MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-2).....	7
SECTION 701. Permitted Uses and Structures.....	7
SECTION 702. Accessory Uses.....	7
SECTION 703. Conditional Uses.....	7
SECTION 704. Lot Requirements and Setbacks.....	7
SECTION 705. Building Requirements.....	7
SECTION 706. Parking.....	7
ARTICLE VIII. MOBILE HOME RESIDENTIAL DISTRICT (M).....	8
SECTION 801. Permitted Uses and Structures.....	8
SECTION 802. Accessory Uses.....	8
SECTION 803. Conditional Uses.....	8
SECTION 804. Lot Requirements and Setbacks.....	8
SECTION 805. Building Requirements.....	8
SECTION 806. Minimum Park Perimeter Setbacks.....	8
SECTION 807. Siting.....	8
SECTION 808. Parking.....	8
ARTICLE IX. MANUFACTURED HOMES	9
ARTICLE X. CENTRAL BUSINESS DISTRICT (C-1)	10
SECTION 1001. Permitted Uses and Structures.....	10
SECTION 1002. Accessory Uses.....	10
SECTION 1003. Conditional Uses.....	10
SECTION 1004. Lot Requirements and Setbacks.....	10
SECTION 1005. Building Requirements.....	10
SECTION 1006. Parking.....	10
ARTICLE XI. HIGHWAY BUSINESS DISTRICT (C-2)	11
SECTION 1101. Permitted Uses and Structures.....	11
SECTION 1102. Accessory Uses.....	11
SECTION 1103. Conditional Uses.....	11
SECTION 1104. Lot Requirements and Setbacks.....	11
SECTION 1105. Building Requirements.....	11
SECTION 1106. Parking.....	11
ARTICLE XII. INDUSTRIAL BUFFER DISTRICT (I-B).....	12
SECTION 1201. Permitted Uses and Structures.....	12
SECTION 1202. Accessory Uses.....	12
SECTION 1203. Conditional Uses.....	12
SECTION 1204. Lot Requirements and Setbacks.....	12
SECTION 1205. Building Requirements.....	12
SECTION 1206. Parking.....	12
ARTICLE XIII. INDUSTRIAL DISTRICT (I-1) (High Density).....	13
SECTION 1301. Permitted Uses and Structures.....	13
SECTION 1302. Accessory Uses.....	13
SECTION 1303. Conditional Uses.....	13
SECTION 1304. Lot Requirements and Setbacks.....	13
SECTION 1305. Building Requirements.....	13
SECTION 1306. Parking.....	13
ARTICLE XIV. INDUSTRIAL DISTRICT (I-2) (Medium Density).....	14
SECTION 1401. Permitted Uses and Structures.....	14
SECTION 1402. Accessory Uses.....	14
SECTION 1403. Conditional Uses.....	14
SECTION 1404. Lot Requirements and Setbacks.....	14
SECTION 1405. Building Requirements.....	14
SECTION 1406. Parking.....	14
ARTICLE XV. MAPS.....	15
SECTION 1501. Zoning Map.....	15
SECTION 1502. Shoreland Map.....	15
ARTICLE XVI. ANNEXED LAND.....	15
ARTICLE XVII. COMPLIANCE WITH ORDINANCE.....	15

Table of Contents Continued

	page
ARTICLE XVIII. WALLS, FENCES, OR HEDGES	15
SECTION 1801. Walls, Fences, or Hedges	15
SECTION 1802. Areas of primary consideration	15
ARTICLE XIX. IMPERVIOUS SURFACE	15
ARTICLE XX. PERFORMANCE STANDARDS	15
SECTION 2001. Areas of primary consideration	15
SECTION 2002. Areas of secondary consideration	16
ARTICLE XXI. OFF-STREET PARKING AND LOADING REQUIREMENTS	16
SECTION 2101. Required Off-Street Parking	16
SECTION 2102. Special Off-Street Parking Requirements	16
SECTION 2103. Off-Street Loading Spaces	17
SECTION 2104. Improvement and Maintenance of Off-Street Parking and Loading Spaces	17
ARTICLE XXII. PARKING AND STORAGE OF CERTAIN VEHICLES	17
ARTICLE XXIII. SHORELAND OVERLAY DISTRICT (S)	17
SECTION 2301. General Provisions	17
SECTION 2302. Shoreland Classification System and Land Use Districts	17
SECTION 2303. Zoning and Water Supply/Sanitary Provisions	19
SECTION 2304. Shoreland Alterations	24
SECTION 2305. Placement and Design of Roads, Driveways, and Parking Areas	25
SECTION 2306. Stormwater Management	25
SECTION 2307. Special Provisions for Commercial, Industrial, and Public/Semipublic Uses	26
SECTION 2308. Agriculture and Extractive Use Standards	27
SECTION 2309. Conditional Uses	27
SECTION 2310. Water Supply and Sewage Treatment	28
SECTION 2311. Nonconformities	28
SECTION 2312. Subdivision/Platting Provisions	30
SECTION 2313. Administration	30
SECTION 2314. Notification to the Department of Natural Resources	31
ARTICLE XXIV. PLANNED UNIT DEVELOPMENTS (PUD's)	31
SECTION 2401. Ownership	31
SECTION 2402. Minimum Size	31
SECTION 2403. Minimum Lot Size	32
SECTION 2404. Setback and Side Yard Requirements	32
SECTION 2405. Open Space	32
SECTION 2406. Access to Public Right-of-Way	32
SECTION 2407. Parking	32
SECTION 2408. Procedure of an Application for Approval of a PUD	32
SECTION 2409. Planned Unit Developments in the Shoreland District	32
ARTICLE XXV. NONCONFORMITIES	37
SECTION 2501. Continuance of Nonconforming Uses	37
SECTION 2502. Incompatibility of Nonconformities	37
SECTION 2503. Nonconforming Lots of Record	37
SECTION 2504. Nonconforming structures with Conforming Use	38
SECTION 2505. Nonconforming Uses of Structures and Land	38
SECTION 2506. Repairs and Maintenance of Nonconforming Structures	38
SECTION 2507. Uses Under Conditional Use Permit	39
SECTION 2508. Nonconformities Created by Amendment	39
ARTICLE XXVI. BUILDINGS UNDER CONSTRUCTION	39
ARTICLE XXVII. JUNK YARDS	39
ARTICLE XXVIII. ADMINISTRATION	39
SECTION 2801. Administrative Officer	39
SECTION 2802. Administration - Building Permits	39
SECTION 2803. Administration - Certificates of Occupancy	39
SECTION 2804. Administration - Board of Appeals and Adjustments	40
SECTION 2805. Administration - Variance and Appeals	40
SECTION 2806. Administration - Conditional Use Permit	40
ARTICLE XXIX. AMENDMENT	40
ARTICLE XXX. PENALTY	41
ARTICLE XXXI. REPEAL	41
ARTICLE XXXII. EFFECTIVE DATE	41

- 402.6. Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
- 2.7. DNR Commissioner. The commissioner of the Department of Natural Resources.
- 402.8. Duplex, triplex, and quad. "Duplex," "triplex," and "quad" means a dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- 402.9. Dwelling, one-family. A building used exclusively for occupancy by one family.
- 402.10. Dwelling, two-family. A building used exclusively for occupancy by two families living independently of each other.
- 402.11. Dwelling, multiple. A building or portion thereof used for occupancy by three or more families living independently of each other.
- 402.12. Dwelling, duplex, triplex, and quad. A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- 402.13. Dwelling Site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- 402.14. Dwelling Unit. Any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- 2.15. Essential Services. The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.
- 402.16. 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.
- 402.17. Family. One or more persons each related to the other by blood, marriage, adoption or foster care, or a group of not more than three persons not so related maintaining a common household and using common cooking and kitchen facilities.
- 402.18. General Development Lake. 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.
- 402.19. Guest Cottage. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
- 402.20. Hardship. The same as that term is defined in Minnesota Statutes, Chapter 462.
- 402.21. Height of Building. The vertical distance from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

- 402.22. Height of Building in the Shoreland Overlay District. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
- 2.23. Home Occupation. A lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same dwelling.
- 402.24. Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- 402.25. Intensive Vegetation Clearing. The complete removal of trees or shrubs in a contiguous patch, strip, or block.
- 402.26. Junk yard. Land or structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.
- 402.27. Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation. A lot must be situated and have its principal frontage on a public street.
- 402.28. Lot, corner. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.
- 402.29. Lot, interior. A lot other than a corner lot.
- 402.30. Lot Width. The shortest distance between lot lines measured at the midpoint of the building line.
- 402.31. Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight 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 with or without permanent foundation when connected to the required utilities, and included the plumbing, heating, air conditioning and electrical systems contained therein, except that the term included any structure which meets all the requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minnesota Statutes, Section 327.3.
- 402.32. Nonconformity. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
- 402.33. Nonconforming Structure or Use. A structure or use lawfully in existence on the effective date of this Ordinance or any amendment thereto and not conforming to the regulations for the district in which it is situated.
- 402.34. 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.
- 402.35. Planned Unit Development (PUD). A type of 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 also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures

and land uses to these uses.

