

City of Cuyuna, Minnesota

ORDINANCE NO. 903

ZONING

June 9, 1983

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ZONING ORDINANCE

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NO. 903  
City of Cuyuna, Minnesota  
ZONING ORDINANCE

AN ORDINANCE FOR THE PURPOSE OF PROMOTING HEALTH,  
SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, BY  
REGULATING THE USE OF LAND, THE LOCATION AND USE OF BUILDINGS  
AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF  
POPULATION IN THE CITY OF CUYUNA, MINNESOTA.

THE CITY COUNCIL OF THE CITY OF CUYUNA, IN THE COUNTY OF CROW  
WING, STATE OF MINNESOTA, DOES ORDAIN AS FOLLOWS:

## NO. 903.01 INTENT AND PURPOSE

Pursuant to the authority conferred by the State of Minnesota in Section 462.357, Laws of 1965 amended, and for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare of the residents of the incorporated area of the City of Cuyuna, Minnesota,
2. Protecting and preserving the physical character, social, and economic stability of residential, commercial, industrial and other use areas,
3. Securing the most appropriate use of land,
4. Preventing the overcrowding of the land and undue congestion of population,
5. Providing adequate light, air and reasonable access,
6. Facilitating adequate and economical provision of transportation, water supply and sewage disposal,
7. Planning for location of schools, recreation facilities and other public requirements.

This Ordinance shall be known and cited as the Cuyuna Zoning Ordinance, an ordinance setting minimum and maximum standards for the height and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulation, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement and administration, and imposing penalties for the violation of this Ordinance.

NO. 903.02 TITLE

This Ordinance shall be known as the “The Zoning Ordinance of Cuyuna Minnesota” and will be referred to herein as “this Ordinance”.

NO. 903.03 JURISDICTION, APPLICATION AND INTERPRETATION.

Subdivision 1 – JURISDICTION

The jurisdiction of this Ordinance shall apply to all of the area within the corporate limits of the City of Cuyuna, Minnesota.

Subdivision 2 – APPLICATION AND INTERPRETATION

1. In their application and interpretation, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.

2. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

Subdivision 3 – SEPARABILITY

1. If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Subdivision 4 – LOTS OF RECORD

All lots which are a part of a subdivision legally recorded with the Crow Wing County Recorder, and a Lot or lots described by metes and bounds, the deed to which has been recorded in the office of the County Recorder prior to the passage of this ordinance shall be considered to be Lots of Record and shall thereby be considered a legally buildable lot even though such lot or lots may not conform to the minimum requirements of this Ordinance, provided the setback requirements of this Ordinance are complied with insofar as practical.

## NO. 903.04 RULES AND DEFINITIONS

### Subdivision 1 – RULES

For purposes of this Ordinance, words used in the singular number includes the plural, and the plural the singular; the present tense includes the past and future tenses and the future the present; the word “shall” is mandatory and the word “may” is permissive; all measured distances shall be to the nearest integral foot; whenever a word or term defined hereinafter appears in the test of this Ordinance, its meaning shall be construed as set forth in such definition thereof.

### Subdivision 2 – DEFINITIONS

For the purpose of this Ordinance, certain words and terms are herein defined:

1. **APARTMENT:** A room or suite of rooms which is designed for, intended for or occupied by one family and equipped with cooking facilities.
2. **AUTOMOBILE WRECKING:** See Junk Yards.
3. **BLOCK:** That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets and railroad right of way or unsubdivided acreage.
4. **BUILDING ACCESSORY:** A subordinate building, the use of which is incidental to that of a main building on the same lot.
5. **BUILDING MAIN:** A building in which is conducted the principal use of the lot upon which it is situated.
6. **COURT:** An open, unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

7. **CONDITIONAL USE:** A use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location a “Conditional Use Permit” may be granted
8. **DWELLING:** A building or portion thereof used exclusively for residence occupancy, including one-family, two-family, and multiple dwellings hut not including hotels, or lodging or boarding houses.
9. **DWELLING, SINGLE-FAMILY:** A building used exclusively for occupancy by one family.
10. **DWELLING, TWO-FAMILY:** A building used exclusively for occupancy by two families living independently of each other.
11. **DWELLING, MULTIPLE:** A building or portion thereof used for occupancy by three or more families living independently of each other.
12. **DWELLING UNIT:** A dwelling or portion of a dwelling or of an apartment/hotel used by one family for cooking, living, and sleeping.
13. **FAMILY:** A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall, for the purpose of this Ordinance, be considered to constitute? one family for each five (5) persons, exclusive of domestic employees, contained in each such group.
14. **GARAGE, PRIVATE:** An accessory building for only the storage of self—propelled vehicles.
15. **GARAGE, PUBLIC:** Any premises, except those herein defined as a private or storage garage, used for the storage or care of self—propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.
16. **GROUP HOME:** A state licensed group home or foster home serving six (6) or fewer mentally retarded or physically handicapped persons.
17. **HEIGHT OF BUILDING:** The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by 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.



18. HOME OCCUPATION: Any use customarily conducted entirely within a dwelling by the occupants only, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Examples of permissible uses are: art studio, dress making.
19. HOTEL. Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in an individual room or apartment.
20. JUNK YARD: Land or buildings used for the storage or keeping of junk, including scrap metals, or for the dismantling or “wrecking” or 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.
21. LOT: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area required by this Ordinance for a building frontage on a street.
22. LOT, CORNER: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.
23. LOT, INTERIOR: A lot other than a corner lot.
24. LOT, WIDTH: The shortest horizontal distance between the side lot lines measured at the building set back line.
25. MANUFACTURED HOME: Means a structure transportable in one or more sections, which when erected on site measures eight (8) body feet or more in width and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and bears the appropriate Federal Department of Housing and Urban Development inspection label certifying that the mobile home meets Federal Mobile Home Construction and Safety Standards.
26. NON-CONFORMING USE: A use Lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated, except that such a use is not non—conforming if it would be authorized under special use permit where located.
27. 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.

