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AN ORDINANCE ADOPTING ORDINANCE NO. 445
ZONING ORDINANCE FOR THE CITY OF ISANTI, MINNESOTA

THE CITY OF ISANTI DOES ORDAIN:

AN ORDINANCE FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, ORDER, CONVENIENCE, PROSPERITY AND GENERAL WELFARE BY REGULATING THE USE OF LAND, THE LOCATION, AREA, SIZE, AND HEIGHT OF BUILDINGS ON LOTS, THE DENSITY OF THE POPULATION, AND BY PRESERVING THE RESOURCES WITHIN THE CITY OF ISANTI, MINNESOTA; PURSUANT TO THE AUTHORITY GRANTED BY MINNESOTA STATUTES SECTION 462.357 AS AMENDED.

SECTION 1: TITLE AND APPLICATION

Subdivision 1	Title
Subdivision 2	Intent and Purpose
Subdivision 3	Relation to Comprehensive Plan
Subdivision 4	Standard Requirements
Subdivision 5	Minimum Requirements
Subdivision 6	Conformity with Provisions
Subdivision 7	Building Permits
Subdivision 8	Conditional uses and Variances
Subdivision 9	Uses Not Provided for Within Zoning Districts
Subdivision 10	Separability
Subdivision 11	Language Rules
Subdivision 12	Cost Recovery

Subdivision 1: Title

This Ordinance shall be known as the City of Isanti Zoning Ordinance and may be so cited and further referenced elsewhere as the "Isanti Zoning Ordinance", and herein as "this Code", "this Title", or as "this Ordinance", shall imply the same wording or meaning as the full Ordinance.

Subdivision 2: Intent and Purpose

The intent of this Ordinance is to protect the public health, safety, and general welfare of the City of Isanti and its people through the establishment of minimum regulations governing land development and use. This Ordinance shall divide the City into use districts and establish regulations in regards to location, construction, reconstruction, alteration, and use of land and structures. Such regulations are established to provide adequate light, air, and convenience of access to property; to prevent congestion in the public right-of-way; to prevent the overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population; to provide for compatibility of different land uses; to provide for administration of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City Council and the Planning Commission, in relation to the Zoning Ordinance.

Subdivision 3: Relation to Comprehensive Plan

It is the policy of the City of Isanti that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained within the City of Isanti Comprehensive Plan as the policy is responsible for the regulation of land use and development in accordance with the policies set forth within this ordinance.

Subdivision 4: Standard Requirements

Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by another ordinance, rule, or regulation of the City; the ordinance, rule, or regulation that imposes the more restrictive condition will prevail. In the event of any conflict between this Ordinance and any private restrictions, protections, and covenants, the provisions of this Ordinance shall apply.

Subdivision 5: Minimum Requirements

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

Subdivision 6: Conformity with Provisions

No structure shall be constructed, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose or in any manner that does not conform to the requirements of this Ordinance.

Subdivision 7: Building Permits

No building, structure, or premises shall hereafter be used or occupied and no building permit shall be granted for a building, structure, or premise that does not conform to the requirements of this Ordinance.

Subdivision 8: Conditional Uses, Interim Uses or Variances

Nothing within this Ordinance shall be construed so as to deny any property owner his or her right to apply for a Conditional Use Permit, Interim Use Permit or a Variance.

Subdivision 9: Uses Not Provided for Within Zoning Districts

Whenever in any zoning district, a use is neither specifically permitted or denied, the use shall be considered prohibited. It is recognized; however, that in the development of the Zoning Ordinance that (1) not all uses of land and/or water can be listed, nor can all future uses be anticipated; (2) a "use" may have been inadvertently omitted from the list of those specified as permitted, conditional, or interim in each of the various districts designated; or (3) ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of the Ordinance.

Therefore, the phrase "plus such other uses deemed to be similar and not more obnoxious or detrimental to the public health, safety, and welfare" shall be unmentioned, but included in the respective lists of "permitted uses", "conditional uses", or "interim uses" in each district. In such cases the Planning Commission or City Council, on their own initiative or upon request by the Zoning Administrator, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to the conditions and standards relating to the development of such a use be included. The City Council, Planning Commission, or property owner shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

Subdivision 10: Separability

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

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

- B. If any court of competent jurisdiction shall find invalid the application of any provision of this Ordinance to a particular property, building, or 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 11: Language Rules

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

- A. The singular number includes the plural, and the plural number includes the singular.
- B. The present tense includes the past and the future tenses, the future tense includes the past and present tenses, and the past tense includes the present and future tenses.
- C. The word “shall” is mandatory, while the word “may” is permissive.
- D. The masculine gender includes the feminine gender and neuter.

Subdivision 12: Cost Recovery

It is the intent of the City of Isanti to recover all expenses incurred in the review and approval process of all development within the City. The property owner or person making the application shall reimburse the City for all costs incurred, above and beyond the application fee; including but not limited to, engineering, legal, and financial advising; incurred by the City in connection with all matters relating to the proposed application and enforcement of performance standards. Such reimbursement shall be made within thirty (30) days of the date of mailing of the City's notice of costs to the applicant. Failure of the applicant to pay reimbursement costs shall result in the delay of processing a request or application, until such payment has been received.

SECTION 2: DEFINITION OF TERMS

Subdivision 1: Purpose

For the purpose of this ordinance, the following words and terms shall be interpreted as herein defined. Words in the present tense include the future; words in the singular include the plural; words in the plural include the singular; the word “shall” is mandatory; and the word “may” is permissive.

A.

Abut, Abuts, or Abutting

These terms refer to areas with boundaries, which physically touch one another at least at a single point, provided however that when used in the context of annexation; said terms shall also be construed to include areas having boundaries, which would touch but for an intervening roadway, railroad, waterway or parcel of publicly owned land.

Access

A means of vehicular approach or entry to or exit from property.

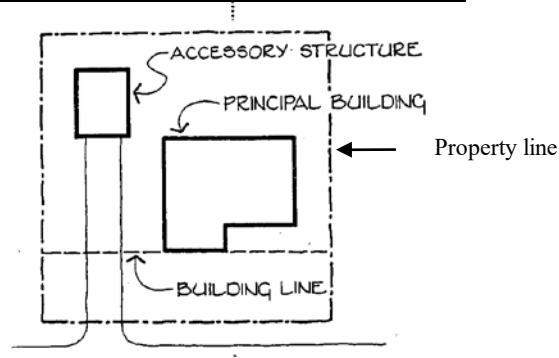
Accessory Dwelling Units (ADU)

A self-contained residential unit that meets the requirements of the Minnesota State Building Code subordinate to the principal one-family dwelling. (*Ord. No. 789*)

Accessory Structure

A subordinate attached or detached building located on the same lot as the principal building, of which the use is incidental and accessory to the use of the principal building.

FIGURE 1: Principal and Accessory Structures



Accessory Structure, Attached

An accessory building or structure that immediately abuts the principal building; is connected by a common wall, an enclosed passageway, breezeway, or other similar roof structure.

Accessory Structure, Detached

An accessory building or structure that does not immediately abuts the principal building; is not connected by a common wall, an enclosed passageway, breezeway, or other similar roof structure. Such structure is entirely surrounded by open space on the same lot as the principal building.

Accessory Use

A use that is (1) incidental and subordinate in area, extent, and purpose to the principal use; (2) contributes to the comfort, convenience, or necessity of the principal use; (3) is located on the same lot or within the same building; and within the same zoning district as the principal use by the same party as the principal use, and (4) will not alter the character of the area or be detrimental thereto.

Adult Day Center

A facility licensed by the State of Minnesota that provides adult day care to functionally impaired adults on a regular basis for periods of less than twenty-four (24) hours a day in a setting other than a participant's home or the residence of the facility operator. Functionally impaired adult means an adult having a condition that includes 1) having substantial difficulty in carrying out one (1) or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; or 2) having a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life; and 3) requiring support to maintain independence in the community. (*Ord. No. 594*)

Adult Oriented Business

Any business engaged in adult uses.

Adult Uses

Adult uses include adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse sauna facilities, adult clubs, adult cabarets, adult companionship establishments, adult rap/conversation parlors, adult health sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, business or places open to some or all members of the public, or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. This includes bars and or businesses with topless people, bottomless people, nude dancing, strip clubs, and dancing establishments with any type of partial of full nudity.

Adult Uses-Accessory

A use, business, or establishment having more than 5% but less than 10% of its stock in trade or floor area allocated to, or more than 10% but less than 20% of its gross receipts derived from adult movie rentals or sales and/or adult magazines or other adult material sales or rental.

Adult Uses-Principal

A use, business, or establishment having 10% or more of its stock in trade or floor are allocated to, or more than 20% of its gross receipts derived from adult use.

Agriculture

The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, and animal and poultry husbandry, and the necessary accessory uses for storing the products. This term shall include incidental retail sales by the producer of products raised on the farm. This term does not include kennels, riding academies, commercial stables, and the commercial raising of fur-bearing animals.