- 402.36. Planned Unit Development, Commercial. Are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- 402.37. Planned Unit Development, Residential. A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.
- 402.38. Public Waters. Any waters defined in Minnesota Statutes, 103G.005, subdivisions 14 and 15. A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purposes of this Ordinance, a body of water which has the potential to support any type of recreational pursuit or water supply purpose.
- 402.39. 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.
- 402.40. 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.
- 402.41. Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, road, highway, property line, or other facility.
- 402.42. Sewage Treatment System. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 2310 of this Ordinance.
- 402.43. Sewer System. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conduction sewage or industrial waste or other wastes to a point of ultimate disposal.
- 402.44. Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel at a setback of 37.5 feet.
- 402.45. Shoreland. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake.
- 402.46. 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.
- 402.47. Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more.
- 402.48. Story. That portion of a building included between the surface of any floor and the surface of the next

floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- 2.49. Story-half. That portion of a building under a gable, hip or gambrel roof the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.
- 402.50. Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities. A structure shall include anything constructed, the use of which requires location on the ground or attachment to something having location on the ground. Examples of structures are: houses, sheds, pump houses, decks, gazebos, manufactured homes, and commercial and industrial buildings.
- 402.51. Structural Alteration. Any change in the supporting members of a building, such as bearing walls, columns, beams or guides.
- 402.52. Subdivision. Land that is divided for the purpose of sale, rent, or lease.
- 402.53. Substantially Altered. When used in this Ordinance a situation where a structure's square footage is increased by more than fifty (50%) percent of its size at the time of the adoption of this Ordinance.
- 402.54. 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 conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
- 402.55. Variance. A modification of the application of the zoning ordinance to a specific lot where because of unique physical characteristics strict enforcement would cause undue hardship (hardship as use in connection with a variance under this Ordinance, the property in question can be put to a reasonable use under the conditions allowed by this Ordinance. Economic considerations alone shall not constitute a hardship, if any reasonable use for the property exists under the terms of this Ordinance), or practical difficulties in the use of the land.
- 402.56. Water-Oriented Accessory Structure or Facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include gazebos, screen houses, pump houses, and detached decks.
- 402.57. Wetland. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).
- 402.58. Yard. An open space other than a court which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.
- 402.59. Yard, front. A yard extending across the front of the lot between side lot lines and lying between the front street line of the lot and the nearest line of the principal building.
- 402.60. Yard, rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- 402.61. Yard, side. A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard.

ARTICLE V. CLASSIFICATION OF ZONING DISTRICTS

SECTION 501. Districts. For the purpose of this Ordinance, the City of Cottonwood is divided into the following use districts:

- 501.1. SINGLE FAMILY RESIDENTIAL DISTRICT (R-1).
- 501.2. MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-2).
- 501.3. MANUFACTURED HOME RESIDENTIAL DISTRICT (M).
- 501.4. CENTRAL BUSINESS DISTRICT (C-1).
- 501.5. HIGHWAY BUSINESS DISTRICT (C-2).
- 501.6. INDUSTRIAL BUFFER DISTRICT (I-B).
- 501.7. INDUSTRIAL DISTRICT (I-1) (High Density).
- 501.8. INDUSTRIAL DISTRICT (I-2) (Medium Density).
- 501.9. SHORELAND OVERLAY DISTRICT (S).

ARTICLE VI. SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

The purpose of the "R-1" Single Family Residential District is to provide for moderate density one- and two-family dwelling units and directly related, complementary uses.

SECTION 601. Permitted Uses and Structures

- 601.1. One- and two-family dwelling units.
- 601.2. Public parks, playgrounds, athletic fields and other recreational uses.
- 601.3. Churches, public and private schools and publicly owned buildings and facilities.
- 601.4. Agriculture and forestry.
- 601.5. Essential services.
- 601.6. Manufactured homes meeting the standards set forth in Article IX of this Ordinance.

SECTION 602. Accessory Uses

- 602.1. Customary accessory uses incidental to the principal uses such as private garages, screen porches, signs (as set forth in Section 603.1), and play equipment.
- 602.2. The renting of rooms by a resident family for lodging purposes only, and for not more than two roomers in a one-family dwelling.

SECTION 603. Conditional Uses

- 603.1. Customary home occupations in a residence provided that such occupation shall be carried on in the main building, and provided further that not more than twenty-five (25%) percent of the floor space of the residence is used for this purpose, and that no articles for sale be displayed so as to be visible from the street. Also, the conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the dwelling. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
- 603.2. Hospitals and nursing homes, day care centers and cemeteries.
- 603.3. Accessory buildings other than private garages, screen houses, signs (as set forth in Section 603.1), and play equipment.

SECTION 604. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "R-1" District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

- 604.1. Lot area: Ten thousand (10,000) square feet.
- 604.2. Lot width: Seventy-five (75) feet.
- 604.3. Setbacks:
 - Front Yards: Not less than thirty (30) feet.
 - Side Yards: Eight (8) feet.
 - Side Yards (corner lots: Twenty-five (25) feet on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.
 - Rear Yards: Thirty (30) feet.
- 604.4. Detached accessory building setback requirements: Not less than five (5) feet from the rear yard line and not less than four (4) feet from the side yard lines in the rear yard. On corner lots, not less than twenty-five (25) feet from adjacent street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.
- 604.5. All lots shall front on, and have ingress and egress by means of a public right-of-way.

SECTION 605. Building Requirements. Height: No structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet whichever is least.

SECTION 606. Parking. Refer to Section 2101.

ARTICLE VII. MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-2)

The purpose of the "R-2" Multiple Family Residential District is to provide for medium density housing in multiple family structures and directly related, complementary uses.

SECTION 701. Permitted Uses and Structures.

701.1. Any use permitted in Single Family Residential (R-1) Districts.

701.2. Multiple family dwelling.

SECTION 702. Accessory Uses. Any use permitted in Single Family Residential (R-1) Districts.

SECTION 703. Conditional Uses. Any use permitted in Single Family Residential (R-1) Districts.

SECTION 704. Lot Requirements and Setbacks. The following minimum requirements shall be observed in a "R-2" District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

704.1. Lot area: Ten thousand (10,000) square feet for one and two-family dwellings; and three thousand five hundred (3,500) square feet per dwelling unit for multiple family dwellings.

704.2. Lot width: Seventy-five (75) feet for one and two-family dwellings; and one hundred (100) feet for multiple family dwellings.

704.3. Setbacks:

Front Yards: Not less than thirty (30) feet.

Side Yards: Eight (8) feet.

Side Yards (corner lots): Twenty-five (25) feet on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

Rear Yards: Thirty (30) feet.

704.4. Detached accessory building setback requirements: Not less than five (5) feet from the rear lot line and not less than four (4) feet from the side yard lines in the rear yard. On corner lots, not less than twenty-five (25) feet from adjacent lot which has its front yard on the same street.

704.5. All lots shall front on, and have ingress and egress by means of a public right-of-way.

SECTION 705. Building Requirements. Height: No structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet whichever is least.

SECTION 706. Parking. Refer to Section 2101.

ARTICLE VIII. MOBILE HOME RESIDENTIAL DISTRICT (M)

The purpose of the "M" Manufactured Home Residential District is to provide for manufactured home uses and directly related uses.

SECTION 801. Permitted Uses and Structures.

801.1. Manufactured homes.

801.2. Essential services.

SECTION 802. Accessory Uses

802.1. Recreational vehicles and equipment.

802.2. Recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests such as tennis courts and swimming pools.

802.3. Buildings for storage of maintenance equipment incidental to the principal use.

SECTION 803. Conditional Uses

803.1. Customary home occupations as set forth in Section 603 of this Ordinance.

SECTION 804. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "M" District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

804.1. Lot area: Each individual manufactured home site shall contain at least five thousand (5,000) square feet for the exclusive use of the occupant.

804.2. Lot width: Each individual manufactured home site shall have a lot width of at least fifty (50) feet.

804.3. Setbacks: (For each individual manufactured home site).

Front Yards: Not less than fifteen (15) feet.

Side Yards: Eight (8) feet.

Rear Yards: Eight (8) feet.

804.4. Detached accessory building setback requirements: Not less than five (5) feet from the rear lot line and not less than four (4) feet from the side yard lines in the rear yard.

SECTION 805. Building Requirements. Height: No structure shall exceed one (1) story or twenty-five (25) feet whichever is least.