28. **STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
29. **STRUCTURAL ALTERATION:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
30. **USE:** The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.
31. **USE, ACCESSORY:** A use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use.
32. **VARIANCE:** The waiving of specific literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent of the Zoning Ordinance. Further more, hardship must be demonstrated on a non-economic basis.
33. **YARD:** A open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yards regulations for the zoning district in which such lot is located.
34. **YARD FRONT:** A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.
35. **YARD REAR:** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
36. **YARD, SIDE:** A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

## NO. 903.05 ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, the City of Cuyuna is divided into use districts as shown on the accompanying map entitled, “Zoning Map of Cuyuna, Minnesota”, which map is hereby made a part of this Ordinance.

Any land annexed to the City in the future shall be placed in the “R-1” Residential District until placed into another district by action of the City Council.

### Subdivision 1 – PROHIBITION IN DISTRICT

Except as provided in Section 14, in each district land and structures shall be used only for the purposes listed by this Ordinance as permitted in the district. In each district every building hereafter erected or structurally altered shall be provided with the yards specified, shall be on a lot of the area and width specified, and shall not exceed the height specified in this Ordinance for the district. No open space or lot required for a building shall during its existence be occupied by, or counted as open space for another building.

### Subdivision 2 – DISTRICT CLASSIFICATIONS

The following district classifications are hereby established within the City of Cuyuna:

- “R-1” Single and Two—Family Residential District
- “R-2” Multiple Family Residential District
- “B-1” General Business District
- “I-1” General Industrial District
- “O” Open Development/Extraction District
- Shoreland Overlay District

NO. 906.06 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

Subdivision 1 – INTENT

It is the intent of this district to permit the development of single-family and two-family dwellings in the community; to provide for reasonable standards for such development; to avoid overcrowding; and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

Subdivision 2 – PERMITTED USES

1. Single and Two-Family Dwellings
2. Group Homes
3. Public Parks and Playgrounds
4. Essential Services

Subdivision 3 – PERMITTED ACCESSORY USES

1. Private Garages, parking spaces and car ports for passenger cars, trucks, recreational vehicles and equipment.
2. Home Occupations.
3. Tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.
4. Signs associated with home occupations not exceeding three (3) square feet in area.

Subdivision 4 – CONDITIONAL USES

The following uses shall require a Conditional Use permit based on the procedures set forth in Section 16 of this Ordinance:

1. Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community.
2. Residential Planned Unit Developments regulated by Section 15 of this Ordinance.
3. Public or semi-public recreational buildings, community centers, daycare centers, churches, libraries, museums, schools and memorial buildings.

Subdivision 5 – LOT YARD, AREA AND HEIGHT REQUIREMENTS

1.

	Lot Area Sq. Ft	Lot Width	Setbacks		
			Front Yard	Side Yard	Back Yard
Single Family					
Existing Lots	5000 sq ft	50 ft	20 ft.	8 ft.	10 ft.
Newly Platted	10000 sq ft	100 ft.	20 ft.	8 ft.	10 ft
Two-Family					
Existing Lots	8750 sq ft	70 ft.	20 ft.	8 ft.	10 ft/
Newly Platted	12000 sq ft	100 ft.	20 ft.	8 ft.	10 ft.

2. The City of Cuyuna authorizes the placement of manufactured houses in residential zones within the City if such manufactured houses comply with the following conditions:
- A. Such houses shall comply with all zoning regulations for the zone in which they are located.
  - B. A building permit and any other required permits shall be obtained for such manufactured housing.
  - C. No such house shall have ground floor floor space of less than eight hundred forty (840) square feet.
  - D. No such house located within an area platted after 1950 shall have a width of less than twenty (20) feet at its narrowest point.
  - E. No such house located on land platted previous to 1950 shall have a width of less than fourteen (14) feet at its narrowest point.
  - F. All manufactured homes shall be equipped with tie downs as required by Minnesota Statutes 327.31-327.35.
  - G. 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 exterior dwelling-type material.
  - I. All such manufactured houses shall be built in compliance with Minnesota Statutes 327.31-327.35.
3. Completion Date: All construction commenced under a building permit shall be completed, including siding compatible with the other siding on the building, within one year from the date of the issuance of the permit.

4. Exemptions: This ordinance shall have no application to manufactured houses built in compliance with the Uniform Building Code as adopted in the State of Minnesota or to manufactured housing placed in a mobile home park.
5. Restrictive Covenants: Nothing in this ordinance shall prevent the regulation of uses of property by means of restrictive covenants which are valid except for this ordinance.
6. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed twenty (20) feet.
7. Building Height. Residential Structures hereafter created shall not exceed 2 1/2 stories or 35 feet in height. Church spires, water towers and chimneys shall be exempt from these requirements.
8. Maximum Coverage. Lot coverage shall not exceed thirty (30) percent on newly platted lots. Lot coverage shall not exceed fifty (50) percent on existing platted lots.
9. Lots not serviced by municipal water and sewer shall conform in size with applicable PCA and Department of Health requirements.

NO. 903.07 “R-2” MULTI-FAMILY RESIDENTIAL DISTRICT

Subdivision 1 – INTENT

It is the intent of this district to provide for multiple-family dwelling unit structures and directly related complementary uses.

Subdivision 2 – PERMITTED USES

1. All permitted uses as allowed in an “R-1” Single and Two-Family Residential District
2. Multiple-family dwelling units
3. Boarding and rooming houses
4. Nursing homes, rest homes

Subdivision 3 – PERMITTED ACCESSORY USES

1. All permitted accessory uses as allowed in an “R-2” Single and Two—Family Residential District
2. Off-street loading and parking

Subdivision 4 – CONDITIONAL USES

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 16 of this Ordinance:

1. All conditional uses, subject to the same provisions as allowed in the “R-1” Single and Two-Family Residential District
2. Residential Planned Unit Developments regulated by Section 15 of this Ordinance
3. Clinics and other buildings for treatment of human beings contingent upon adequate parking being provided

Subdivision 5 – LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. Single and two-family lot size and setback requirements shall be as stated in the R1 District. Multi—family dwellings shall provide 1800 sq. ft. per unit for one bedroom and 2000 sq. ft. per unit for 2 or more bedroom units. Lot widths in existing platted areas shall be 70 feet, and 200 feet in newly platted areas.