Agricultural Sales and Service

A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and indoor farm machinery repair services that are accessory to the principal use.

Alley

A public thoroughfare which provides secondary access to abutting property.

Alteration

Any construction which would result in a change in height, occupancy of use, or lateral dimensions of an existing structure.

Ambulance Service

A privately or publicly owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

Annexation

The incorporation or detachment of land into or from the City of Isanti, which results in a change to the corporate limits of the City.

Animal(s)

All living, non-human beings, including but not be limited to, cattle, swine, sheep, goats, farmed cervidae, horses, bison, mules, or other equines, llamas, poultry and/or ratitae.

Animal Boarding Facility

An establishment in which dogs and cats are kept for boarding, safekeeping, convalescence, humane disposal, placement, or sporting purposes.

Animal Grooming and Training Service

An establishment providing bathing, trimming or training services for domestic animals on a commercial basis. The term includes the boarding of domestic animals for a minimum period of not more than forty-eight (48) hours; incidental to the grooming and training services.

Animal Sales and Service

A business establishment primarily engaged in animal related services, including animal boarding facilities, training and grooming services and veterinary clinics.

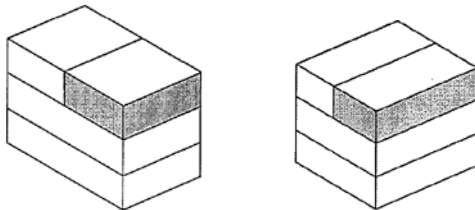
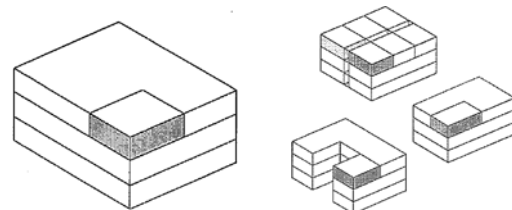
Antenna

Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Apartment Building (See Dwelling, Apartment)

A multiple family dwelling designed with three (3) or more units grouped in one building and used exclusively for occupancy by three (3) or more families living independently of each other but sharing common hallways and main entrances and exits.

FIGURE 2: Apartment Dwelling Types

Small Apartments**Low Rise Apartments****Appendage (Building/Structure)**

A structure added or attached to a principal or accessory structure. This definition shall include but is not limited to roofs, awnings, or a lean-to.

Archery Range

An indoor or outdoor facility that may include buildings or structures used for target practice with bows and arrows.

Artist Studios

An establishment where work space for artists or artisans, including individuals being taught, studying, or practicing one of the fine arts. This may include music, art, photography, printing, painting, sculpturing, acting or writing. This definition includes accessory sale of art produced on the premises. (*Ord. No. 466*)

Assisted Living Facility

A facility for the elderly that provides rooms, meals, personal care, and supervision of self-administered medication, and may provide other services such as recreational activities, financial services, transportation or other activities of daily living, appropriate for the residents.

Attic

That part of a building which is immediately below, and wholly or partly within, the roof framing.

Automobile Car Wash Establishment

Mechanical facilities for the washing and waxing of private automobiles, light trucks and vans; which may be accessory to a motor vehicle repair facility, body shop or gas station.

Awning

A roof-like cover, often constructed of fabric, plastic, vinyl, metal, or glass, designed and intended for protection from the elements or as a decorative embellishment, and which projects from a wall of a structure.

B.

Bakery

An establishment primarily engaged in the retail sale of baked goods for consumption off site. The products may be prepared, cooked, or baked either on or off premises. Such service may include incidental food service. A bakery shall be considered a general retail use.

Bar

An establishment primarily devoted to the serving of alcoholic beverages for consumption on the premises and in which the service of food is incidental to the consumption of such beverages. This definition shall include taverns, cocktail lounges, night clubs, and other similar liquor serving establishments, which serve liquor, beer, or wine.

Basement

The portion or portions of a building that is partly or completely below grade.

Bed & Breakfast

An owner-occupied single-family dwelling in which a room or group of rooms forming a single habitable unit and one (1) meal per day are provided for a fee to the transient traveling public for the purpose of sleeping, but not for cooking.

Block

A tract of land bounded by streets or a combination of streets or public parks, cemeteries, railroad right-of-way, shorelines, unsubdivided acreage, or boundary lines of the corporate limits of the city.

Boarding House

A building other than a hotel or motel, where for compensation and by prearrangement for definite periods, meals, and/or lodging are provided for persons, not members of the principal family, not to exceed ten (10) persons. The definition may also be referred to as a lodging house or rooming house.

Brewer Tap Room

Facilities on the premises of, or adjacent to, a malt liquor brewery for the on-sale and consumption of malt liquor produced by the brewer pursuant to Minnesota Statute section 340A.301, subdivision 6(b), as amended from time to time. (*Ord. No. 554*)

Brewpub

A restaurant that conducts the retail sale of malt liquor brewed on the premises and is licensed under Minnesota Statutes section 340A.301, subdivision 6(d), as amended from time to time. (*Ord. No. 554*)

Broadcasting or Recording Studio

An establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. Such term does not include transmission towers.

Buffer Zone

An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other. Such areas shall include landscaping and screening as required by this Ordinance.

Buildable Area

The area of a lot remaining after the minimum yard areas, setbacks, and open space requirements of this ordinance have been met; excepting any floodplain, wetland, easement, or similarly designated unbuildable lands.

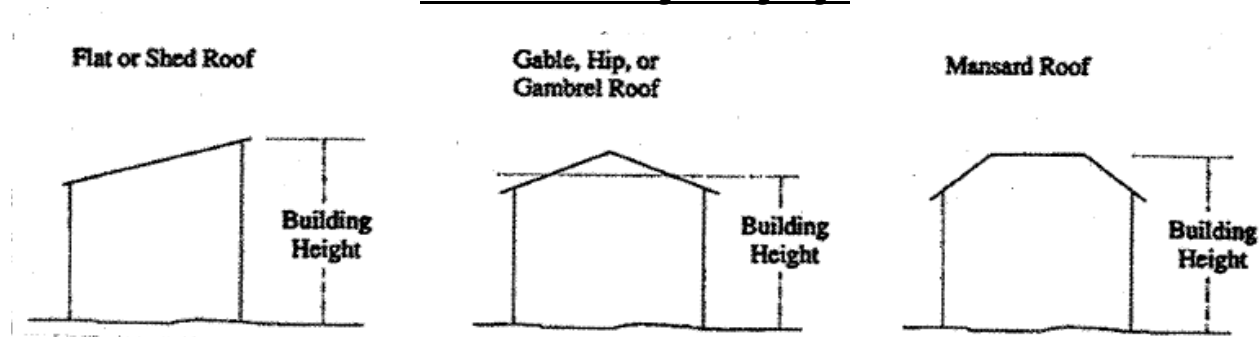
Building (See Structure)**Building Front**

That exterior wall of a building which faces a front lot line of the lot.

Building Height

The vertical distance from the average of the highest and lowest point of that portion of a lot covered by a 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.

FIGURE 3: Measuring Building Height

**Building Maintenance Service**

An establishment providing routine maintenance of buildings, to include, but is not limited to, window washing, building cleaning, pest exterminators, or disinfecting services.

Building Official

The Building Official for the City of Isanti or his or her authorized representative.

Building, Principal

A building in which the primary or predominant use of the lot is conducted. May also be referred to as the principal structure.

Building Setback Line

The minimum distance, as required by the Ordinance, by which a building or structure must be separated from a street right-of-way or lot line.

Business Services

Establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; personnel and employment services; management and consulting services; equipment rental and leasing (indoor only); photo finishing; copying and printing; travel; office supply; and other similar services.

C.**Caliper**

A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4.5) feet above natural grade.

Campground

Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the

public. Campground does not include any manufactured housing or mobile home community.

Canopy

A permanently roofed shelter projecting over a sidewalk, driveway, entry, window or other similar area, which shelter may be wholly supported by a building (includes an awning) or may be wholly or partially supported by columns, poles, or braces extending from the ground (such as the structure found at a gasoline station). A marquee is not a canopy.

Caretaker's Residence

A dwelling unit which is used exclusively by the owner, manager, or operator of a principal permitted use and which is located on the same parcel as the principal use.

Carport

A permanent roofed structure having one or more sides open designed for or occupied by private passenger vehicles.

Catering Service.

An establishment that prepares and provides food and / or refreshments at public and private events for a fee.

Cemetery

Land used to for the burial of the dead, including crematories, mausoleums, and columbariums.

Certificate of Occupancy

A document issued by the Building Official allowing for the occupancy and use of a building, and certifying that the structure and proposed use is in compliance with all the applicable codes and ordinances.

Channel

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

City Administrator

The City Administrator for the City of Isanti or his or her authorized representative.