SECTION 806. Minimum Park Perimeter Setbacks. All manufactured homes shall be located the following dimensions from any property boundary line:

806.1. Park size: The minimum area required for a manufactured home park designation shall be one (1) acre.

806.2. Side yards: Not less than twenty-five (25) feet.

806.3. Rear yards: Not less than twenty-five (25) feet.

SECTION 807. Siting. No manufactured home for residential purposes shall be permitted on any site within the City of Cottonwood unless said site is part of an approved mobile home park.

SECTION 808. Parking. Refer to Section 2101.

ARTICLE IX. MANUFACTURED HOMES

SECTION 901. Compliance. The City of Cottonwood authorizes the placement of manufactured houses in residential districts within the City if such manufactured homes comply with the following conditions:

- 901.1. Such houses shall comply with all zoning regulations for the district in which they are located.
- 901.2. A building permit and any other required permits shall be obtained for such manufactured housing.
- 901.3. No such homes shall have ground floor space of less than 800 square feet.
- 901.4. No such house shall have a width of less than twenty (20) feet at its narrowest point.
- 901.5. Such houses shall be placed on permanent foundations which are solid for the complete circumference of the house.
- 901.6. Any such manufactured house shall have exterior siding extending from within six inches (6") of the dirt or two inches (2") of concrete which siding shall be of a conventional dwelling-type material.
- 901.7. Any such manufactured house shall have a pitched roof covered with shingles or tile and have eaves of not less than six inches (6").
- 901.8. All such manufactured houses shall be built in compliance with any Minnesota Statutes regulating manufactured homes.
- 901.9. Connection to City utilities shall be required.
- 901.10. The longest dimension of the structure shall be placed within the narrowest dimension of the lot.

ARTICLE X. CENTRAL BUSINESS DISTRICT (C-1)

The purpose of the "C-1" Central Business District is in recognition of the existing downtown business and commercial development and the need for its future expansion, rehabilitation and redevelopment.

SECTION 1001. Permitted Uses and Structures.

1001.1. Business and commercial establishments including but not limited to the following:

- A. Retail establishments such as grocery, hardware, drug, clothing, variety and furniture stores; eating and drinking places; auto dealers; automobile service stations; farm implement dealerships and farm supply stores; and meat locker shops.
- B. Personal services such as laundry, beauty shop, barbershop, funeral home, shoe repair shop, printing and publishing shop and photographic studio.
- C. Professional services such as medical and dental clinic and attorney's office.
- D. Repair services such as automobile, jewelry, radio and television repair shops, reupholstry repair shop, appliance repair shops, farm and implement repair shops, plumbing contractor's shop and electrical contractor's shop.
- E. Entertainment and amusement services such as motion picture theater, recreation hall and bowling alley.
- F. Lodging services such as hotel and motel.
- G. Finance, insurance, real estate and tax services.

1001.2. Public and semi-public buildings such as post office, fire hall and city hall.

1001.3. Private clubs.

1001.4. Apartments provided they are located above the first floor level.

1001.5. Automobile parking lots.

1001.6. Essential services.

1001.7. Other such uses which in the determination of the City Council and as formally documented will be compatible and will not be detrimental to uses allowed in this or contiguous districts.

SECTION 1002. Accessory Uses. Uses incidental to the foregoing principal uses such as off-street parking and loading and unloading areas, signs, indoor storage of merchandise, and wholesaling and manufacturing, when incidental to a permitted use.

SECTION 1003. Conditional Uses.

1003.1. One and two-family dwellings and multiple family dwellings, including manufactured homes meeting the standards as set forth in Article IX of this Ordinance.

1003.2. Non-residential day care facilities.

SECTION 1004. Lot Requirements and Setbacks. The following minimum requirements shall be observed in "C-1" districts subject to additional requirements, exceptions and modifications set forth in this Ordinance.

1004.1. Lot area: None.

1004.2. Lot Width: None.

1004.3. Setbacks:

Front Yards: None.

Side Yards: None.

Rear Yards: Fifteen (15) feet.

1004.4. All lots shall front on, and have ingress and egress by means of a public right-of-way.

SECTION 1005. Building Requirements. Height: No structure shall exceed three (3) stories or forty-five (45) feet whichever is least.

SECTION 1006. Parking. Refer to Section 2101.

ARTICLE XI. HIGHWAY BUSINESS DISTRICT (C-2)

The purpose of the "C-2" Highway Business District is to provide appropriate areas for business and commercial establishments which are orientated to the motoring public which require large sites for off-street parking or display of merchandise.

SECTION 1101. Permitted Uses and Structures.

- 1101.1. Any use permitted in the Central Business District (C-1) and the Multiple Family Residential (R-2) District.
- 1101.2. Business and commercial establishments which are orientated to the motorist such as eating places, automobile service stations, auto repair shops, offices and equipment storage shops.
- 1101.3. Other such uses which in the determination of the City Council and as formally documented will be compatible and will not be detrimental to uses allowed in this or contiguous districts.
- 1101.4. Essential services.

SECTION 1102. Accessory Uses. Any use permitted in the Central Business District (C-1).

SECTION 1103. Conditional Uses. Any conditional use permitted in the Central Business District (C-1).

SECTION 1104. Lot Requirements and Setbacks. The following minimum requirements shall be observed in "C-2" Districts subject to additional requirements, exceptions and modifications set forth in this Ordinance.

1104.1. Lot area: Ten thousand (10,000) square feet.

1104.2. Lot width: One hundred (100) feet.

1104.3. Setbacks:

Front Yards: Not less than thirty (30) feet.

Side Yards: Twenty (20) feet.

Rear Yards: Twenty (20) feet.

1104.4. All lots shall front on, and have ingress and egress by means of a public right-of-way.

SECTION 1105. Building Requirements. Height: No structures shall exceed three (3) stories or forty-five (45) feet whichever is least.

SECTION 1106. Parking. Refer to Sections 2101 and 2102.

ARTICLE XII. INDUSTRIAL BUFFER DISTRICT (I-B)

The purpose of the "I-B" Industrial Buffer District is to provide a transitional area between residential and industrial districts, where the uses allowed within this District shall be limited to those which can compatibly exist adjacent to a residential district.

SECTION 1201. Permitted Uses and Structures. The uses that shall be permitted in this District shall be of such a nature that they generate clean and quiet types of activities, and that generate low traffic volumes into and out of the area. Among the types of uses that can be allowed in this District include:

- 1201.1. Construction contractor indoor storage and shop facilities.
- 1201.2. Agriculture and forestry.
- 1201.3. Parks and low-volume recreational uses.
- 1201.4. Parking lot.
- 1201.5. Governmental and public utility buildings and structures.
- 1201.6. Warehouses for storage of equipment and supplies, excluding the storage of explosive materials.
- 1201.7. Essential services.
- 1201.8. Other such uses which in the determination of the City Council and as formally documented will be compatible and will not be detrimental to uses allowed in this or contiguous districts.

SECTION 1202. Accessory Uses. Customary accessory uses incidental to the principal uses.

SECTION 1203. Conditional Uses. None.

SECTION 1204. Lot Requirements and Setbacks. The following minimum requirements shall be observed in "I-B" Districts subject to additional requirements, exceptions and modifications set forth in this Ordinance.

1204.1. Lot area: None.

1204.2. Lot width: None.

1204.3. Setbacks:

Front Yards: Not less than thirty (30) feet.

Side Yards: Fifteen (15) feet.

Rear Yards: Fifteen (15) feet.

1204.4. All lots shall front on, and have ingress and egress by means of a public right-of-way.

SECTION 1205. Building Requirements. Height: No structure shall exceed two (2) stories or thirty-five (35) feet whichever is least.

SECTION 1206. Parking. Refer to Sections 2101 and 2102.

ARTICLE XIII. INDUSTRIAL DISTRICT (I-1) (High Density)

The purpose of the "I-1" Industrial District (High Density), is to recognize the area containing industrial land uses and structures that are in existence at the time of the adoption of this Ordinance, and to provide for the continued growth and development of the businesses and industries that are located within the area.

The regulation of the "I-1" District shall be done with the overall community interest and the compatibility of adjacent land uses in mind. The conditions that exist at the time of the adoption of this Ordinance shall be recognized to be the standards upon which the future development of the "I-1" District shall be based. When a conflict exists with adjacent land uses that are not covered by this Ordinance, the City Council shall make the determination, with the overall community interest and compatibility of adjacent land uses in mind, as to how the conflict should be resolved.

SECTION 1301. Permitted Uses and Structures

- 1301.1. Any use permitted in the Highway Business District (C-1) and Industrial Buffer District (I-B).
- 1301.2. All fabricating, manufacturing, processing, production, excavation or storage of materials, goods and products that are in compliance with the provisions of Article XX of this Ordinance.
- 1301.3. Wholesaling, warehousing, supply yards and truck terminals.
- 1301.4. Research and testing laboratories.
- 1301.5. Offices.
- 1301.6. Essential services.
- 1301.7. Other such uses which in the determination of the City Council and as formally documented will be compatible and will not be detrimental to uses allowed in this or contiguous districts.