The minimum front yard setback shall be 20 feet.

Side yards shall be a minimum of 8 feet each

Alleys shall be a minimum of 10 feet

2. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed twenty (20) feet.
3. **Building Heights.** Residential structures hereafter erected shall not exceed thirty-five (35) feet in height.
4. Lots not serviced by municipal water and sewer shall conform in size with applicable PCA and Department of Health requirements.



## NO. 903.08 "B-1" GENERAL BUSINESS DISTRICT

### Subdivision 1 – INTENT

It is the intent of this district to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region.

### Subdivision 2 – PERMITTED USES

1. Business services including banks, offices and postal stations.
2. Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking, millinery and tailor shops, shoe repair shops.
3. Equipment services including radio and television shops, electrical appliance shops, show room of a plumber, decorator or similar trade.
4. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessen, candy shops and bakeries whose products are sold only at retail on the premises.
5. Personal services including drug stores, hardware stores, haberdasher, stationery and book stores, news shops, apparel shops, show room for articles to be sold at retail, flower shops, commercial greenhouses, and laundromats.
6. Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes.
7. Public transportation terminals, public utility buildings and transformer stations without storage yards.
8. Buildings used for research and testing laboratories, storage buildings or distributing stations.
9. Residence when included as an integral part of the principal building to be occupied by the owner or his employee.
10. Governmental and public utility buildings and structures.
11. Recreational services including theaters, bowling lanes, clubs and lodges.
12. Hotels, motels, taverns, private clubs and lodges.
13. Clinics and other buildings for treatment of human beings.
14. Funeral homes.

Subdivision 3 – PERMITTED ACCESSORY USES

1. Off-street parking and loading are as in compliance with Section 13, Subdivision 2 of this Ordinance.
2. Commercial or business buildings for a use accessory to the principal use.
3. Signs and billboards as regulated in Section 13, Subdivision 9 of this Ordinance.

Subdivision 4 – CONDITIONAL USES

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 16 of this Ordinance:

1. Outside sales and service lots.
2. Storage areas.
3. Elderly Housing.
4. Apartments and other residential.
5. Highway related uses such as:

Motor fuel stations, recreational camping uses, mobile home sales lots, automobile sales and service, motels, farm implement sales and other related uses provided that:

- A. Lot width is eighty (80) feet
- B. Lot area is as large as necessary to meet the requirements for setbacks, parking, etc.
- C. Setback Requirements:

side yards	10 feet
front yards	25 feet
rear yards	20 feet
- D. Lot coverage does not exceed fifty (50) percent
- E. Building heights do not exceed 2 1/2 stories or thirty—five (35) feet in height

Subdivision 5 – PARKING IN “B-1” DISTRICT

No parking provisions shall apply to the district except when a Conditional Use Permit is required.

**Subdivision 6 – LOT, YARD, AREA AND HEIGHT REQUIREMENTS**

1. There shall be no requirements for lot area, width or setbacks.
2. No building hereafter erected in the “B-1” District shall exceed thirty-five (35) feet in height.

## NO. 903.09 GENERAL INDUSTRIAL DISTRICT

### Subdivision 1 – INTENT

It is the intent of this district to provide for and allow a wide range of industrial, warehousing and bulk commercial activities.

### Subdivision 2 – PERMITTED USES

1. Any branch of trade or industry employing labor and capital; activities not allowed in commercial districts; activities which do not require steam, diesel or gasoline engines as a prime mover excepting that no industry or use noxious by reason of odor, dust, smoke, noise or gas shall be included which interferes with other permitted uses.
2. Building materials, storage yards, lumber yards.
3. Contractors equipment and storage yards.
4. Wholesale business and warehousing.
5. Machine shops, public and private garages.
6. Public utility and service buildings and gas regulator stations.
7. Residences when on the same parcel as the principle use and occupied by an individual employed by the principle use.

### Subdivision 3 – PERMITTED ACCESSORY USES

1. Off—street parking and loading.
2. Open and outdoor storage.
3. Offices accessory to a principle use.

### Subdivision 4 – CONDITIONAL USES

The following uses shall require a Conditional Use Permit based on the proceeding set forth in Section 16 of this Ordinance:

1. Industrial parks and storage.
2. Manufacturing of cement, concrete, lime gypsum or plaster.
3. Distillation of bone, coal, tar, petroleum, refuse, grain or wood.

4. Explosive manufacture or storage.
5. Fertilizer manufacturing, compose or storage.
6. Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelative manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
7. Livestock feeding yards, slaughtering of animals or stock yards.
8. Petroleum or asphalt refining, manufacturing or storage.
9. Smelting or refining of metals from ores.
10. Steam and board hammers and forging presses
11. Storing, curing, and tanning of raw, green or salted hides or skins.
12. Corrosive acid manufacturing or bulk storage thereof.
13. Junk yards.
14. Grain elevators and storage subject to height restrictions set forth as part of the Conditional Use Permit.

Subdivision 5 – LOT, YARD, AREA AND HEIGHT REQUIREMENTS

- 1.

Lot Area Sq. Feet	Lot Width	Front	Yard Set backs	
			Side (each)	Rear
As necessary	100 ft.	25 ft.	10 ft.	20 ft.

2. Where a property abuts a railroad siding, no side or rear yard shall be required when a railroad loading facility is to be installed.
3. Building Height. No structure hereafter erected shall exceed thirty-five (35) feet in height. Church spires, water towers and chimneys shall be exempt from these requirements.
4. Maximum Coverage. Lot coverage shall not exceed fifty (50) percent.

NO. 903.10 “0” OPEN DEVELOPMENT/EXTRACTION DISTRICT

Subdivision 1 – INTENT

It is the intent of this district to provide for and allow a wide range of open space activities as well as mineral extraction activities.