City Council

The City Council of the City of Isanti.

City Engineer

The City Engineer for the City of Isanti or his or her authorized representative.

City Planner

The City Planner for the City of Isanti or his or her authorized representative.

Club, Private

A non-profit association or organization of persons who are bona fide members paying annual dues that may hold regular meetings and that may be subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests on the premises owned or leased by the organization. The definition may include private lodges.

Coffee House

An informal restaurant primarily offering coffee, tea, and other beverages, and where other non-alcoholic refreshments and limited menu items may also be sold.

Commercial Kennel

A place where more than three (3) dogs over six months of age are kept and where the business of selling, boarding, breeding, showing, treating and grooming dogs is conducted.

Commercial Recreation

Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where

tickets are sold or fees are collected for the activity; which includes, but is not limited to, bowling alley, pool hall, dance hall, skating rinks, trampoline, firearms range (indoor only), boat rental, amusement rides, indoor playgrounds, trampolines, swimming pools and water slides, miniature golf, arcades, auditoriums, performance centers, arenas, art gallery, driving ranges, and other similar uses. (*Ord. No. 466*)

Commercial Speech

Speech advertising a business, profession, commodity, service or entertainment. (*Ord. No. 574*)

Commercial Wireless Telecommunication Services

Licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized (ESMR), paging, and similar services that are marketed to the general public.

Commercial Wireless Telecommunication Service Facility

A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development and related equipment.

Community Center

A place, structure, area, or facility used for conventions, conferences, seminars, product displays, recreation activities and entertainment functions that are generally open to the public and are designed to accommodate and service a significant portion of the community. Accessory functions may include, but are not limited to, temporary outdoor displays or food and beverage preparation for on-site consumption. May also be referred to as civic centers or convention centers.

Community Development Director

The Community Development Director for the City of Isanti or his or her authorized representative.

Community Garden

An assigned space or property on private land that is reserved for use by an organized group of community members for the cultivation of fruits, vegetables, plants, flowers, or herbs; in which the organized group is solely responsible for all necessary maintenance of this space. (*Ord. No. 491*)

Community Recreation

A private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood; which includes indoor and outdoor recreational facilities. Such facilities are planned in association with the development and are located either within or immediately adjacent to the development.

Comprehensive Plan

The Comprehensive Land Use Plan prepared and adopted by the City of Isanti, indicating the general location recommended for major land uses, streets, parks, public buildings, and other public improvements.

Condominiums

A multiple dwelling or development containing three (3) or more individually owned dwelling units and jointly owned and shared areas and facilities, which is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.01 to 515.29, as amended.

Congregate Living Facility

Senior citizen housing where at least one (1) meal per day is prepared in a common dining facility on the premises and where a variety of common medical and social services may be provided.

Contractor's Shop

An establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office. This term includes, but is not limited to heating, air conditioning, painting, plumbing, roofing, electric and building.

Contractor's Yard

An establishment used for the outdoor storage of a contractor's vehicles, equipment, or materials.

Convenience Store

A small retail establishment usually located within or associated with another use that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household items. The establishment is operated primarily for the convenience of the motoring public, walk-in shopper, and those looking to purchase a few items.

Cul-de-sac

A minor street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

Custom Processing

The slaughtering, eviscerating, dressing, or processing of an animal or processing meat products for the owner of the animal or of the meat products, if the meat products derived from the custom operation are returned to the owner of the animal. No person may sell, offer for sale, or possess with intent to sell meat derived from custom processing except in conformance with this ordinance.

Custom Processor

A person who slaughters animals or processes non-inspected meat (not under continuous inspections by either the Minnesota Department of Agriculture or US Department of Agriculture for meat processing activities) for the owner of the animals, and returns the majority of the meat products derived from the slaughter or processing to the owner. This does not include a person who slaughters animals or processes meat for the owner of the animals on the farm or premises of the owner of the animals.

D.**Day Care Center**

A facility where tuition, fees or other forms of compensation is charged for the care of children and which is licensed by the state as a day care center.

Deck

A horizontal, unenclosed platform structure with or without attached railings, seats, trellises, or other features that is attached or functionally related to the principal use or site.

Dedication

The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Delicatessen

A retail store that serves cooked or prepared foods such as cheeses, cold cooked meats, and salads for consumption off-premises.

Density Bonus

The granting of an allowance of additional density in a development in exchange for the provision, by the developer, of other desirable amenities from a public perspective. Density bonuses shall be calculated utilizing the maximum density limits as defined within the underlying zoning district.

Density, Gross

The quotient of the total number of dwelling units divided by the total project area, expressed in units per acre.

Density, Net

The quotient of the total number of dwelling units divided by the developable acreage of the site, resulting in the number of dwelling units per net residential acres of land. Developable acreage excludes wetlands, lakes, roadways, and other areas not suitable for building purposes.

Density Transfer

A way of retaining open space or natural features, to include but is not limited to lakes, ponds, wetlands, woodlands, and trees; by concentrating densities in compact areas adjacent to existing development and utilities.

Developer

The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

Distillery

A distillery operated within the state producing premium, distilled spirits in total quantity exceeding 40,000 proof gallons in a calendar year, pursuant to Minnesota Statute section 340A.301, as amended from time to time. (*Ord. No. 554*)

Diversion Channel

A channel that intercepts surface water runoffs and that changes the accustomed course of all or part of a stream.

Draining

The removal of surface water or groundwater from land.

Dredging

To enlarge or clean-out a water-body, water course, or wetland.

Drive-Thru Facility

A facility that is used for the dispensing of services or items to customers waiting in motor vehicles. These facilities may require access lanes, lighting, signage, and audio systems for customer convenience. The term does not include a drive-in theater.

Driveway

A minor private way used by vehicles and pedestrians on an individual lot or parcel of land.

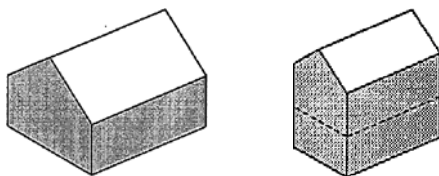
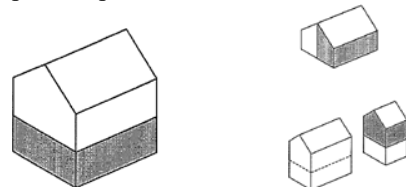
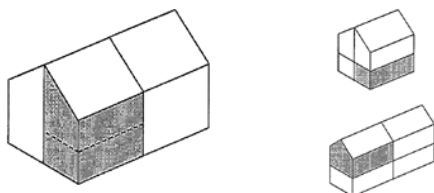
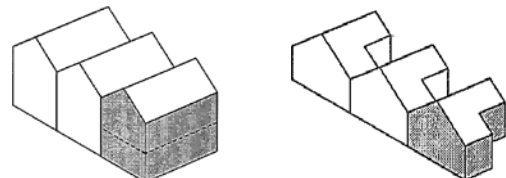
Dry Cleaning Establishment

An establishment that launders or dry cleans articles dropped off on the premises by the customer or where articles are dropped off, sorted, and picked up for laundering or cleaning at a secondary location.

Dwelling/Dwelling Unit

Any building or portion thereof designed or used predominantly for residential occupancy of a continued nature, in which a single complete kitchen facility, sleeping room, and bathroom provided within the unit for the exclusive use of a single household. This definition does not include rooms in motels, hotels, nursing homes, boarding houses; or trailers, tents, cabins, trailer coaches, recreational vehicles, or any type of lodging. (*Ord. No. 568*)

FIGURE 4: Dwelling Types

Single-Family**Duplex, Triplex****Quadraminium****Townhouse / Rowhouse**

Dwelling, Apartment

A room or suite of rooms which is designated for, intended for, or occupied as a residence by a single family or an individual; and is equipped with cooking facilities.

Dwelling, Attached

A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached

A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, Multiple Family

A building or portion thereof containing three (3) or more dwelling units. Such term includes, but is not limited to, townhomes, rowhomes, triplexes, quadraminiums, condominiums, and apartments.

Dwelling, Rowhouse

A multiple family dwelling structure consisting of attached dwelling units, owned individually, with each residence having its own front and rear yards as well as independent access to the exterior of the building in the ground story.

Dwelling, Single Family (One Family)

A detached dwelling containing accommodations for and occupied by a single family unit. A single-family detached dwelling shall include a modular home or manufactured home, as defined in this Section. A manufactured home must receive HUD certification and meet the construction and safety standards promulgated by the United States Department of Housing and Urban Development (HUD) in effect at the time application is made for a building permit. All single-family detached dwellings, including manufactured homes that meet the definition of dwelling, shall comply with the provisions of this Ordinance. (*Ord. No. 568*)

Dwelling, Townhouse

A single family dwelling unit attached to other dwelling units by common walls, side by side, extending from the foundation to the roof and without any portion of one dwelling unit located above any portion of another dwelling unit; and with each dwelling unit having a separate entrance from the outside of the building. Such structures shall be of the town or row house types, as contrasted to multiple-family dwelling (apartment) structures.