SECTION 1302. Accessory Uses. Customary accessory uses incidental to the principal uses.

SECTION 1303. Conditional Uses. None.

SECTION 1304. Lot Requirements and Setbacks. The following minimum requirements shall be observed in "I-1" Districts subject to additional requirements, exceptions and modifications set forth in this Ordinance.

- 1304.1. Lot area: None.
- 1304.2. Lot width: None.
- 1304.3. Setbacks:
 - Front Yards: None
 - Side Yards: Five (5) feet.
 - Rear Yards: Five (5) feet.
- 1304.4. New structure construction shall not be allowed when the distance between the proposed structure and existing structures on adjacent properties will result in less than twenty-five (25) feet between the proposed and the existing structure.
- 1304.5. All lots shall front on and have ingress and egress by means of a public right-of-way.

SECTION 1305. Building Requirements. No height requirements.

SECTION 1306. Parking. Refer to Section 2102.

ARTICLE XIV. INDUSTRIAL DISTRICT (I-2) (Medium Density)

The purpose of the "I-2" Industrial District (Medium Density), is to provide appropriate area for industrial and business uses. Characteristic of the uses permitted are all industries except those deemed particularly obnoxious to the residents of the City.

SECTION 1401. Permitted Uses and Structures. Any use permitted in the Industrial District "I-1" (High Density).

SECTION 1402. Accessory Uses. Customary accessory uses incidental to the principal uses.

SECTION 1403. Conditional Uses. None.

SECTION 1404. Lot Requirements and Setbacks. The following minimum requirements shall be observed in "I-2" Districts subject to additional requirements, exceptions and modifications set forth in this Ordinance.

1404.1. Lot area: None.

1404.2. Lot width: None.

1404.3. Setback:

Front Yards: Not less than twenty-five (25) feet.

Side Yards: Fifteen (15) feet.

Rear Yards: Fifteen (15) feet.

1404.4. All lots shall front on, and have ingress and egress by means of a public right-of-way.

SECTION 1405. Building Requirements. No height requirements.

SECTION 1406. Parking. Refer to Sections 2101 and 2102.

ARTICLE XV. MAPS

The following maps are all part of the Official Zoning Map.

SECTION 1501. Zoning Map. The boundaries of the use districts are delineated on the Official Zoning Map, which is hereby adopted by reference and declared to be a part of this Ordinance. Such map shall be on permanent file and available for public inspection in the Municipal Building. It shall be the responsibility of the Clerk-Administrator to maintain and keep the map up to date and to record each amendment thereto within thirty (30) days after official publication of the Ordinance adopting the amendment.

SECTION 1502. Shoreland Map. The boundaries delineating boundaries of shoreland areas in the City of Cottonwood on the Protected Waters Inventory Map for Lyon County, dated 19__, developed by the Department of Natural Resources is hereby adopted by reference as the Official Shoreland Overlay District Map and made part of this Ordinance.

ARTICLE XVI. ANNEXED LAND

Any land hereafter annexed to the City shall be considered to be in the district that is delineated on the adjacent areas that are designated for orderly annexation, unless otherwise reclassified.

ARTICLE XVII. COMPLIANCE WITH ORDINANCE

No structure or land shall hereafter be used or occupied, and no structure shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with the regulations specified in this Ordinance for the district in which it is located.

ARTICLE XVIII. WALLS, FENCES, OR HEDGES

SECTION 1801. Walls, Fences, or Hedges. A wall, fence or hedge may occupy part of the required yard; but no wall, fence or hedge along the sides or front edge of any front yard shall be more than two and one-half (2 1/2) feet in height. Building Permits are required for the erection of walls and fences, pursuant to Section 2802 of this Ordinance.

SECTION 1802. Visibility at Intersections and Driveways. In any residential district, on any corner lot, no fence or accessory structure or planting shall rise over two and one-half (2 1/2) feet in height above the level of the public sidewalk within twenty (20) feet of any corner, so as to interfere with traffic visibility across the corner. No fence or wall or shrub planting or more than two and one-half (2 1/2) feet in height above the level of the public sidewalk shall be erected on any interior lot within ten (10) feet of the front property line where it will interfere with traffic visibility from a driveway.

ARTICLE XIX. IMPERVIOUS SURFACE

Building permits shall be required for impervious surfaces, such as driveways, sidewalks, patios and other nonporous surfaces. Location of these surfaces may be on any part of the yard.

ARTICLE XX. PERFORMANCE STANDARDS

Every use permitted by this Ordinance shall be so established and maintained as to comply with the provisions of this Article. The Council may require the owner or operator of a use permitted by this Ordinance to provide such tests or investigations by an independent testing organization satisfactory to the Council as are necessary to show compliance with these standards. The cost of such investigations and tests shall be paid by the City unless the results disclose noncompliance with these standards. In that event, the entire cost shall be borne by the owner or operator. This provision does not preclude the City from making any investigations and tests it finds appropriate to determine compliance with these standards.

Regulation of environmental considerations shall be accomplished by the co-administration of the applicable rules and regulations of the Minnesota Pollution Control Agency. Co-administration shall be between the City Administrative Official of this Ordinance and the appropriate State Pollution Control Agency Official.

SECTION 2001. Areas of primary consideration.

- 2001.1. Air pollution (including smoke, odor, dust and fumes or gases).
- 2001.2. Noise pollution.
- 2001.3. Waste disposal.

SECTION 2002. Areas of secondary consideration. Other areas of concern that are not addressed by Minnesota Pollution Control Agency regulations shall be regulated as follows:

- 2002.1. **Glare.** Direct or reflected glare, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line. Any lights used for exterior illumination shall be directed away from adjacent properties.
- 2002.2. **Vibrations.** Vibration at any property line shall not be discernable to the human sense of feeling for three minutes or more duration in any one-hour period.
- 2002.3. **Erosion.** No activity shall be carried on in a way that water, soil, or any objectionable substance is carried on to any adjacent property.
- 2002.4. **Fire Hazards.** Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

ARTICLE XXI. OFF-STREET PARKING AND LOADING REQUIREMENTS

The purpose of the off-street parking regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land and structures. No building shall be hereafter erected, substantially altered, or its use changed unless off-street parking spaces have been provided in accordance with the provisions of this Ordinance.

SECTION 2101. Required Off-Street Parking. The number of off-street parking spaces provided shall be at least the minimum number provided for the following uses.

- 2101.1. One- and two-family dwellings -- Two (2) spaces per unit.
- 2101.2. Multiple family dwellings -- Two (2) spaces per unit.
- 2101.3. Manufactured home park -- Two (2) spaces per unit.
- 2101.4. Central Business District (C-1) -- None.
- 2101.5. Theaters, auditoriums, churches, mortuaries, and other similar places of assembly (outside C-1 District) -- One (1) space per every four (4) seats.
- 2101.6. Restaurants, bars, etc. (outside C-1 District) -- One (1) space per every three (3) seats.
- 2101.7. Retail stores (outside C-1 District) -- One (1) space per every five hundred (500) square feet of retail floor space.
- 2101.8. Motels, hotels -- One (1) space per sleeping room or unit.
- 2101.9. Service commercial shops such as auto repair shops, furniture repair shops, appliance repair shops, etc. -- One (1) space per every five hundred (500) square feet of gross floor space.
- 2101.10. Industrial establishments (outside I-1 District) -- One (1) space per every two (2) persons of maximum employment during any work period.
- 2101.11. Wholesale, warehouses -- One (1) space per every one (1) employee during any work period.
- 2101.12. Uses not mentioned -- For any use not specifically mentioned in the schedule of off-street parking requirements (Sections 2101 thru 2111), the number of spaces required shall be that required for that use named in the schedule which is determined by the City Council to be most similar.

SECTION 2102. Special Off-Street Parking Requirements

- 2102.1. Offices (outside C-1 District) -- Adequate off-street parking area shall be provided for all employees so as to avoid routine usage of the public street for parking. However, parking will be allowed on the side of the public street adjacent to the office's property for routine employee parking.

2102.2. Industrial establishments within "I-1" District -- Adequate off-street parking areas shall be required for all employees so as to avoid routine usage of a public street for parking, except during the climatic seasons that result in a deterioration of the available parking area serviceability to a point that reasonable judgement dictates temporary disuse. Parking will be allowed on the side of the public street adjacent to the establishment's property for routine employee parking.

SECTION 2103. Off-Street Loading Spaces. No building shall be hereafter erected, substantially altered, or its use changed unless loading spaces have been provided in accordance with the provisions of this Ordinance. One off-street loading space shall be provided and maintained on the same lot for each commercial and industrial use requiring regular delivery of goods.