Subdivision 2 – PERMITTED USES

1. Open space uses as regulated by the City Council
2. Tree Nurseries
3. Recreational uses

Subdivision 3 – PERMITTED ACCESSORY USES

1. Necessary utility structures
2. Mine Shafts
3. Signs as regulated by Section 13, Subdivision 9, of this Ordinance.

Subdivision 4 – CONDITIONAL USES

1. Recreational Areas
2. Mineral Extraction provided that the following is met:
  - A. That proper application for a Mineral Extraction Permit has been made and that the permit has been obtained.
  - B. That proper renewal of the permit be obtained after a period of five (5) years.
  - C. That the application supply sufficient information needed for the City to be able to determine:
    1. the physical relationship of the proposed mining area to the community and existing community development
    2. site topography and natural features including location of water courses and water bodies within the planned mining area
    3. the quality and quantity of minerals to be excavated

4. the depth of water tables throughout the planned mining area
  5. any other information which may be requested by the City
- D. When it is determined that the operation will comply with all regulations set up by the Minnesota Department of Natural Resources.
- E. That any conditions in addition to those set forth in this Ordinance which are reasonable and necessary to insure compliance with the requirements of this Ordinance are complied with. When such conditions are established by the City, they shall be set forth specifically in the permit. Conditions may, among other matters, limit the size, kind or character of the proposed operation, require the construction of structures, require the staging of extraction over time, require the alteration and rehabilitation of the site design to insure compliance with the standards developed by the Minnesota Department of Natural Resources.
- F. That the Excavation Permit which shall be issued for a period of five (5) years shall be renewed if excavation is to be continued. A permit shall be renewable for a three (3) year period thereafter.
- G. That all operating standards pertaining to noise, dust and water pollution be within the limits set by the Minnesota Pollution Control Agency and the Environmental Protection Agency of the United States.
- H. That the use and handling of explosives shall be coordinated with the police department. Blasting shall occur only at hours specified in the permit and at no other time.
- I. Performance Bond.
1. prior to the approval and issuance of any mineral Extraction Permit, there should be executed by the operator and submitted by the City of Cuyuna an agreement to construct such required improvements, to dedicate such property or easements, and to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by bond with surety or condition acceptable to the City Council in the amount of the established costs of complying with the agreement.
  2. the aforesaid agreement bond shall be provided for guaranteeing completion and compliance with the conditions set forth in the permit within the time to be approved by the City Council.
  3. the adequacy, conditions, and acceptability of any bond hereunder shall be determined by the City Clerk or any official of the City of Cuyuna as may be designated by resolution of the Council.

## NO. 903.11 SHORELAND OVERLAY DISTRICT

### Subdivision 1 – INTENT

The uncontrolled use of shorelands in the City of Cuyuna affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise development of shorelands and flood plain areas. The Legislature of Minnesota has delegated responsibility to the municipalities of the State, Minnesota Statutes 1969, Chapter 104; Laws of Minnesota 1973, Chapter 379; and policies declared in Minnesota Statutes 1976, Chapters 105, 115, 116, and 462 to regulate the subdivision, use, and development of the shorelands and flood plains and thus preserve and enhance the quality of surface waters, preserve the economic and natural values of shorelands and provide for the wise utilization of waters and related land resources.

### Subdivision 2 – SHORELAND MANAGEMENT CLASSIFICATION

In order to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety, and welfare, all public waters in the City of Cuyuna, Minnesota, have been given a shoreland management classification.

The public waters of the City of Cuyuna, Minnesota have been classified by the Commissioner of Natural Resources as follows:

#### GENERAL DEVELOPMENT LAKE RECREATIONAL DEVELOPMENT LAKE

### Subdivision 3 – SHORELAND OVERLAY DISTRICT

The shorelands of the City of Cuyuna, Minnesota are hereby designated as a Shoreland Overlay District. The purpose of the Shoreland Overlay District is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of the public waters of the City of Cuyuna, Minnesota.

#### 1. Permitted Uses

All permitted uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicted on the Official Zoning Map of the City.

#### 2. Conditional Uses.

All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the Official Zoning Map of the City. Notice of ally requests for



conditional uses and variances shall be for—warded to the Department of Natural Resources at least ten (10) days prior to any hearing.

3. General Provisions.

The following standards shall apply to all shorelands of all public waters within the City. Where the requirements of the underlying zoning district as shown on the Official Zoning Map are more restrictive than those set forth herein, then the more restrictive standards shall apply:

A.

Unsewered Areas	General Development Waters	Recreational Development Waters
Lot Area (ft)	20,000	40,000
Water Frontage and Lot Width at Building Line (ft.)	100	150
Building Set Back From Ordinary High Water Mark (ft.)	75	100
Building Set Back From Roads and Highways (ft.)	50 State or County 20 City of Private	
Placement of Roads and Parking Lots from Ordinary High Water Mark (ft.)	50	75
Elevation of Lowest Floor Above Highest Known Water Level (ft.)	3	3
Building Height Limitation (ft.)	35 (2 ½ stories)	
Total Lot Area Covered by Impervious Surface (%)	30	30
Sewage System Setback from Ordinary High Water Mark (ft.)	50	75
Sewage System Elevation Above Highest Groundwater Level or Bedrock (ft.)	4	4

In unsewered areas, the design and installation of sewage disposal systems shall be in conformance with the Minnesota Pollution Control Agency regulation WPC-40.

B. Sewered Areas:

All provisions for unsewered areas shall apply to sewer areas except for the following, which shall supersede the provisions applied to unsewered areas:

	General Development Waters	Recreational Development Waters
Lot Area (ft.)		
Waterfront Lots	15,000	20,000
Other Lots	10,000	15,000
Water Frontage and Lot Width at Building Line (ft.)	75	75
Building Setback From Ordinary High Water Mark (ft.)	50	75

4. Substandard and Nonconforming Sewage Disposal.

A. Substandard Sewage Disposal Systems

1. A substandard sewage disposal system is a system that has been properly constructed, is large enough to adequately treat the effluent, is not endangering a water supply and has sufficient elevation above the ground water table, but does not meet the minimum setback distance from the shoreline, lot line, or the dwelling and well.
2. A substandard sewage disposal system may be used until it has failed or when in need of major repair.
3. A substandard system that has failed or is in need of major repairs must be relocated to conform to the required setback as established in this Ordinance.