Dwelling, Triplex / Quadraminium

A single building on a single lot, which contains three (3) or four (4) separately owned dwelling units, all of which have individually separate entrances from the exterior of the structure and which are attached by common walls and each unit is equipped with separate cooking, sleeping, eating, living, and sanitation facilities.

Dwelling, Two-Family

A building designed exclusively for occupancy by two (2) families in separate dwelling units, to include: (1) Duplex, a two-family dwelling with one unit above the other; and (2) Twinhome, a two-family dwelling with two units side by side.

E.

Earth Sheltered Buildings

Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth and the building code standards are satisfied.

Easement

Authorization by a property owner to the use of land by the public, a corporation, or persons for specific purposes as the construction of utilities, drainage ways, or roadways.

Easement, Conservation

An easement created where restrictions are imposed on the development or alteration of property to preserve natural features.

Educational Institutions

A public, private, or parochial institution that provides educational instruction to students. Such term does not include trade or business schools, or colleges and universities. Accessory uses may also exist on the same site, such as playing fields, sports courts, and playgrounds.

Equipment Building

A cabinet, shelter, or building used by telecommunication providers to house equipment at a facility.

Erosion

The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Essential Services

Underground or overhead gas, electrical, steam or water transmission, or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, fiber optics, police call boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings.

Expansion

An increase in the area, size, shape, volume, height, weight, or intensity of the use. Expansion can also be determined by: (1) the extent to which the current use reflects the nature and purpose of the original use; (2) any difference in character, nature, and kind of use involved; and (3) any substantial difference in affect upon the neighborhood resulting from differences in activities conducted on the property. (*Ord. No. 574*)

Explosive Material

Any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

External Illumination

The illumination of a sign which is produced by an artificial source of light not contained within the sign itself.

F.**Family**

The definition of family shall meet one of the following: (1) A person or persons related by blood, marriage, or adoption, together with any such person's domestic servants, or gratuitous guests, maintaining a common household dwelling unit; (2) group or foster care of not more than six (6) wards or clients by an authorized person, unrelated by blood, marriage or adoption, together with any such person's domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit and approved and certified by the appropriate public agency; or (3) a group of not more than five (5) persons unrelated by blood, marriage, or adoption maintaining a common household in a dwelling unit.

Farm Implement

An establishment engaged in the selling of any implement, machine, equipment, engine, motor, combine, tractor or attachment used or intended for use in farming or agricultural operations. Accessory uses may also exist on the same site, such as open sales lot, repair and service areas, and office related uses.

Farming

An area of land consisting of five (5) or more contiguous acres used for the production and/or cultivation of farm crops, to include: vegetables, fruit, cotton, corn, grain, etc. and their storage. The term farm does not include the raising of farm animals, to include but is not limited to poultry, swine, dairy and/or beef cattle, sheep, goats, etc.

Farmer's Market

The offering of for sale fresh agricultural products directly to the consumer in an open air market, in a pre-designated area.

Feeder Line

A power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of intersection with the electrical power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be a substation servicing the WECS. (Ord. No. 512)

Fence

A structure serving as an enclosure, barrier, or boundary, usually made of posts, chain link, masonry, boards, rails, or other materials as permitted by this Ordinance.

Fence, Chain-link

A fence, which permits direct vision through at least 90% of any one (1) square foot segment of vertical fence area. (Ord. No. 461)

Fence, Decorative

A fence that contributes to the identification and beauty of the principal structure and does not act as a retaining structure. Decorative fences include wood or vinyl picket fences, split rail fences or decorative iron fences. (Ord. No. 461)

Fence, Privacy

Any fence used for screening of outdoor living areas and for enclosures where restricted visibility or protection is desired. (Ord. No. 461)

Filling

The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition.

Financial Institution

Provides financial and banking services to consumers and clients. Typical uses may include banks, savings and loan associations, savings banks, credit unions, lending establishments, and automatic teller machines (ATM); which may be accessory to a financial institution.

Firearms Dealer

Any person or business establishment engaged in the sale, lease, trade, or other transfer of firearms, ammunition, ammunition components, and hunting or shooting equipment at wholesale or retail. Firearms dealers shall not include any person engaged in the business of building, repairing, or modifying of firearms such as a gunsmith.

Flea Market

A building or open area in which stalls or sales areas are set aside, rented or otherwise provided and which are intended for use by various individuals to sell articles that are; but are not necessarily limited to, homemade, handcrafted, old, obsolete or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Flood Fringe

That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Rate Maps.

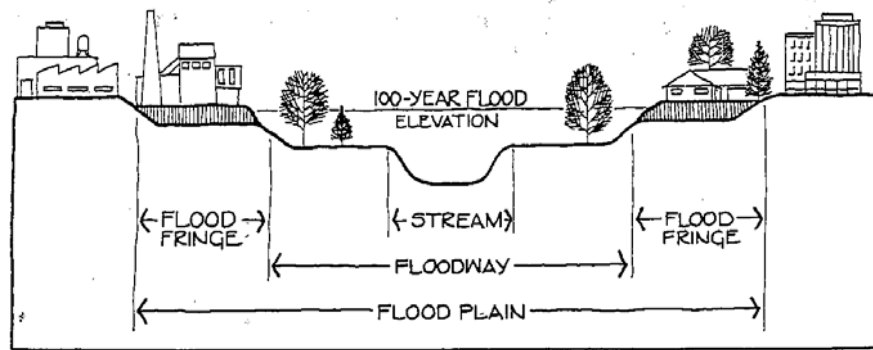
Flood Plain

The areas adjoining a water course which have been or hereafter may be covered by the regional flood.

Floodway

The channel of the water course and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

FIGURE 5: Diagram of Floodplain / Floodway



Floor Area

The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, including basements and attached accessory buildings.

Funeral Home

An establishment engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. This term includes mortuaries and funeral chapels. This term shall also permit a caretaker's residence as accessory to the funeral home.

G.

Garage

A detached accessory structure or a portion of the principal structure used for the parking and storage of vehicles, merchandise, or equipment, and which is not a separate commercial establishment open to the general public. When associated with a residential use, it shall be limited to use for parking and storage of vehicles, non-commercial trailers, and household equipment.

Garage Sale

Garage sale shall include rummage sales, basement sales, yard sales, porch sales, and all other periodic sales at a residential location intended for the limited purpose of isolated or occasional sales for the selling of use goods or home-crafted items by the residents thereof.

Garage Width

The width of a garage is not limited to the garage door, but is considered the width of that portion of the building façade that is backed by garage space. It is measured from outside of exterior wall to outside of exterior wall that lie perpendicular to the garage door or entry. (*Ord. No. 446*)

Garden Center

A place of business where retail and wholesale products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.

Gas Station

A business providing retail sale of fuel for motor vehicles. This use does not include motor vehicle repair facilities or motor vehicle body shops. The term may include accessory retail sales such as a convenience store or automobile car wash establishment.

General Office

Use of a building for business, professional or administrative offices. A general office is characterized as an establishment with a low proportion of vehicle trips attributed mainly to visitors and/or clients. Examples include, but are

not limited to, offices providing architectural, computer software consulting, data management, engineering, interior design, real estate, motor vehicle sales office (no on-site vehicle display; i.e. broker or wholesaler), insurance, investment or legal services. This definition does not include a bank and/or financial institution, physician, dentist, optometrist, psychiatric or chiropractic offices. (*Ord. No.631*)

General Retail Establishment

An establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including but not limited to the following: art supplies and art works, auto parts, baked goods, bicycles, books, collectibles, compact discs and tapes, dry goods, notions and novelties, flowers and plants, food and beverages (except liquor stores), furniture and floor coverings, hardware, hobbies, household goods, jewelry, luggage, major appliances, music, newspapers and magazines, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, picture frames, records, sewing apparatus, sporting goods, stationery, tobacco products, toys and games, and wearing apparel. The term also includes, but is not limited to, antique stores, delicatessen, electronics and cell phone stores, firearms dealers, furniture and appliance rental establishments, grocery stores, portrait studio, specialty food stores, or video rental (non-adult use) or sales business. The term does not include an adult use (principal or accessory), building supply or home improvement center, garden center, liquor store, lumber yard, pawn shop or second hand store.

Golf Cart

A small, self-propelled recreational motor vehicle used for carrying golfers and their equipment. (*Ord. No. 458*)

Golf Course

A tract of land laid out with at least nine (9) holes for playing a game a golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse and shelters as accessory uses.

Government Office

Administrative, clerical, or public contact office of a government entity, to include but is not limited to, a post office or incidental storage and maintenance of the agency's vehicles in an enclosed building

Grade

The elevation established for the purpose of regulating the number of stories or height of a building or structure. Grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Grade, Established

The elevation of the finished street at the centerline or curb as fixed by the City Engineer or by such authority deemed by law to determine such an elevation.