SECTION 2104. Improvement and Maintenance of Off-Street Parking and Loading Spaces. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water on the adjacent properties or walkways. The owner of any parking or loading area shall maintain the area in good condition.

ARTICLE XXII. PARKING AND STORAGE OF CERTAIN VEHICLES

No motor vehicle or trailer without current license plates shall be parked or stored on any property in a residential district other than in a completely enclosed building.

ARTICLE XXIII. SHORELAND OVERLAY DISTRICT (S)

The uncontrolled use of shorelands of the City of Cottonwood, Minnesota affects the public health, safety, and welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. The purposes of this Article are to prevent and control water pollution, and to preserve shore cover and natural beauty of the shores of Cottonwood Lake. Any property adjacent to the shores of Cottonwood Lake shall have the use that is permitted in the applicable use district in which it is located. However, for any property located within the Shoreland Overlay District, it shall comply with the following minimum requirements.

SECTION 2301. General Provisions

- 2301.1. Jurisdiction. The provisions of this Article shall apply to the shorelands of the public water bodies as classified in Article IV of this Ordinance.
- 2301.2. 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 waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Article and other applicable regulations.
- 2301.3. Enforcement. The City of Cottonwood is responsible for the administration and enforcement of the Shoreland Overlay District. Any violation of the provisions of this Article 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 Article can occur regardless of whether or not a permit is required for a regulated activity.
- 2301.4. Interpretation. In their interpretation and application, the provisions of this Article shall be held to be minimum requirements and shall be liberally construed in favor of the City Council and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- 2301.5. Abrogation and Greater Restrictions. It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other Articles inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

SECTION 2302. Shoreland Classification System and Land Use Districts

- 2302.1. Shoreland Classification System. The public waters of the City of Cottonwood have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Lyon County, Minnesota.

- A. The shoreland area for the waterbodies listed below shall be as defined in Article IV and as shown on the Official Zoning Map.

<u>Protected Waters</u> <u>General Development Lake</u>	<u>Inventory I.D.#</u>	<u>Ordinary High</u> <u>Water Level</u>
Cottonwood Lake	42-14	1062.2 ft

2302.2.

Land Use District Descriptions and Criteria For Designation. The land use districts in Section 2302.2B, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan and the following criteria, considerations, and objectives:

A. General Considerations and Criteria for All Land Uses:

- (1) preservation of natural areas;
- (2) present ownership and development of shoreland areas;
- (3) shoreland soil types and their engineering capabilities;
- (4) topographic characteristics;
- (5) vegetative cover;
- (6) in-water physical characteristics, values, and constraints;
- (7) recreational use of the surface water;
- (8) road and service center accessibility;
- (9) socioeconomic development needs and plans as they involve water and related land resources;
- (10) the land requirements of industry which, by its nature, requires location in shoreland areas; and
- (11) the necessity to preserve and restore certain areas having significant historical or ecological value.

B. Land Use District Descriptions. The land use districts identified on the following page, and the allowable land uses therein for the given classification of Cottonwood Lake, shall be properly delineated on the Official Zoning Map for the shorelands in the City of Cottonwood. These land use districts are in conformance with the criteria specified in Minnesota Regulation, Part 6120.3200, Subp. 3:

- (1) Residential District. The residential District is primarily intended to allow low to medium density seasonal and year-round residential uses on lands suitable for such uses. Some nonresidential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures. The Residential District is the shoreland covered by the same area delineated by the Single Family Residential (R - 1) District.

-Single residential	Permitted
-Duplex	Permitted
-Semipublic	Conditional
-Parks and historic sites	Conditional
-Extractive use	Conditional

- (2) High Density Residential District. A High Density Residential District is intended for use on lands with heterogeneous mixes of soils, vegetation, and topography that are not well suited for residential development using standard lot-block subdivisions. The High Density Residential District is the shoreland covered by the same area delineated by the Multiple Family Residential (R - 2) District.

-Single residential	Permitted
-Two or more units	Permitted
-Semipublic	Conditional
-Parks and historic sites	Conditional

- (3) A Water Oriented Commercial District is intended to be used only to provide for existing or future commercial uses adjacent to water resources that are functionally dependent on such close proximity. The Water Oriented Commercial District is the shoreland covering the same area delineated by the Highway Business (C - 2) District.

-Surface water-oriented commercial	Permitted
-Public, Semipublic	Conditional
-Parks and historic sites	Conditional

- (4) A General Use District is intended to be used only for lands already developed or suitable for development with concentrated urban, particularly commercial land uses. The General Use District is the shoreland covering the same area delineated by the Central Business (C - 1), Industrial (high density) (I - 1), and Industrial (medium density) (I - 2) Districts.

-Commercial	Permitted
-Industrial	Conditional
-Public, semipublic	Permitted
-Extractive use	Conditional
-Parks and historic sites	Conditional

C. Use and Upgrading of Inconsistent Land Use Districts.

- (1) The land use districts adopted in Ordinance Number 79-4 as amended, as they apply to shoreland areas, and their delineated boundaries on the Official Zoning Map, that are not consistent with the land use district designation criteria specified in Section 2302.2C herein may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the Official Zoning Map.
- (2) When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply: When a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this ordinance on said lake must be revised to make them substantially compatible with the framework in Section 2302.1. and 2302.2 of this Ordinance.
- (3) When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the City Council.
- (4) When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The City Council will direct the Clerk-Administrator to provide such additional information for this waterbody as is necessary to satisfy Items 1 and 2 above.
- (5) The City Council must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of Section 2302.2.

SECTION 2303. Zoning and Water Supply/Sanitary Provisions

2303.1. Lot Area and Width Standards. The lot area (in square feet) and lot width standards (in feet) for single, duplex, and multiple unit residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications are the following:

A. Unsewered lots on Cottonwood Lake

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

B. Sewered lots on Cottonwood Lake

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245
Five or more units	-----	---	add 3,000 sq ft for each unit above quad	

2303.2. Additional Special Provisions.

- A. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 2303.1B of this Ordinance can only be used if publicly owned sewer system service is available to the property.
- B. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Section 2303.1 of this Ordinance, provided the following standards are met:
 - (1) for lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - (2) a guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
 - (3) a guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- C. 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:
 - (1) they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
 - (2) If docking, mooring, or over-water storage of more than six (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 the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- (3) 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; and
- (4) 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 picknicking. 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.

D. Substandard lot size in the built areas of the City. This provision applies specifically to the following blocks in the City of Cottonwood:

The metes and bounds parcels located within the following addresses:

	<u>Size and Frontage</u>
A. 201, 209, Barstad Road North and Block 11, Tyler and Schutz First Addition	10,000 sq. feet 50 front feet
B. Block Between Front and Main Streets and West Fourth and West Fifth Streets	7,000 sq. feet 75 front feet
C. Block 17, Tyler and Schutz 2nd Addition	7,000 sq. feet 55 front feet
D. North Half, Block 4, and North Half, Block 3, Original Plat	7,000 sq. feet 50 front feet
E. South Half, Block 4, Original Plat	7,000 sq. feet 60 front feet
F. South Half, Block 3, Original Plat	3,500 sq. feet 25 front feet
G. Block 6, Original Plat, & Metes & Bounds Parcels at 67 Tower Road & 89 West First Street South	3,500 sq. feet 25 front feet
H. South Half Block 1, Original Plat	8,400 sq. feet 60 front feet
I. North Half Block 7, Original Plat	7,000 sq. feet 50 front feet

2303.3. Placement, Design, and Height of Structures.

- A. Placement of Structures on Lots. 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. Structures shall be located as follows.
- B. Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level*.

General Development <u>Lakes</u>	Structures		Sewage Treatment
	<u>Unsewered</u>	<u>Sewered</u>	<u>System</u>
Cottonwood Lake	75	50	50

*One water-oriented accessory structure designed in accordance with Section 9n 2303.5 may be set back a minimum distance of ten (10) feet from the ordinary high water level.

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

<u>Setback From:</u>	<u>Setback (in feet)</u>
(1) unplatted cemetery;	50
(2) right-of-way line of federal, state, or county highway; and	50
(3) right-of-way line of town road, public street, or other roads or streets not classified.	30

- D. Riparian Front Yard and Side Yard setbacks.

- (1) Front yards: Not less than thirty (30) feet.
- (2) Side yards: Not less than ten (10) feet.

2303.4. 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. This does not apply to residential uses.