B. Nonconforming Sewage Disposal Systems

1. A nonconforming sewage disposal system is a system that:
  - a. does not conform to proper size, construction, use or maintenance,

- b. is creating a nuisance, endangering a domestic water supply, polluting a lake, stream or river, or contaminating an underground water table.
- c.
  - 1) low swampy areas, areas where standing water is prevalent, or areas subject to flooding,
  - 2) where the bottom of the soil absorption unit is closer than four feet to the ground water table or bedrock,
  - 3) on a steep slope where soil conditions may cause effluent seepage to the ground surface.
- 2. Nonconforming sewage disposal systems must be brought into conformity with Subdivision 3:3:a of this SECTION upon notice issued by the City or discontinued within five (5) years of the effective date of this Ordinance.

#### Subdivision 4 – LOTS OF RECORD

Lots of Record in the office of the County Recorder on the effective date of this Ordinance, shall be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands and sanitary and dimensional requirements of this Ordinance are complied with insofar as practicable.

#### Subdivision 5 – SHORELAND ALTERATIONS

- 1. The removal of natural vegetation shall be restricted to prevent shoreland aesthetics. Removal of natural vegetation in the Shoreland Overlay District shall be subject to the following provisions:
  - A. Selective removal of natural vegetation shall be allowed, provided that sufficient vegetative cover remains to screen cars, dwellings, and other structures when viewed from the water.
  - B. Clear cutting of natural vegetation shall be prohibited.
  - C. Natural vegetation shall be restored insofar as feasible after any construction project is completed in order to retard surface runoff and soil erosion.

- D. The provisions of this SECTION shall not apply to permitted uses which normally require the removal of natural vegetation.
2. Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward a public water of a watercourse leading to a public water must be authorized by a Conditional Use Permit

The permit may be granted subject to the conditions that:

- A. The smallest amount of bare ground is exposed for as short a time as feasible.
  - B. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
  - C. Methods to prevent erosion and trap sediment are employed, and
  - D. Fill is stabilized to accepted engineering standards.
3. Excavations on shorelands where the intended purpose is connection to a public water shall require a permit from the City Clerk before construction is begun. Such permit may be obtained only after the Commissioner of Natural Resources has issued a permit for work in the beds of public waters.

#### Subdivision 6 – SUBDIVISION PROVISIONS

1. No land shall be subdivided which is held unsuitable by the municipality for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the Community.
2. All plats which are inconsistent with this shoreland district shall be reviewed by the Commissioner before approval by the municipality may be granted. Such review shall require that the proposed plats be received by the Commissioner at least 10 days before a hearing is called by the municipality for consideration or approval of a final plat.
3. Copies of all plats within shoreland areas shall be submitted to the Commissioner within 10 days of final approval by the municipality.

#### Subdivision 7 – SUPPLEMENTAL DEFINITIONS/ADMINISTRATION

1. The following definitions are provided to clarify the application of these provisions:

- A. “Ordinary High Water Mark” means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
  - B. “Shoreland” means land located within the following distances from public water: (i) 1,000 feet front the ordinary high water mark of a lake, pond, or flowage; and (ii) 300 feet from a river or stream or the land—ward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by topographic divides which extend landward front the waters for lesser distances and when approved by the Commissioner.
- 2. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under the municipal shoreland management ordinance shall be received by the Commissioner at least 10 days prior to such hearings.
  - 3. A copy of amendments and final decisions granting variances or conditional uses under the municipal shoreland management ordinance shall be received by the Commissioner within 10 days of final action or amendment.

NO. 903.12 RESERVED

## NO. 903.13 GENERAL REQUIREMENTS

### Subdivision 1 – INTENT

The intent of this SECTION of the Zoning Ordinance is to establish general development performance standards. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

### Subdivision 2 – SPARKING AND LOADING REQUIREMENTS

In all zoning districts, with the exception of allowed uses in “BI” District, off—street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided and maintained as herein prescribed.

Parking of automobiles and other motor vehicles is permitted in the front and side yards in manufacturing districts if screened by a greenbelt eight (8) feet in width.

1. Loading space shall not be construed as supplying off-street parking space.
2. When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one—half (1/2) shall be disregarded and fractions over one—half (1/2) shall require one (1) parking space.
3. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
4. For the purpose of this SECTION, “Floor Area,” in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, less ten (10) percent.
5. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
6. The location of required off—street parking facilities for other than dwellings shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off—street parking facilities and the nearest point of the building or structure.
7. Where a use is not specifically mentioned, off—street parking requirements shall be the same as for similar uses.

8. Nothing in this SECTION shall be construed to prevent collective provisions of off—street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the items listed in Subdivision 2, item 10.
9. Nothing in this SECTION shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area, or an additional area within three hundred (300) feet of such building.
10. The amount of required off—street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required and shall be irrevocably reserved for such use.
  - A. Single-family, two-family and townhouse units. One (1) space per unit.
  - B. Boarding/Rooming House. At least one (1) parking space for each person for whom accommodations are provided for sleeping.
  - C. Multiple Family Dwellings. One and one-half (1 1/2) spaces per unit.
  - D. Elderly. (Senior Citizen) Housing. One (1) space per unit.
  - E. Motels, Motor Hotels, Hotels. One (1) space per each rental unit plus one (1) additional space for each ten (10) units and one (1) space for each employee on any shift.
  - F. Church, Theatre, Auditorium or Places of Assembly. At least one (1) parking space for each four (4) seats based on the design capacity of the main assembly hall.
  - G. Sanitariums, Convalescent Home, Rest Home, Nursing Home or Day Nurseries. Four (4) spaces plus one (1) for each three (3) beds for which accommodations are o f P e r e d.
  - H. Office Buildings and Professional Offices. One (1) space for each two hundred-fifty (250) square feet of floor area.
  - I. Retail Store and Service Establishment. At least one (1) off—street parking space for each two hundred (200) square feet of floor area.