Greenhouse

Retail business establishment whose principal activity is the selling of plants grown on the site and having outside storage, growing areas, or display.

Gross Area

The total area in acres of a tract of land to include public right-of-way, retention ponds, public land, etc.

Ground Transportation Service

An establishment providing for the storage, maintenance, or dispatching of: public passenger vehicles, school buses, tow trucks, taxi cab services, or vehicles licensed by the State of Minnesota and used for the transportation of elderly or handicapped persons.

Gunsmith

A person who designs, builds, repairs or modifies firearms to a particular design or to customer specifications.

H.

Hazardous Material

Any substance that, because of its quantity, concentration, or physical or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to hazardous substances and hazardous wastes.

Hazardous Waste

Any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives.

Health Care Clinic

An establishment containing offices and facilities where human patients can receive medical, dental, optometric, chiropractic and/or psychiatric services on an outpatient basis only.

Health Club

A building or portion of a building where members or non-members utilize space and/or equipment for the purpose of physical exercise, leisure time activities, conducting of sports, or other customary and usual recreational activities; which is operated by a profit or not-for-profit organization. May also be referred to as a gym.

Hobby Farm

The incidental use of land for the production and/or cultivation of farm crops and the keeping of animals generally raised on a farm. The keeping of animals is subject to MN State Statute 343. (*Ord. No. 672*)

Home Day Care

A dwelling in which a permanent occupant of the dwelling provides for the care of children or adults. Such facility shall meet the requirements of the State of Minnesota for day care providers.

Home Improvement Center

An establishment providing the sale or rental of building supplies, construction equipment or home decorating fixtures and accessories. This term does include a lumber yard, building supply, or hardware store and may include outdoor storage of tool and equipment sales or rental.

Home Occupation, Extended

Any gainful occupation or profession engaged within a dwelling unit or an accessory building or attached garages by an occupant of the dwelling unit as a use clearly incidental to the principal use of the dwelling unit for residential purposes; and which exceeds the requirements for a permitted home occupation. Extended home occupations, where allowed in the applicable zoning district, may be allowed as an Interim Use subject to the provisions of Section 21, Article 3 of this Ordinance. (*Ord. No. 541*)

Home Occupation, Permitted

Any gainful occupation or profession engaged within a dwelling unit on the premises by an occupant of the dwelling unit as a use that is clearly incidental to the principal use of the dwelling unit for residential purposes that does not change the residential character of the lot or structures thereon and which is of a type that historically has been found to not endanger the health, safety, or welfare of other persons residing in the area by reasons of blight, noise dust, odor, glare, vibration, increased vehicular traffic, unsanitary or unsightly conditions, fire hazard or other similar conditions that have the likelihood of disturbing the peace, comfort, or quiet enjoyment of indoor and outdoor spaces of neighboring residential properties. Permitted home occupations where allowed in the applicable zoning district may be allowed as an accessory use subject to the regulations and standards provided in Section 13 of this Ordinance. (*Ord. No. 541*)

Home Occupation, Special

Any gainful occupation or profession engaged within a dwelling unit on the premises by an occupant of the dwelling unit as a use that is clearly incidental to the principal use of the dwelling unit for residential purposes; and which exceed the specific requirements for a permitted home occupation and has been found by its nature, scale, size, location, and other similar conditions to have the likelihood to disturb the peace, comfort, or quiet enjoyment of the indoor or outdoor spaces of neighboring residential properties. Special home occupations, where allowed in the applicable zoning district, may be

allowed as an Interim Use subject to the provisions of Section 21, Article 3 of this Ordinance. (*Ord No. 541*)

Hospice

One main building; or a portion thereof, in which terminally ill persons live in order to receive appropriate Medicare certified hospice services. (*Ord. No. 499*)

Hospital

An establishment providing physical and mental health services, in-patient or overnight accommodations, and medical or surgical care for the sick or injured. (*Ord. No. 499*)

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. This definition shall include motels.

Household

A family living together in a single dwelling unit with common access to, and common use of, living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Household Maintenance and Small Engine Repair Facility

Establishments that are primarily engaged in the provision of maintenance and repair services to individuals and households, rather than businesses and would exclude automotive repair. Typical uses include household goods, furniture, appliances, or lawn and garden equipment as well as engines used in outboard motors, snowmobiles, and motorcycles may also be included. Accessory uses may include retail sales of parts and accessories. (*Ord. No. 446*)

I.

Impervious Surface

Areas where water cannot readily penetrate the soil such as an artificial or natural surface through which water, air, or roots cannot penetrate. Examples include, but are not limited to concrete and asphalt patios, walkways, driveways, sheds, pools, concrete and asphalt pads, and buildings.

Improved Surface

Includes, but is not limited to impervious surface, pavers, patio block or large (1.5 inch minimum) crushed rock of a depth of not less than six (6) inches.

Instructional/Learning Center

A business that provide instruction in specific areas of knowledge or activities such as math, science, reading, dance, cheerleading, gymnastics, martial arts, and other similar uses. This term does not include educational institutions or trade/business schools. (*Ord. No. 466*)

Intense Development

Any new development or redevelopment of a building or parcel that results in but is not limited to higher densities, increased floor area, increased building height, increased size and scale of uses or change of use to one that is considered more intense, results increased lot coverage or smaller minimum setback requirements.

Internal Illumination

The illumination of a sign which is produced by an artificial source of light concealed or contained within the sign itself, and which becomes visible in darkness through the translucent portion of the sign.

J.

Junk Yard

Land or buildings where waste, discarded salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled. This includes, but is not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products, and products from wrecking of automobiles, other vehicles accessory to any business or industrial use

of the same lot. A junkyard does not include accessory uses established in conjunction with a permitted manufacturing process when conducted within an enclosed area or building. The storage of unlicensed or inoperable motor vehicles for a period in excess of thirty (30) days shall also be considered a junkyard.

L.

Lakes and Ponds

Natural or artificial bodies of water which retain water year round. A lake is a body of water of two (2) or more acres. A pond is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

Landscaping

The placement of trees, grass, bushes, shrubs, flowers, garden areas, and/or the arrangement of foundations, patios, decks, street furniture, and ornamental concrete or stone walk areas and artificial turf or carpeting.

Lattice Tower

A self-supporting structure, erected on the ground, which consists of metal strips or bars to support antennas and related equipment.

Laundromat

A facility where patrons wash, dry, or iron clothing or other fabrics in machines provided on the site for operation by the patron.

Limited Light Industrial

Indoor assembly, fabrication, packaging, or processing of finished parts or products and temporary storage incidental thereto conducted wholly within a single building. No materials/equipment used in the limited light industrial process shall be stored outside. Limited light industrial uses must be non-hazardous and shall be conducted in such a manner as to prevent external environmental impacts from the industrial process, such as soot, smoke, noise, vibration, odor, dirt, or other similar nuisances. Such use shall not generate significant volumes of traffic on adjacent streets. Included in this category is machine shop; businesses engaged in the processing fabrication, assembly, and packaging of food, textile, leather, cloth, wood, paper (but not the manufacturing of paper from pulpwood), plastic or metal products (but not the processing of raw materials); and other similar uses. (*Ord. No. 479*)

Liquor Store

A retail establishment selling alcoholic beverages “off-sale” in their original packages (sealed or corked containers) for consumption off the licensed premises only.

Living Area

The area of a dwelling including, but not limited to, bedrooms, bathrooms, kitchens, living rooms, and dining rooms, but excluding garages.

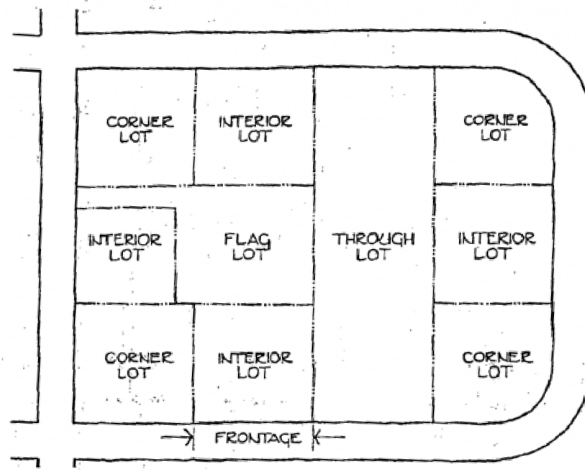
Loading Space

An off-street space or berth designed and used for the loading or unloading of commercial vehicles.

Lot

A parcel of land of sufficient size to meet zoning and platting requirements for use, coverage, and area, and to provide such yards, setbacks, parking, landscaping, and other open spaces as are required by this Ordinance for the zoning district in which said parcel is located.