2303.5. Design Criteria For Structures.

- A. High Water Elevations. The elevation of structures to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
- (1) for lakes, by placing the lowest floor level at least three feet above the ordinary high water level;
 - (2) 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) the setback of the structure or facility from the ordinary high water level must be at least ten feet;
 - (3) the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - (4) the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - (5) the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
 - (6) 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.
- C. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- (1) stairways and lifts must not exceed four 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 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;
 - (3) canopies or roofs are not allowed on stairways, lifts, or landings;
 - (4) stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - (5) stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - (6) facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- D. Decks. Except as provided in Section 2303.3, decks must meet the structure setback standards. Decks not meeting setback requirements from public waters may be added to structures existing on the date the shoreland structure setbacks were established without a variance, if all of the following criteria and standards are met:
- (1) a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level of the structure;
 - (2) the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
 - (3) the deck is constructed primarily of wood or simulated synthetic material with a wood appearance, and is not roofed or screened.
- E. 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.

- F. Steep Slopes. The Clerk-Administrator 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.

2303.6. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

SECTION 2304. Shoreland Alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

2304.1. Vegetations Alterations. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 2305, are exempt from the vegetation alteration standards that follow.

A. Removal or alteration of vegetation, except for agricultural uses as regulated in Section 2308.1, is allowed subject to the following standards:

- (1) In the shore impact zone and on steep slopes, intensive vegetation clearing is not allowed, however, 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, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - (a) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and
 - (b) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

2304.2. Topographic Alterations/Grading and Filling.

A. 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 grading and filling permit. However, the grading and filling standards in this Article must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

B. Public roads and parking areas are regulated by Section 2305.

C. Notwithstanding Items A. and B. above, a grading and filling permit will be required for:

- (1) the movement of more than ten (10) cubic yards of material on steep slopes or within the shore impact zone; and
- (2) the movement of more than fifty (50) cubic yards of material outside of steep slopes and the shore impact zone.

2304.3. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional 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 of the wetland*:

- (1) sediment and pollutant trapping and retention;

(2) storage of surface runoff to prevent or reduce flood damage;

(3) fish and wildlife habitat;

*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. The applicant will be so advised.

- (4) recreational use;
 - (5) shoreline or bank stabilization; and
 - (6) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- 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. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;
 - I. 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
 - J. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

SECTION 2305. Placement and Design of Roads, Driveways, and Parking Areas

- 2305.1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual 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.
- 2305.2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within the shore impact zone, 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.
- 2305.3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within the shore impact zone provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 2304.2. must be met.
- 2305.4. Parking Spaces. Refer to Sections 2101, 2102, and 2306.

SECTION 2306. Stormwater Management. The following general and specific standards shall apply to Stormwater Management:

2306.1. General Standards:

- A. 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.

- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds 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.

2306.2. Specific Standards:

- A. Impervious surface coverage of lots must not exceed 25 percent of the lot area. Examples of impervious surfaces include, but are not limited to roofs; and paved sidewalks, driveways, and parking spaces. Exceptions to the 25% impervious surface coverage of lots are identified in items (1) through (8) below. A stormwater management plan to upgrade the quality of stormwater runoff entering the lake shall address measures the city will undertake to reduce sedimentation entering the lake.

<u>Block Description</u>	<u>Impervious Standard</u>
(1) Metes & Bounds Block Between Front and Main Streets, and West Fourth & West Fifth Streets	35%
(2) North Half, Block 4, Original Plat	35%
(3) North Half, Block 3, Original Plat	35%
(4) South Half, Block 4, Original Plat	90%
(5) South Half, Block 3, Original Plat	90%
(6) Block 6, Original Plat & Metes & Bounds Parcels	90%
(7) Block 5 and Metes & Bounds Portion of 177 West Main St.	60%
(8) Railroad Leased Property: Lumber Yard, Elevator & Old Fertilizer Plant; 67 East Second St. North; and all property located east of the BN railroad tracks & north of Norseth Blvd.	50%

- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- C. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

SECTION 2307. Special Provisions for Commercial, Industrial, and Public/Semipublic Uses

2307.1. Standards for Commercial, Industrial, Public, and Semipublic Uses. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

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

- B. 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
- C. 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:
 - (1) 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;
 - (2) 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 ten 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
 - (3) other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

2307.2. 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.

SECTION 2308. Agriculture and Extractive Use Standards

2308.1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zone are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

2308.2. Extractive Use Standards.

- A. 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.
- B. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters.

SECTION 2309. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

- 2309.1. Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made 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;

- C. the site is adequate for water supply and on-site 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.

2309.2. Conditions attached to conditional use permits. The City Council, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- A. 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; and
- C. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

SECTION 2310. Water Supply and Sewage Treatment

2310.1. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

2310.2. Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- A. Publicly-owned sewer systems 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 ordinance.
- C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 2303.3.
- D. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (1)-(4) below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- (1) depth to the highest known or calculated ground water table or bedrock;
- (2) soil conditions, properties, and permeability;
- (3) slope;
- (4) the existence of lowlands, local surface depressions, and rock outcrops.
- E. All riparian PUD's shall be serviced by city or centralized sewer system.
- F. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 2311.3.

SECTION 2311. Nonconformities. All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

SECTION 2312. Subdivision/Platting Provisions

- 2312.1. Land suitability. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- 2312.2. Consistency with other controls. Subdivisions must conform to all official controls of this community, including Ordinance number 79-5. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Sections 2303.3, 2303.4, 2304, 2305, and 2311 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Sections 2303.1 and 2303.2, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- 2312.3. Information requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
- A. topographic contours at ten-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; and
 - E. a line or contour representing the ordinary high water level and the minimum building setback distances from the lake.
- 2312.4. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- 2312.5. Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
- 2312.6. Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 2303.2.

SECTION 2313. Administration

2313.1. Permits Required

- A. A permit is required for 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 2304. Application for a permit shall be made to the Clerk-Administrator on the forms provided. The application shall include the necessary information so that the Clerk-Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

- B. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 2310, shall be reconstructed or replaced in accordance with the provisions of this ordinance.

2313.2. Certificate of Zoning Compliance. The Clerk-Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 2314.1. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 2301.3.

2313.3. Variances

- A. Variances may only be granted in accordance with Minnesota Statutes, 462, as applicable. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-around, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- B. The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. 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 required in Section 2314.2 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.
- C. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

SECTION 2314. Notifications to the Department of Natural Resources

2314.1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the DNR commissioner or the DNR commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

2314.2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

ARTICLE XXIV. PLANNED UNIT DEVELOPMENT (PUD's)

The City Council may authorize departure from requirements of this Ordinance for any non-riparian planned unit development (PUD), located at least 250 feet from ordinary high water level, if it determines, after reviewing a complete plan for the PUD, that the proposal is consistent with the Comprehensive Plan for the City of Cottonwood and is consistent with the general purposes of this Ordinance and if the project complies with the following requirements.

SECTION 2401. Ownership. The tract of land included in the PUD is under unified control at the time of application

and is scheduled to be developed as one unit.

SECTION 2402. Minimum Size. The area include in the project consists of not less than two (2) acres of contiguous
d.

SECTION 2403. Minimum Lot Size. The minimum lot size requirements of this Ordinance do not apply for a PUD except the minimum lot size requirements of the underlying zone shall serve as the criterion to determine the maximum dwelling unit density of the total development.

SECTION 2404. Setback and Side Yard Requirements. Notwithstanding other provisions relating to PUD's, every lot abutting the perimeter of a PUD shall conform to yard requirements for the underlying district. Side yards between buildings in a PUD shall be not less than ten (10) feet, but such buildings may be built without reference to the property lines of the individual lots on which they are built.

SECTION 2405. Open Space. A minimum of ten (10) percent of the residential portion of each PUD shall be reserved for common open space held in common ownership or dedicated for public use with approval of the City Council.

SECTION 2406. Access to Public Right-of-Way. The site of a PUD shall abut, and the major internal street or streets serving the PUD shall be connected to, at least one primary arterial, community arterial, or neighborhood collector street.

SECTION 2407. Parking. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required in the underlying zoning district.

SECTION 2408. Procedure of an Application for Approval of a PUD.

- 2408.1. An application for approval of a preliminary development plan for a proposed PUD shall be filed with the Clerk-Administrator by an owner or lessee of the property. The application shall be accompanied by a filing fee as shall be determined by a City Council resolution. The application with accompanying statements shall be submitted in two copies and shall include, in addition to such information as the City Council may require, a vicinity map showing in such manner as the City Council may require the relationship of the proposed PUD to the Comprehensive Plan of the City, to existing public facilities and services, and to the surrounding area; a preliminary plan of the PUD area showing proposed uses, densities, proposed street and off-street parking areas, the specifics of the development plan and the proposed schedule for development.
- 2408.2. Action by City Council. The City Council shall thereupon consider the application and, after holding such public hearing as it deems desirable, shall approve or disapprove the application with such changes and conditions, if any, as it may deem appropriate.
- 2408.3. Final Review and Approval. Within twelve (12) months of such approval by the City Council, the applicant shall file an application for review and approval of the final development plan. A final application and its supporting documentation shall give the same information required to plats under the Subdivision Control Ordinance of the City in addition to such other information as required by this Ordinance and the City Council for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation as specifically required by the City Council for the particular PUD.
- 2408.4. Action on Final Application. Procedure for action by the City Council on an application for review and approval of the final PUD plan shall be the same as prescribed for action on the preliminary proposal. The final development plan shall conform to the preliminary development plan as approved.