- J. Restaurants, Cafes, Private Clubs serving food and/or drinks, Bars, Taverns, Nightclubs. At least one (1) space for each sixty (60) square feet of gross floor area.
  - K. Manufacturing, Fabricating or Processing of product or material, Warehouse, Storage, Boats and Marine Sales and Repair, Handling of Bulk Goods. At least one (1) space for each five hundred (500) square feet of floor area.
11. In all districts where off—street parking lots are permitted or required such off—street parking lots shall be constructed and maintained subject to the following regulations:
- A. Adequate ingress and egress shall be provided
  - B. Such parking lots shall be maintained in a usable dustproof condition and shall be kept graded and drained to dispose of surface water.
  - C. Whenever such parking lot boundary adjoins property zoned for residential use, a setback of three (3) feet from said lot line shall be required.
  - D). Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained

### Subdivision 3 – ACCESSORY BUILDINGS

- 1. When detached accessory buildings are located within ten (10) feet of the rear wall of the principal building they shall comply with all yard requirements applicable to the principal building in the district. Where accessory buildings are to be located more than ten (10) feet from a rear wall of the principal building they shall not be located closer than eight (8) feet from an adjoining side or rear lot line. All detached accessory buildings shall setback a minimum of ten (10) feet from all street right-of-way lines. Accessory buildings are further limited not to exceed over one (1) story or sixteen (16) feet in height.
- 2. All garages shall, if the vehicle entrance backs upon a public alley, be set back at least ten (10) feet from the public alley right-of-way.
- 3. In no case shall the door of any structure, building or improvement, except a fence, be erected or constructed so as to extend beyond any lot line.

### SUBDIVISION 4 – GENERAL FENCING, SCREENING, LANDSCAPING AND STORAGE

1. All materials and equipment, except as provided in the district provisions of this Ordinance shall be stored within a building or structure or screened so as not to be visible from adjoining properties, except the following:
  - A. Usable laundry equipment (clothes Lines).
  - B. Recreational equipment and vehicles.
  - C. Construction and landscaping material currently being used on the premises.
2. No fence, wall, structure, coniferous trees or obstruction, other than chain link fences with openings of 1 5/8" to 2" not exceeding 48" in height, shall be erected, established or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of such lot lines. An object within this area not exceeding thirty (30) inches in height as measured from the centerline elevation of the street shall not be considered as an obstruction to vision. This SECTION does not apply to the "B-1" District.
3. No fence shall exceed eight (8) feet in height and in the case of grade separation, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade.
4. In all commercial and industrial districts adjacent to residential districts and not divided by streets there shall be provided along the property line a twenty (20) foot wide planting strip composed of grass, trees and shrubs. A screening fence may be utilized when approved by the Planning Commission. Such fence shall not exceed eight (8) feet in height nor be less than six (6) feet in height and shall screen up to eighty (80) percent per square yard of area.
5. In all zoning districts the lot area remaining after providing for parking, driveways, loading, sidewalks or other requirements shall be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques.

#### Subdivision 5 – UNPLATTED PROPERTY

1. Any person desiring to improve unplatted property shall submit to the City Engineer a survey of said premises and information on the location and dimensions of proposed buildings, location of easements crossing the property and other information which may be necessary to insure conformance City Ordinances.

2. All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.
3. The Planning Commission shall review the lot survey to determine if the division and creation of the property was in compliance with the statutes and regulations applicable at the time of said division, If the Planning Commission finds that the division of the property was in compliance with legal requirements applicable at the time of the division, the lot shall be recognized and development of the property shall be allowed in the conformance to the building and zoning regulations of the City. If the Planning Commission finds that the division of the property was not in compliance with legal requirements applicable at the time of the division, the lot shall not be recognized and current standards and procedures for platting shall be imposed.

#### Subdivision 6 – DWELLING UNIT RESTRICTIONS

1. No basement, except when used as a portion of the living space of the family, cellar, garage, tent or mobile home or accessory building shall at any time be used as a residence or dwelling unit, temporarily or permanently except as elsewhere allowed in this Ordinance.
2. Except in the case of planned unit developments provided in SECTION 15 of this Ordinance, not more than one (1) principle building shall be located on a lot.
3. On a through lot (a lot fronting on two (2) parallel streets) or a corner lot, both street lot lines shall be front lot lines for applying yard and parking requirements.

#### Subdivision 7 – GENERAL PERFORMANCE STANDARDS

1. All sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation, all sewage facilities shall be connected to approved septic tanks and disposal fields. This provision shall not apply to temporary construction sites, or portable units.
2. Any lighting used to illuminate an off—street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky—reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

3. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-1-15 and as subsequently expanded, modified or amended.
4. Dust and Other Particulated Matter. The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1—15 and as subsequently expanded, modified or amended.
5. Odors.  
The emission of odorous matter in such quantity as to be offensive shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by the State Minnesota Pollution Control Standards, Minnesota Regulations APC 1—15 and as subsequently expanded.
6. Noise.  
All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the minimum standards established by the State of Minnesota, Regulations NPC 1,2, and 4.

#### Subdivision 8 – HEIGHT AND YARD EXCEPTIONS

1. Chimneys, cooling towers, elevator bulk head, fire towers, drive—in movie theater screens, grain elevators, silos, penthouses, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of the principle structure.
2. Outside stairways, fire escapes, tire towers, porches, platforms, decks, balconies, boiler flues and other similar projections shall he considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space. However, this provision shall not apply to a fireplace or chimney, not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable side yard space. This shall also not apply to unenclosed porches or other ground level unenclosed projections which may extend into a front or rear yard not more than five (5) feet, or into a side yard not more than three (3) feet.

#### Subdivision 9 – SIGNS

All signs shall comply with the following regulations:

1. Real Estate signs, including signs advertising the sale or rental of premises are permitted in residential districts only, provided the area on one side of any such

sign shall not exceed six (6) square feet; and signs indicating the location and direction of premises in the process of development, providing the area on one side of any such sign shall not exceed twenty—four (24) square feet.

2. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
3. No sign, other than official traffic signs, shall be erected within the setback areas provided by this document, unless specifically authorized by other ordinances or regulations
4. Signs erected in Business and Industrial Districts shall be limited to identifying the names of the person, persons, companies or corporations, together with their type of business or its products. The area on one side of any permissible sign on the property shall not exceed one hundred sixty (160) square feet.
5. All advertising signs or billboards shall not exceed an overall surface area on one side of eight hundred fifty (850) square feet and shall be limited to Business and Industrial Districts only.
6. All signs located adjacent to State or Federal Highways shall be in compliance with the regulations developed by the Minnesota Department of Transportation.