FIGURE 6: Types of Lots



Lot Area

The area of a horizontal plane bounded by the front, side or rear lot lines, but not including any area occupied by the waters of lakes or rivers or by street rights-of-way.

Lot, Corner

A lot abutting two or more streets at their intersection.

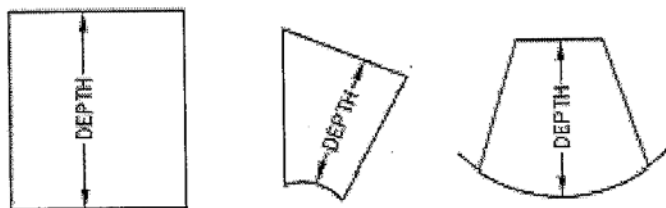
Lot Coverage

The area of a lot occupied by impervious surface as defined within this Ordinance. .

Lot Depth

The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundary.

FIGURE 7: Lot Depth Measurement



Lot, Double Frontage

An interior lot having frontage on two (2) streets.

Lot, Flag

A lot not directly fronting or abutting a public right-of-way and where access to the roadway is limited to a narrow private right-of-way.

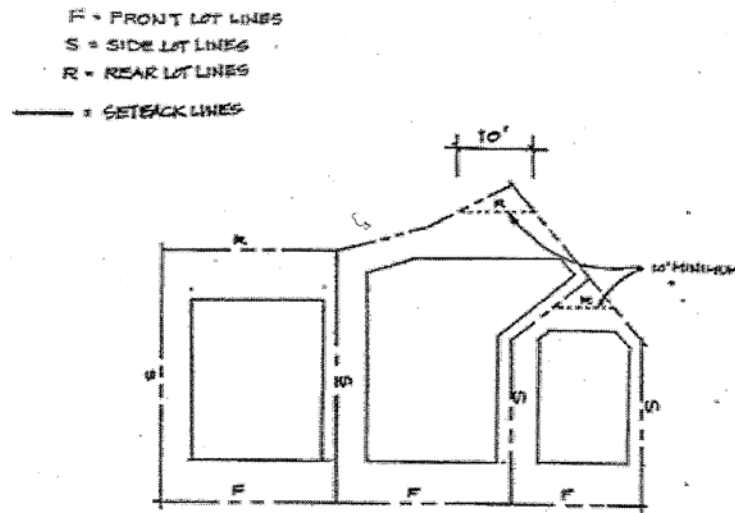
Lot, Interior

A lot other than a corner lot, including through lots.

Lot Lines

The lines bounding a lot as defined herein.

FIGURE 8: Examples of Lot Lines



Lot Line, Front

The boundary of a lot which is along an existing or dedicated public street. The front of a corner lot is the side of the lot having the least dimension. If both sides of the lot are the same dimension, the owner shall, at the time he or she applies for a permit under this ordinance, choose the street which the lot shall be deemed to front upon.

Lot Line, Rear

That lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangle, or oddly shaped lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten (10') feet in length and entirely within the lot. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the designated front lot line.

Lot Line, Side

Any lot line other than a front or rear lot line.

Lot, Through

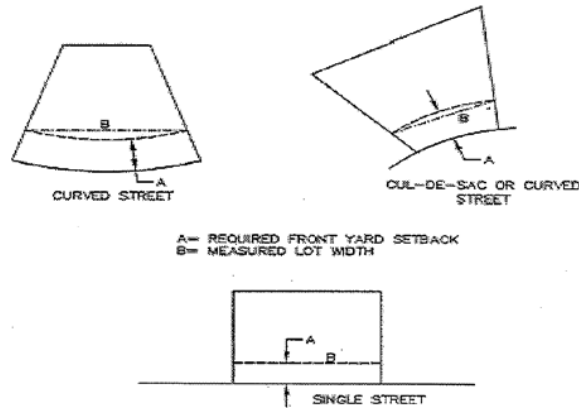
A lot having a pair of opposite lot lines along two, more or less, parallel public streets. A through lot is not a corner lot. On a through lot, both street lines shall be deemed as front lot lines.

Lot Width

The distance between the side lot lines measured at the front building setback line.

FIGURE 9: Lot Width Measurement

See next page



Lot of Record

A parcel of land, whether subdivided or otherwise legally described of record as of the effective date of the Ordinance, or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the City Council.

M.

Manufactured Home

A structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is five hundred (500) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it. Such residential dwelling(s) are built in accordance with the Federal Manufactured Home Construction and Safety Standards.

Manufactured Home Community (or Land Lease Community)

A parcel of land under single ownership on which two (2) or more manufactured homes are sited, in which the landowner retains the rights of ownership. Home sites within the community are leased to individual homeowners, who retain customary leasehold rights. (*Ord. No. 568*)

Manufactured Home Development

A general category of development that includes manufactured home subdivisions and manufactured home communities (or land lease communities). A manufactured housing development does not include real property used for the display and sale of manufactured units, nor does it include real property used for seasonal recreational purposes only, as opposed to year round occupancy. (*Ord. No. 568*)

Manufactured Home Lot

A parcel of land for the placement of a single manufactured home within a manufactured home park for the exclusive use of the occupants of the manufactured home. (*Ord. No. 568*)

Manufactured Home Stand

The part of the individual manufactured home lot which has been reserved for placement of the home, appurtenant structures or additions. (*Ord. No. 568*)

Manufactured Home Subdivision

A subdivision designed and/or intended for the sale of lots for siting manufactured homes. (*Ord. No. 568*)

Manufacturing, Heavy

The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process. These types of uses generate large amounts of waste and byproducts, of which, require a large generator license through the Minnesota Pollution Control

Agency.

Manufacturing, Light

An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food textile, leather, cloth, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

Manufacturing, Medium

The processing and manufacturing of materials or products predominately from extracted or raw materials. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These types of uses generate an intermediate amount of waste and byproduct, which result in a small generators license through the Minnesota Pollution Control Agency.

Massage Therapy (not adult use)

Any establishment having a fixed place of business where any person, firm, association, or corporation engages in or carries on a permitted to be engaged in or carried on the activity of massage, defined as any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice by a certified massage therapist.

Meat Food Product

A product usable as human food and made wholly or in part from meat or a portion of the carcass of animals.

Meat Market

Also known as a butcher shop; a shop in which meat and poultry (and sometimes fish) are sold.

Meat Processing Plant

A premise used, or intended to be used for the processing or packing of meat that is intended for human consumption or the production or packing of processed meat that is intended for human consumption.

Mechanical Equipment

Air conditioning, heating, ventilation, or other equipment that are reasonably necessary to the operation of a building or use within a building.

Medical Research Laboratory

An establishment providing medical or dental laboratory services or photographic, analytical, or testing services for medical research purposes. This term does not include a research and development facility that primarily serves an educational or industrial establishment.

Medical Support Facilities

Uses and facilities such as, but not limited to: on-site medical waste storage and disposal, warehousing and storage of medical related equipment and supplies, garages, and other facilities commonly associated with medical institutions and uses. (*Ord. No. 499*)

Micro Brewery

A restaurant that conducts the retail sale of malt liquor brewed on the premises and is licenses under Minnesota Statute section 340A.301, subdivision 6(d) as amended from time to time. (*Ord. No. 554*)

Micro Distilleries

A distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year, pursuant to Minnesota Statute section 340A.301, as amended from time to time. (*Ord No. 554*)

Micro Distillery Cocktail Room

Facility for on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to the location of the owner's distillery pursuant to Minnesota Statute section 340A.22, as amended from time to time. (Ord. No. 732)

Mixed-Use Building

A building in which the first floor is devoted to non-residential uses and subsequent floors above are devoted to residential uses.

Mobile Food Unit

A food and beverage service establishment that is a vehicle mounted unit or free-standing food stand. (Ord. No. 731)

Mobile Home

A residential dwelling unit that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards of 1974, which became effective June 15, 1976. (Ord. No. 568)

Modular Home

A non-mobile dwelling unit constructed on-site in accordance with Minnesota State Building Code and comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. This term includes pre-fabricated housing and sectional housing. (Ord. No. 568)

Monopole

A wireless communication facility, which consists of a monopole structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

Motel

A building or group of buildings used primarily for the temporary residence of motorists or travelers.

Motor Vehicle Body Shop

An establishment providing repair or rebuilding of motor vehicle bodies through replacement, smoothing, sanding, or painting of the exterior surfaces of such vehicles within an enclosed building.

Motor Vehicle Rental/Leasing Facility

An establishment where contracts are prepared and reservations are taken for the rental or leasing of automobiles, light trucks, or vans. This term includes accessory parking and servicing of such vehicles for rent or lease.

Motor Vehicle Repair Facility

An establishment providing the repair or servicing of motor vehicles, including the sale, installation and servicing of related equipment and parts, where all work is performed in an enclosed building. The term includes, but is not limited to: oil changes and vehicle lubrication, repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. The term does not include the dismantling or salvage, tire re-treading or recapping, or body bumping and painting.