SECTION 2409. Planned Unit Developments in the Shoreland District.

- 2409.1. Factors and Criteria for Planned Unit Developments:
 - A. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
 - B. Physical and aesthetic impacts of increased density;
 - C. Suitability of lands for the planned unit development approach;
 - D. Level of current development in the area; and
 - E. Amounts and types of ownership of undeveloped lands.

2409.2. Types of PUD's Permissible. Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously build sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Article 23, and as follows.

A. Land Use Districts. PUD's may be placed in the following Shoreland Land Use Districts as Conditional Uses:

- (1) High Density Residential - for Residential PUD's.
- (2) Water-Oriented Commercial District - for Commercial PUD's. Limited expansion of a Commercial Planned Unit Development involving up to six additional dwelling units or sites may be allowed as a permitted use, provided the provisions of this Article are satisfied.
- (3) General Use District - for Commercial PUD's. Limited expansion of a Commercial Planned Unit Development involving up to six additional dwelling units or sites may be allowed as a permitted use, provided the provisions of this Ordinance are satisfied.

B. Exceptions to PUD requirements for High Density Residential. Non-riparian multi-dwelling structures of five or more units shall be permitted, pursuant to Article VII of this Ordinance, provided the structure is setback at least 250 feet from Ordinary High Water Level, provided it is served by City sewer and water.

2409.3. Processing of PUD's. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six (6) or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 2409.6. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

2409.4. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

- A. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
- B. A property owners association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of Section 2409.7.
- C. Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 2409.7.
- D. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
- E. Those additional documents as requested by the City Clerk that are necessary to explain how the PUD will be designed and will function.

2409.5. Site "Suitable Area" Evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 2409.6.

A. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions	Unsewered (feet)	Sewered (feet)
Cottonwood Lake - first tier	200	200
Cottonwood Lake - second and additional tiers	267	200

- B. The suitable area within each tier is next 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 planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

2409.6.

Residential and Commercial PUD Density Evaluation. The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

- A. Residential PUD "Base" Density Evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 2409.7.
- B. Commercial PUD "Base" Density Evaluation. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

- (1) Select the appropriate floor area ratio from the following table:

* Average unit floor area (sq. ft.)	Commercial Planned Unit Development	
	Floor Area Ratios*	
	Public waters classes	
	Sewered lots on Cottonwood Lake and first tier of unsewered lots on Cottonwood Lake	Second and additional tiers on unsewered lots on Cottonwood
200	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.072	.038
700	.082	.042
800	.091	.046
900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500	.150	.075

* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- (2) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- (3) Divide the total floor area by tier computed in Item (2) above by the average inside living area size determined in Item (1) above. This yields a base number of dwelling units and sites for each tier.
- (4) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 2409.7.

C. Density Increase Multipliers:

- (1) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Article 23 are met or exceeded and the design

criteria in Section 2409.7 are satisfied. The allowable density increases in Item 2. below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

(2) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

Density evaluation tiers	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

2409.7. Maintenance and Design Criteria

A. Maintenance and Administration Requirements.

- (1) Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- (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 prohibited (for residential PUD's);
 - (b) vegetation and topographic alterations other than routine maintenance prohibited;
 - (c) construction of additional buildings or storage of vehicles and other materials prohibited; and
 - (d) uncontrolled beaching of watercraft prohibited.
- (3) Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
 - (a) membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - (b) each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - (c) assessments must be adjustable to accommodate changing conditions; and
 - (d) the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

B. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

- (1) at least 50 percent of the total project area must be preserved as open space;
- (2) 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;

- (3) open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 - (4) open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - (5) open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
 - (6) open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
 - (7) the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
 - (8) the shore impact zone, based on normal structure setbacks, must be included 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 shore impact zone 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.
- C. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:
- (1) 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. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 - (2) be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier 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 Section 2304.
- D. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
- (1) planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 2303 and 2310. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 - (2) 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 following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 2409.6C for developments with density increases;
 - (3) 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;

- (4) structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
- (5) accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
- (6) water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Article 23 and are centralized.

2409.3. Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

- A. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
- B. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- C. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - (1) removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - (2) remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - (3) if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- D. Existing dwelling unit or dwelling site densities that exceed standards in Section 2409.6 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

ARTICLE XXV. NONCONFORMITIES

SECTION 2501. Continuance of Nonconforming Uses. The lawful use of a structure or of land in a manner not conforming to the provisions of this Ordinance, existing at the time of its passage or of its subsequent amendment, shall constitute a nonconforming use and shall be permitted to continue. A structure not otherwise conforming to the provisions of this Ordinance, lawfully existing at the time of its passage or of its subsequent amendment, shall be considered a nonconforming structure; and it shall be permitted to continue in existence.

SECTION 2502. Incompatibility of Nonconformities. Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which the nonconformity occurs. A nonconforming use of a structure use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by the addition of uses of a nature which would be generally prohibited in the district in which such use is located.

SECTION 2503. Nonconforming Lots of Record.

2503.1. **Dwelling on Small Lot.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of this Ordinance despite the fact that the lot fails to meet the requirements for area or width, in the district; but yard dimensions and other requirements for the lot shall conform to regulations for the district. This exemption from the area and width requirements applies only to a lot without continuous street frontage with other lots in the same ownership.

2503.2. Nonconforming Use of Land. Any nonconforming use of land may be continued subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area than was occupied when the use became nonconforming.
- B. No such nonconforming use shall be moved in whole or in part to any other lot.
- C. If any nonconforming use cease for more than one (1) year, and subsequent use of the land shall conform to the regulations of this Ordinance for the district in which the land is located.
- D. When a nonconforming use is superseded by a conforming use, the nonconforming use shall not thereafter be resumed.

SECTION 2504. Nonconforming structures with Conforming Use. A nonconforming structure, lawful except for the provisions of this Ordinance, may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 2504.1. Change in Nonconformity. No such structure shall be enlarged or altered in a way which increases its nonconformity, but it may be altered to decrease its nonconformity.
- 2504.2. Substantial Destruction. If the nonconforming structure or nonconforming portion of the structure is deliberately destroyed at the direction of the owner or occupant to an extent of more than fifty (50) percent of its replacement cost exclusive of the foundation, any reconstruction shall conform to the provisions of this Ordinance.
- 2504.3. Moving Structure. If the nonconforming structure is moved to another lot, it shall thereafter conform to the regulations of the district to which it is moved.

SECTION 2505. Nonconforming Uses of Structures and Land. A nonconforming use of a structure or of structure and land in combination, may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 2505.1. Structural Change. No existing structure devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a conforming use.
- 2505.2. Extension of Nonconforming Use. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use when the use became nonconforming, but no such use shall be extended to occupy any land outside the building.
- 2505.3. Change to Other Nonconforming Use. If no structural alterations are made, any nonconforming use of a structure, or a structure and land, may be changed on permit from the City Council to another nonconforming use. The City Council shall authorize such change if it finds that the proposed use is at least as appropriate to the district as the existing nonconforming use. In permitting such change, the City Council may impose conditions and safeguards consistent with the purpose and intent of this Ordinance.
- 2505.4. Resumption of Nonconforming Use. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall hereafter conform to the regulations for the district, and the nonconforming use shall not thereafter be resumed.
- 2505.5. Discontinue. When a nonconforming use of a structure, or structure and land in combination ceases for one (1) year, the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district.
- 2505.6. Destruction of Nonconforming Structure. When a nonconforming use of a structure and land in combination exists, deliberate removal or destruction of the structure at the direction of the owner or occupant shall eliminate the nonconforming status of the land. Destruction for the purpose of this provision means damage to an extent of more than fifty (5) percent of the replacement cost at time of construction.

SECTION 2506. Repairs and Maintenance of Nonconforming Structures. Any nonconforming structure or portion of structure containing a nonconforming use may be maintained and improved by ordinary repairs or by repair or replacement of non-bearing walls, fixtures, wiring or plumbing if the cubic content existing when it became nonconforming is not increased. This Ordinance does not prevent the strengthening or restoring of any structure or part thereof declared to be unsafe by order of an official charged with protecting the public safety.

SECTION 2507. Uses Under Conditional Use Permit. When a use is granted a conditional use permit in a district in which such a use is authorized under permit, the use is deemed a conforming use.

SECTION 2508. Nonconformities Created by Amendment. When a nonconformity in a structure or the use of land or a structure is created by an amendment to this Ordinance, the rights granted by Articles 25 thru 31 to the continuance of nonconformities apply to nonconformities existing on the date of the amendment.