NO. 903.14 NON-CONFORMING BUILDINGS AND LAND USE

It is recognized that with the adoption of this Ordinance, some structures, buildings, and uses of land which were legal prior to the adoption of this Ordinance will be prohibited in the new districts in which they are located. It is the intent of this section to permit such non-conformities to continue until they are removed or destroyed, but not to encourage their survival, continuation, or expansion.

Subdivision 1 – NON-CONFORMING STRUCTURES

1. Buildings or other structures including signs existing at the time of the adoption of this Ordinance which do not conform to requirements of the district in which they are located, shall not be expanded or altered.
2. When a non-conforming use of a structure is discontinued or abandoned for one (1) year, the structure or combination of structures and land shall not thereafter be used except in conformity with the regulations of the district in which it is located.
3. The destruction of a non-conforming structure by fire, the elements, or an act of God, to an extent of more than 50% of the replacement cost at the time of destruction, shall require that subsequent use of the land be in conformity with this Ordinance.

Subdivision 2 – NON-CONFORMING LAND USE

Non-conforming uses of land shall not be enlarged or increased or extended to occupy a greater area of land than was occupied at the time of adoption of this ordinance. If such non-conforming use of land is discontinued for any reason for a period of more than sixty (60) days, subsequent use of such land shall conform to the regulations of the district in which the land is located.

## NO. 903.15 PLANNED UNIT DEVELOPMENT

### Subdivision 1 – PURPOSE

The purpose of this Subdivision is to provide for the grouping of land parcels for development as an integrated, coordinated unit in a manner which emphasizes flexibility of design of land under single or unified ownership, developed with community or public sewer and water systems, and through clustering of buildings and activities. It is further intended that Planned Unit Developments are to be characterized by Central Management, integrated planning and architecture, joint or common use of parking, maintenance of open space, and other similar facilities, and a harmonious selection and efficient distribution of uses. Planned Unit Developments regulated under this Subdivision may be applied to Residential uses when in keeping with the regulations provided within this Ordinance.

### Subdivision 2 – GENERAL REGULATIONS

1. The minimum area of land to be included in a Planned Unit Development shall be two (2) acres.
2. The Planned Unit Development, because it will be served by public or community water and sewer systems, may be increased in density to one and one-half (1 1/2) times that permitted within the respective zoning district, provided that twenty—five (25) percent of the land, specifically lakeshore or river area, be reserved for use of the entire development and further, that no more than twenty—five (25) percent of the lakeshore or river be devoted to active recreational development such as marina or swimming beach, the remainder of the shoreline shall be left in a natural state. The parking and similar requirements of these extra units shall be observed in compliance with this Ordinance.
3. It is the intent of this Subdivision to require subdivision of property simultaneous with an application for a Conditional Use Permit. The subdivision of land as a Planned Unit Development shall be the same as imposed in the respective district.
4. The front, side yard and shoreland restrictions at the periphery of the Planned Unit Development site, at a minimum, shall be the same as imposed in the respective districts. Lots shall be designed so as to allow at least fifteen (15) feet between structures.
5. Private roadways within the project shall have an improved surface to twenty (20) feet or more in width. No portion of the required twenty (20) feet road system may be used in calculating required off—street parking space.

### Subdivision 3 – ADMINISTRATIVE PROCEDURE

1. The proponents of a Planned Unit Development shall submit a preliminary subdivision plat and development plan, along with an application for a Conditional Use Permit. The Preliminary plat shall conform to the provisions of this Ordinance and the Subdivision Ordinance. The development plan shall be drawn to a scale of not more than fifty (50) feet per inch, showing the following:
  - A. the existing and proposed topography with contour intervals not greater than two (2) feet.
  - B. the entire outline, overall dimensions and area of the tract described in the application
  - C. proposed public or community sewer and water system, including size, type and capacity.
  - D. proposed roadway, type and capacity of paving
  - E. the proposed site and existing adjacent developments
  - F. size and location of buildings
  - G. landscaping
  - H. parking areas and arrangement of stalls
  - I. allocation and disposition of park and open space
  - J. site and lot dimensions
  - K. type of use and density of each building, including a relief drawing of the general building design or theme intended for all buildings other than single and two—family units
  - L. location, type and size of signing
2. If the Conditional Use Permit for the preliminary plat and site plan is approved, the preliminary plat and the site plan shall be attached to and become a part of the Conditional Use Permit. Any modification to the preliminary plat or site plan will require a resubmission to, and approval by, the Planning Commission and the City Council.
3. If the Conditional Use Permit is approved, the final plat shall be submitted to the City in accordance with the conditions of the permit and the provisions of this Ordinance.

#### Subdivision 4 – PROPERTY CONTROL



1. In order that the purposes of this subdivision may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Ordinance.
2. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions or an equivalent document shall be filed with the City Clerk for approval as part of the Conditional Use Permit, prior to filings of said declaration or document with the recording officers of Crow Wing County.
3. The declaration of covenants, conditions and restrictions or equivalent documents shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
4. The declaration of covenants, conditions and restrictions shall provide that a owners' association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.
5. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to pay taxes or assessments on properties as they become due, then the City of Cuyuna shall have the right to assess each property its' prorata share of said expenses. Such assessment together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such cost of collection thereof, shall also be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.

## NO. 903.16 BOARD OF ADJUSTMENT

### Subdivision 1 – BOARD OF ADJUSTMENT

The Board of Adjustment shall be the City Council and shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing this Ordinance. Such appeal may be taken by any person owning the property under appeal or by any officer, department board or commission of the City of Cuyuna. The Board of Adjustment shall have power to vary or adopt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, or shallow lots, or other exceptionally physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other uses except as specifically described. Any appeals on a Board of Adjustment decision shall be made to the District Court. Board of Adjustment decisions shall be final except said appeal to District Court.