Motor Vehicles Sales Facility

Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, snowmobiles, ATVs, motorcycles, or other similar motorized transportation vehicles. This definition does not include mobile home sales. Accessory uses may also exist upon the same site, such as open sales lots, repair and services areas, and office related uses.

Motor Vehicle Sales, Temporary

A promotional open sales lot event for the sale of vehicles owned and/or resold by a licensed dealer through the State of Minnesota or owned and/or repossessed vehicles by a financial institution conducting the sale or affiliate to sell at their own sale; conducted outside the confines of the commercial structure in which a business is normally conducted, at which new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, snowmobiles, ATVs, motorcycles, or other similar motorized transportation vehicles are offered for sale for an approved length of time. The definition does not include mobile home sales. (Ord. No. 480)

Museum

An establishment for preserving and exhibiting artistic, historical, scientific, natural or manmade objects of interest; which is intended and designed to be used by members of the public for viewing with or without admission charge during specified hours of operation to include, at a minimum, four days a week and five hours a day or five days a week and four hours a day; and which may include as an accessory use the operation of a museum gift shop for the purpose of offering goods for sale to the public to be used by the purchaser as gifts or for the purchaser's own personal use. (*Ord. No. 550*)

N.**Non-commercial Gardening**

A space or area on private property used by a single property owner for the cultivation of fruits, vegetables, plants, flowers, or herbs for consumption by the private property owner. (*Ord. No. 491*)

Non-Commercial Speech

Dissemination of messages not classified as commercial speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics. (*Ord. No. 574*)

Nonconforming Lot

A lot of record, lawfully existing on the effective date of this Ordinance, which does not comply with one (1) or more of the lot area, width, or depth regulations applicable to the district in which it is located because of the adoption of or amendment to the City's development regulations.

Nonconforming Structure

A structure, or portion thereof, lawfully existing on the effective date of this Ordinance, which does not comply with one (1) or more of the bulk regulations applicable in the zoning district in which it is located because of the adoption of an amendment to the City's development regulations.

Nonconforming Use

A use of land or structures, lawfully existing on the effective date of this Ordinance, which currently is not allowed, or which does not comply with one (1) or more of the regulations applicable in the district in which it is located because of the adoption of or amendment to the City's development regulations.

Nursery, Retail

The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals or other nursery goods and related products in small quantities to the consumer.

Nursery, Wholesale

The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building such as a greenhouse.

Nursing Home

A state-licensed facility used to provide care for aged or infirm persons who require nursing and personal care and related services in accordance with state regulations. A nursing home may be a senior residential health care facility, an intermediate health care facility, or a long-term care facility. Such uses provide regular medical supervision and rehabilitation therapy but do not contain equipment for surgical care or for treatment of serious injury. Such definition does not include hospitals, clinics, sanitariums, or other similar institutions.

O.**Office-Showroom**

A building in which less than 20 percent of the floor space is devoted to office / showroom activities, the remainder being used for either warehousing, display, light manufacturing, or research and testing.

Off-Site Parking

A parking facility located on a privately-owned parcel of land other than the site for which it is intended to serve.

Off-Street Loading Space

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

Off-Street Parking

Parking space(s) accessible from a street, alley, or way; either within a building or on a lot that has been set aside for the exclusive use of parking of automobiles and other vehicles.

On-Site

Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

On-Street Parking

Storage space for a vehicle that is located within the street right-of-way.

Open Sales Lot

The premises on which new or used passenger vehicles, vans, trailers, boats, recreational vehicles, golf carts, snowmobiles, ATVs, motorcycles, and other similar motorized transportation vehicles in operating condition are displayed for sale or lease in the open and not within an enclosed building.

Ordinary High Water Mark

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.

Outdoor Display and Sales

Land devoted to the display of goods for sale, rent, lease, advertising, or trade where such goods are not enclosed within a building.

Outdoor Display and Sales, Temporary

A promotional sales event conducted outside the confines of the commercial structure in which the business is normally conducted and that occurs on a paved sidewalk or concrete area on the same lot as the principal structure.

Outdoor Seating Area

A designated area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food services establishment.

Outdoor Storage

The storing or maintaining of materials, goods, inventory, equipment, or other tangibles exterior to any permanent, fully enclosed building.

Outlot

A platted lot to be developed for a use which will not involve a building or which is reserved for future re-platting before development.

Overlay District

A zoning district that encompasses one (1) or more primary zoning districts, or portions thereof, and that imposes additional requirements, or relaxes one (1) or more standards required by the primary zoning district.

Owner

The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

P.

Parking Aisle

A drive lane, other than a street, that provides access for vehicles entering and departing parking spaces.

Parking Facilities

Parking lots or structures that are either accessory to a principal use found on the premises or are considered the principal use of the premises and meet the requirements as stipulated within this Ordinance.

Parking Lot

An open, hard surfaced area where motor vehicles are stored for the purpose of temporary, daily, or overnight off-street parking.

Parking Space

A space of definite length and width designed for parking of motor vehicles within a parking area that is directly accessible to a parking aisle or driveway. Said space shall be exclusive of drives, aisles, or entrances giving access thereto.

Parking Space, Tandem

An arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

Parking Structure

A structure or portion of a structure composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (underground parking garage) or totally above grade with those levels being either open or enclosed.

Party Wall

A wall which divides two adjoining properties and in which each of the owners share the rights.

Patio

A level, surfaced area directly adjacent to a principal building, without a permanent roof intended for outdoor lounging, dining and the like.

Pawnshop

Any business establishment that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Permit, Administrative

A written permit granted by the Zoning Administrator or his/her designee allowing for a particular temporary use, activity, or event; providing the provisions of this Ordinance are met.

Permit, Building

A written permit or certification issued by the building official permitting the construction, alteration, or extension of a permanent structure under provisions of this Ordinance and regulations issued herein.

Permitted Use

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

Person

A natural person, that person's heirs, executors, administrators, or assigns, and also includes a firm, partnership, corporation, its or their successors or assigns or the agent of any of the aforesaid.

Personal Recreational Motor Vehicle

Any self-propelled vehicle, power assisted vehicle or any vehicle propelled or drawn by a self-propelled vehicle powered by a motor having a piston displacement capacity of twenty-five (25) cubic centimeters or less or an electric motor that is incapable of propelling the vehicle at a speed in excess of twenty (20) miles per hour on a flat surface, including but not limited to trail bike, mini-bike, go-cart, motorized scooter, motorized golf cart, or motorized skate board. (*Ord. No. 458*)

Personal Service Establishment

An establishment providing services, which are of a recurring and personal nature to individuals. This term includes, but is not limited to, barber shop, beauty salon, shoe repair, seamstress, tailor, manicure / pedicure establishments or tanning salons. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club, massage establishment, body piercing or tattoo parlor, or a repair shop for household items.

Planned Unit Development (PUD)

A large lot or tract of land developed as a unit rather than as an individual development wherein two or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

Print Shop

A facility for the custom reproduction of written or graphic materials for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprinting, and facsimile sending and receiving, and including off-set printing.

Private Street

A road or street that is not publicly owned and maintained and is used by occupants of the development, their guests, and the general public.

Public Building or Use

Any building held, used, or controlled exclusively for public purposes by any department or branch of government at the state, county, or municipal level; in which such structure or use is principally of an institutional nature and serves a public need, such as libraries, museums, post offices, police and fire stations, public utilities, and other public services.

Public Open Space

Any publicly owned open area, including but not limited to the following: parks, playgrounds, school sites, parkways, and undeveloped wetlands, and wooded areas.

Public Street

A public roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way; having been constructed to City standards, which provides access to abutting property.

Public Utility

Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this Ordinance, commercial telecommunication facilities shall not be considered public utility uses, and are defined separately.

Public Waters

Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes, Section 105.37, Subdivision 14. However, no lake, pond, or flowage of less than 10 acres in size and no river or stream having a total drainage are less than two square miles need be regulated by the municipality for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein for a designated private use authorized by the Commissioner of the Department of Natural Resources shall be exempt from the provisions of these regulations.

R.

Recreation Support Facilities

Those facilities used exclusively for the preparation, maintenance, and storage of equipment used in recreational activities and business operations.

Recreational Vehicle

A vehicle or vehicular unit which can be driven, towed or hauled, and which is primarily designed as a temporary living accommodation for recreational camping and travel use. Recreational vehicles include travel trailers, camping trailers, truck campers, and self-propelled motor homes.

Recreational Vehicle Repair Facility

An establishment providing repair and servicing of recreational vehicles, including the sale, installation and servicing of related equipment and parts, where all work is performed in an enclosed building. Accessory uses may also exist on the site, such as indoor sales / rental and open sales lots for recreational vehicles and golf carts as well as office related uses. (Ord. No. 454)

Recycling Collection Center

A facility designed to be a collection point where only recyclable materials are sorted and/or temporarily stored prior to delivery to a permanent site or shipment to others for reuse and/or processing into new products. This term does not include junk yards, salvage yards or scrap operations.