ARTICLE XXVI. BUILDINGS UNDER CONSTRUCTION

Nothing in this Ordinance requires a change in the plans, construction, or designated use of any building on which actual construction was lawfully done prior to the effective date of this Ordinance or amendment thereto and has been carried on diligently. Actual construction means the placing of construction materials in permanent position and fastening them in a permanent manner. Where demolition or removal of an existing building has been substantially begun to preparatory to rebuilding and is carried out diligently, such demolition or removal is deemed to be actual construction.

ARTICLE XXVII. JUNK YARDS

No junk yard may be established within the corporate limits of the City of Cottonwood.

ARTICLE XXVIII. ADMINISTRATION

SECTION 2801. Administrative Officer. The Clerk-Administrator shall serve as the zoning administrator and shall be responsible for enforcing this Ordinance.

SECTION 2802. Administration -- Building Permits.

2802.1. No structure shall be erected, added to, structurally altered, or moved until a permit therefor has been issued by the City Council. Except upon written order of the City Council, no building permit shall be issued for any structure where the construction, addition, moving or use thereof would be a violation of this Ordinance. Application for a building permit shall be made to the Clerk-Administrator on a form furnished by the City. With every application for a building permit, there shall be submitted on (1) copy of a layout or plot plan, drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such information as may be necessary to determine compliance with this Ordinance. The fee for a building permit shall be determined by a City Council resolution. The City Council shall issue the building permit through the office of Clerk-Administrator if it determines that the building plans and the application comply with the terms of this Ordinance.

2802.2. Approval by Clerk-Administrator. The Clerk-Administrator may grant approval to building permit applications if in his judgement, all of the provisions of the City's Zoning Ordinance are complied with in the applicable application.

SECTION 2803. Administration -- Certificates of Occupancy.

2803.1. A certificate of occupancy shall be obtained before:

- A. Any vacant land is hereafter occupied or used, except for agricultural purposes other than livestock farming or dairying;
- B. Any building hereafter erected or structurally altered is occupied or used; or
- C. The use of any such building or any existing building is altered.

2803.2. Procedure In Applying for Certificate of Occupancy. Application for a certificate of occupancy for a new building or for an existing building which has been structurally altered shall be made to the Clerk-Administrator as part of the application for a building permit. The certificate shall be issued after completion of construction if the building or proposed use of the building or land complies with all provisions of law and this Ordinance and the certificate shall state that there is such compliance. A record of all certificates shall be kept on file in the office of the Clerk-Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

SECTION 2804. Administration -- Board of Appeals and Adjustments. There is hereby created a Board of Appeals and Adjustments, which shall consist of the members of the City Council.

2804.1. Powers and Duties of Board of Appeals and Adjustments. The Board (City Council) shall have the power and duty of hearing and deciding appeals or requests in the following cases:

- A. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this Ordinance.
- B. Requests for variance from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances to the individual property under consideration.

SECTION 2805. Administration -- Variance and Appeals.

2805.1. Decision By Board of Appeals and Adjustments. Upon filing with the Board (City Council) a request for variance or an appeal from an administrative order or determination, the Board (City Council) shall set a date for hearing thereon, which shall be not later than thirty (30) days from the date of filing, and shall hear such persons as wish to be heard, either in person or by agent or attorney. Notice of any such hearing shall be mailed not less than ten (10) days before the date of hearing to each person who filed the appeal or request and, in the case of a request for a variance, to each owner of property situated wholly or partly within 350 feet of the property to which the variance relates insofar as the names and addresses of such owners can be determined by the Clerk-Administrator from records available to the public. Within a reasonable time after the hearing, the City Council shall make its order deciding the matter at the same meeting or at a specified future meeting thereof, and serve a copy of such order upon the appellant or the petitioner by mail.

2805.2. Form of Action Taken and Record of Board of Appeals and Adjustments. The Board (City Council) shall provide for a record of its proceedings, which shall include the minutes of the meetings, its findings, and the action taken on each matter heard by it, including its final order. The Clerk-Administrator shall maintain a permanent record of the disposition of all decisions of the City Council.

2805.3. Fee for Variances. The fee for applying for a variance or conditional use permit shall be determined by City Council resolution.

SECTION 2806. Administration -- Conditional Use Permit.

2806.1. A conditional use permit may be issued in accordance with this Article for any use or purpose for which such a permit is required in a particular district by the conditional uses set forth in this Ordinance. Application for a conditional use permit shall be made by the owner to the City Council. The City Council shall hold whatever hearings it deems advisable and shall make its decision upon the proposal to grant a conditional use permit.

2806.2. Standards Considered in Granting a Conditional Use Permit. The City Council shall order the issuance of a conditional use permit only if it finds that such use at the proposed location will be consistent with the general and applicable specific objectives of the Comprehensive Plan and this Ordinance, will be harmonious and appropriate in the area, will not be hazardous or disturbing to neighboring uses, will not result in traffic congestion, and will not create excessive additional public expense. If the City Council orders denial of a conditional use permit, it shall include in its determination findings as to ways in which the proposed uses does not comply with the standards imposed by this Ordinance. In approving any conditional use permit, the City Council may impose conditions which it considers necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area and the City as a whole. Violation of any such condition is a violation of this Ordinance.

2806.3. Fee for Conditional Uses. The fee for applying for a conditional use permit shall be determined by City Council resolution.

ARTICLE XXIX. AMENDMENT

An amendment to this Ordinance may be initiated by the City Council or by the petition of not less than fifty (50) percent of the property owners affected by the proposed amendment. When the amendment involves changes of district boundaries affecting an area of five (5) acres or less, an amendment is initiated by petition, the petition shall be signed by not less than fifty (50) percent of the owners of property situated within three hundred fifty (350) feet of the proposed change. Amendments shall be considered and adopted in accordance with procedural requirements imposed by Statute. The fee for applying for an amendment in this Ordinance shall be set by City Council resolution.

ARTICLE XXX. PENALTY

Any person who violates any provision of this Ordinance is guilty of a misdemeanor. Each day that the violation is permitted to exist constitutes a separate offense. The City may enjoin any violation of this action by a civil injunction in any court of competent jurisdiction.

ARTICLE XXXI. REPEAL

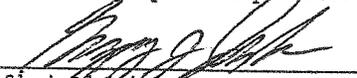
Ordinance No. 79-4, approved November 6, 1979, entitled, "An Ordinance Relating to the Use of Land, the location, bulk, height, and use of buildings and the arrangement of buildings on lots, and the density of population in the City of Cottonwood, Minnesota, and providing for administration and enforcement of such regulations"; and Ordinance No. 83-1, approved April 5, 1983, "An Ordinance amending Section 4, Subd. (15), Section 5, Subd. (3), Section 6, Subd. (1)a and (1)f, Section 8, Section 8-A, Section 9, Subd. (3)a, Section 20, Subd. (3), and Section 39, of Ordinance No. 79-4, Adopted November 6, 1979", and entitled, "An Ordinance Regulating the Use of Land, the location, bulk, height, and use of buildings and the arrangement of buildings on lots, and the density of population in the City of Cottonwood, Minnesota, and providing for the administration and enforcement of such regulations; and Ordinance No. 83-5, approved October 4, 1983, "An Ordinance amending Section 18 of Ordinance No. 79-4, Adopted November 6, 1979", and entitled, "An Ordinance Regulating the Use of Land, the location, bulk, height, and use of buildings and the arrangement of buildings on lots, and the density of population in the City of Cottonwood, Minnesota, and providing for the administration and enforcement of such regulations; and Ordinance No. 93-1, approved March 2, 1993, "An Ordinance amending Subd. (3)b, Section 9, of Ordinance No. 79-4, adopted November 6, 1979", and entitled, "An Ordinance Regulating the Use of Land, the location, bulk, height, and use of buildings and the arrangement of buildings on lots, and the density of population in the City of Cottonwood, Minnesota, and providing for the administration and enforcement of such regulations"; are hereby repealed. Also, all other ordinances, resolutions and acts and proceedings of the City of the Council which are inconsistent with the terms of this Ordinance and hereby amended or repealed to the extent necessary to give full force and effect to this Ordinance.

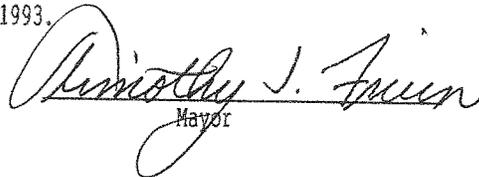
ARTICLE XXXII. EFFECTIVE DATE

This Ordinance becomes effective from and after its passage and publication.

Passed by the City Council this 15th day of March 1993.

Attest:


Clerk Administrator


Mayor

SEAL

Published in the Tri-County News this 24th day of March, 1993.