### Subdivision 2 – VARIANCES

No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Adjustment unless it finds evidence that all the facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.
3. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.
4. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
5. In granting a variance, the Board of Adjustment may impose conditions to insure compliance and to protect adjacent properties. The Board of Adjustment may not permit as a variance any use that is not permitted under this Ordinance for the property in the district where the affected person's land is located.

### Subdivision 3 – PROCEDURE

1. Requests for a variance or appeal shall be filed with the City Clerk and shall be accompanied by a fee of \$25, plus costs, along with material explaining the request.
2. The Planning Commission shall consider the request at its next regular meeting and shall make a recommendation to the Board of Adjustment within sixty (60) days of receiving the request.
3. Upon receiving the recommendation of the Planning Commission the Board of Adjustment shall set and hold a public hearing on said request. Notice of such hearing shall be mailed not less than ten (10) days nor more than thirty (30) days to property owners within three hundred—fifty (350) feet of the affected parcel as determined by the City Clerk. Such notice shall also be published in the official newspaper within the above time period. Failure of a property owner to receive said notice shall not invalidate any such proceedings.
4. A variance of this Zoning Ordinance shall be by majority vote of the full Board of Adjustment.
5. Within fifteen (15) days after the hearing, the Board of Adjustment shall make its order deciding the matter and serve a copy of such order upon the appellant or the petitioner by mail.
6. All decisions by the Board of Adjustment in granting or denying a variance or appeal shall be final except that any aggrieved person, department, board or commission shall have the right to appeal within thirty (30) days, after the Board's decision, to the District Court on questions of law and fact.

### Subdivision 4 – LAPSE OF VARIANCE

If within one (1) year after granting a variance the work permitted is not started such a variance shall become null and void unless a petition for an extension has been approved by the City Council.

NO. 903.17 PROCEDURES FOR AMENDMENTS  
REZONING/CONDITIONAL USE PERMITS

Subdivision 1 – INITIATION

The Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person, persons, firm or corporation or his expressed agent owning real estate within the City may initiate a request to amend the district boundaries, text of this Ordinance so as to affect the said real estate, or request a Conditional Use Permit as provided for in the district provisions.

Subdivision 2 – PROCEDURE

1. A request plus copies of detailed written and graphic materials fully explaining the proposal for an amendment to this Ordinance shall be filed with the City Clerk and shall be accompanied by a fee of \$25, plus costs.
2. The City Clerk shall refer said amendment request along with all related information to the Planning Commission for consideration and a report and recommendation to the Council.
3. The Planning Commission shall consider the amendment request at its next regular meeting. The City Clerk shall refer said amendment proposal along with all related information to the Planning Commission for their review.
4. The Planning Commission shall set a date for the official public hearing. Notice of such hearing shall be published in conformance with the State Law and individual notices, if it is a district change request, shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property, according to the assessment records, within three hundred—fifty (350) feet of the parcel included in the request, such notice shall also be published in the official paper within the above time periods.
5. The Planning Commission shall reach a decision and make its report to the City Council within sixty (60) days after the regular meeting at which the amendment request was first considered by the Commission.
6. The Council, shall upon receiving no report from the Planning Commission within ninety (90) days, place such request on the agenda of its next regular meeting and decide the issue within thirty (30) days.
7. Upon receiving the reports and recommendations of the Planning Commission, the Council shall place the amendment request on the agenda of the next regular meeting and decide the issue within thirty (30) days. Said reports and recommendations shall be entered in and made part of the permanent written record of the Council meeting.

8. The Council shall have the option to set and hold a public hearing if deemed necessary for reaching a decision.
9. Approval of a Conditional Use Permit or amendment of this Zoning Ordinance shall require a majority vote of the full Council. The Council's action shall be final.
- 10 The City Clerk shall notify the originator of the amendment request of the Council's decision in writing.

### Subdivision 3 – APPLICATION

Applications for Conditional Use Permits shall be made to the City Clerk together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Description of site (legal description)
2. Site plan drawn at scale showing parcel and building dimension
3. Location of all buildings and their square footage
4. Curb cuts, driveways, access roads, parking spaces, off—street loading areas and sidewalks
5. Landscaping and screening plans
6. Drainage plan
7. Sanitary sewer and water plan with estimated use per day
8. Soil type
9. Any additional written or graphic data reasonably required by the City Clerk of the Planning Commission

### Subdivision 4 – CONDITIONAL USE STANDARDS

No Conditional Use shall be recommended by the Planning Commission unless said Commission shall find:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
3. The adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off—street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
6. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
7. The demonstrated need for the proposed use.
8. The proposed use is in compliance with any Land Use Plan adopted by the City.

#### Subdivision 5 – COMPLIANCE

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permits and of any conditions designated in connection therewith.

#### Subdivision 6 – LAPSE OF CONDITIONAL USE PERMIT BY NON-USE

Whenever within one (i) year after granting the Conditional Use the work permitted has not been started, then such permit shall become null and void unless a petition for an extension has been approved by the Council.

NO. 903.18 ENFORCEMENT/VIOLATIONS/PENALTIES

Subdivision 1 – ENFORCEMENT

This Ordinance shall be administered and enforced by the City Clerk of Cuyuna, Minnesota. The City Clerk may institute appropriate action for any violations of this Ordinance at the direction of the City Council and through the City Attorney as deemed necessary.

Hereafter no person shall erect:, alter, wreck, or move any building or part thereof without first securing a Building Permit. Application for a Building Permit shall be made to the City Clerk on blank forms to be furnished by the City. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the sue and location of the building and accessory buildings to be erected. Applications for any kind of Building Permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance. The fees for Building Permits shall be as established by the City Council. The City Clerk shall issue the Building Permit only after determining that the building plans, together with the application, comply with the terms of this arid any other City Ordinance.

Subdivision 2 – VIOLATIONS AND PENALTIES

Any person who violates or fails to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed five hundred dollars (\$500) or by imprisonment for not to exceed ninety (90) days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

THIS ORDINANCE, passed this 9th day of June, 1983.

/s/ \_\_\_\_\_  
Marilyn Holmwig, Mayor

ATTEST:

/s/ \_\_\_\_\_  
William Bedard, Clerk