Related Equipment (Telecommunication Towers)

All equipment ancillaries to the transmission and reception of voice and data radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

Religious Institutions

A place of worship or religious assembly, where people regularly assemble for religious purposes and related social events with related accessory uses and facilities such as the following: rectory or convent; private school, meeting hall, offices for administration, or licensed child or adult day care; and which is maintained and controlled by a religious body organized to sustain public worship and religious ceremonies.

Research and Development

An establishment which conducts research, development or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing.

Residential Facility, Licensed (Group Home)

A facility required to be licensed by the state or county that provides one or more persons with twenty-four (24) hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation or treatment that cannot be furnished in the client's home. Licensed residential facilities (group homes) are limited to those facilities licensed and/or regulated by the Department of Human Services and the Department of Health. These types of facilities may include, but are not limited to, state institutions for human services, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults, or schools for handicapped children.

Residential Kennel

A place where more than two (2) dogs over six months of age are kept on the premises which are zoned and occupied for residential purposes, and where the keeping of such animals is incidental to the occupancy of the premises for residential purposes. No more than five (5) dogs are permitted at a residential kennel. (Ord. No. 542)

Restaurant, Carry-Out

Establishments where food is usually ordered by telephone and prepared on the premises for consumption off the premises, with no seating or other area provided on the premises for consumption. The establishment may deliver food to the customer or the customer may pick the food up. Carry-out facilities may be accessory to a sit-down restaurant.

Restaurant, Drive – In

An establishment whose primary business is serving food to the public for consumption on the premises by order from and service to patrons parked in motor vehicles outside the principal structure.

Restaurant, Drive –Thru

A restaurant with an accessory drive-through facility as defined within this Ordinance.

Restaurant, Fast Food

An establishment where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed on the premises.

Restaurant, Sit-Down

An establishment whose principal business is the sale of food and/or beverages to customers, which are consumed at tables located on the premises and where the taking of food or beverage from the establishment is purely incidental.

Retaining Wall

A structure constructed and erected to prevent erosion between two (2) areas or pieces of property at different elevations.

Retreat Center

A semipublic use oriented to using the natural features and outdoor character of the area for short-term stays and featuring educational, contemplative and human development workshop and related training activities, which may include the following: passive recreation (non-motorized) oriented to appreciating the outdoor and natural character of the area; a nature center, conservatory, interpretive center, exhibit, museum or library space; residential buildings (cabins) for short-term occupancy by a single family or unrelated individuals attending an educational or similar event or workshop at the retreat (but not designed or intended for use as a residence); and/or having limited communal facilities for dining, sanitation, meeting, educational or worship purposes. (*Ord. No. 672*)

Right-of-Way

A strip of public land occupied or intended to be occupied by a road, crosswalk, utility line, railroad, electric transmission line or other similar use.

Road (See Street)**Rotor Diameter**

The diameter of the circle described by the moving rotor blades. (*Ord. No. 512*)

S.**Satellite Dish Height**

The height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to ground level.

Scrap Operation, Indoor

A place of business primarily engaged in the indoor storage, sale, dismantling, or other processing of used, source-separated, or waste materials which are not intended for reuse in their original form.

Screening

A fence, wall, berm, or landscaping intended to serve as an acoustic barrier, to obstruct undesirable views, or generally to reduce the impact of adjacent development.

Second hand Store

Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment; which is resold through a broker for the owner at an agreed upon price. This definition does not include the selling of used vehicles, auto parts, scraps or waste.

Self Storage Facility

A building or group of buildings with controlled access that contains individual and compartmentalized, controlled

access stalls or lockers for the storage of a customer's goods or possessions. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

Senior Citizen Housing

A multiple-family structure specifically designed for independent living of retired individuals or couples over the age of 55, where no meal service is provided to the households.

Senior Residential Care Facility

Includes, but is not limited to, nursing homes, congregate living facilities, and assisted living facilities as herein defined. Other similar facilities will be considered.

Setback

The minimum allowable distance between the front, rear, side, or street side lot lines and the foundation wall of a building, parking lot, sign, or any other structure.

Shopping Center, Community (medium-scale)

Establishments containing more than 10,000 square feet but less than 30,000 square feet of gross floor area; which typically offers a wide range of apparel and other goods for consumer or household use.

Shopping Center, Neighborhood

A center designed to provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood. Such business establishments provide primarily for retail shopping, personal service establishments, pharmaceuticals, food sales or markets, and other services that meet the daily needs of the neighborhood area.

Shoreland

Land located within the following distances from public water; (a) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and (b) 300 feet from a river or stream; or the landward extent of a flood plain designated by Ordinance on such a river or stream whichever is greater. The practical limits of the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources.

Showroom

An area where merchandise can be displayed and viewed by business patrons or customers.

Sign

A name, identification, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, purpose, institution, or business.

Sign, Banner

A temporary sign constructed of cloth, paper, plastic, or other material upon which copy is written and supported either between poles or posts or fastened to a building or structure. (*Ord. No. 574*)

Sign, Billboards

A large sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at another location other than the premises on which the sign is located.

Sign, Canopy / Awning

Any message or identification which is affixed to a projection or extension of a building or structure, erected in such a manner as to provide a shelter or cover over the approach to any entrance of a store, building, or place of assembly.

Sign, Changeable Copy

A sign in which the display or message must be changed manually rather than by electronic means. (*Ord. No. 574*)

Sign, Dynamic Display

Any characteristic of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace

the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays. *(Ord. No. 574)*

Sign Face

The surface of the sign upon, against, or through which the message of the sign is exhibited. *(Ord. No. 574)*

Sign, Freestanding

Any sign supported by structures or supports that are placed on or anchored in the ground, and that are independent from any building or other structure. *(Ord. No. 574)*

Sign, Governmental

A sign that is erected by a governmental unit for the purpose of identification and directing or guiding traffic.

Sign, Holiday

Signs or displays which contain or depict a message pertaining to a national or state holiday, and no other matter.

Sign, Illuminated

Any sign which is lighted by an artificial light source, either directed upon it or illuminated from an interior source.

Sign, Integral

Names of buildings, date of construction, commemorative tablets and the like which are of a permanent type of construction and which are an integral part of the building or the construction.

Sign, Monument

A freestanding sign not supported by exposed posts or poles, which is architecturally designed with an internal structural framework or integrated into landscaping or other solid structural features located directly at grade where the base width dimension is fifty (50) percent or more of the greatest width of the sign.

Sign, Mural

A sign applied to the wall of a building that covers all or substantially all of a wall and depicts a scene or event. *(Ord. No. 574)*

Sign, Name Plate

A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein and no greater than two (2) square feet.

Sign, Off-Premise

A sign whose message advertises a product, service, business, event or activity which is not offered for sale, rent or does not take place on the premises in which the sign is located. The term off premise sign shall also include a billboard sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message. *(Ord. No. 574)*

Sign, On-Premise

A sign whose message advertises a product, service, business, event or activity which is offered for sale, rent or does take place on the premises in which the sign is located. *(Ord. No. 574)*

Sign, Pennants

Pieces of cloth, paper, or plastic intended to be individually supported or attached to each other by means of rope, string, or other material, and intended to be hung on buildings or other structures, or between poles. Pennants do not include any written, graphic, or other form of copy.

Sign, Primary Frontage

The portion of any frontage containing the primary public entrance to a building or building unit. *(Ord. No. 574)*

Sign, Projecting

Any sign which is affixed to the building or wall in such a manner as the sign face extends perpendicular to the building or wall face. *(Ord. No. 574)*

Sign, Portable

A sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device, or structure.

Sign, Public

Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, when signs are erected by on order of a public officer or employee in the performance of official duty.

Sign, Pylon

A freestanding sign permanently affixed to the ground by supports, but not having the appearance of a solid base. *(Ord. No. 574)*

Sign, Real Estate

A business sign placed upon a property advertising that particular property for sale, for rent, for lease or sold.

Sign, Secondary Frontage

The frontage containing secondary public entrances to a building or building unit as well as building walls facing a public street or primary parking area. *(Ord. No. 574)*

Sign Structure

The supports, foundations, uprights, bracing, and framework for a sign, including the sign area.

Sign, Temporary

A sign designed to be displayed for a limited amount of time that is not permanently affixed to the land or a structure. Temporary signs may be constructed of or include paper, cloth, canvas, inflatable objects, pennants or other light non-durable material. *(Ord. No. 574)*

Sign, Unified Business Center

A group of two (2) or more buildings, planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings, units, or uses are located on the same lot or parcel.

Sign, Wall

A sign mounted or attached parallel to a wall or painted on the wall surface which displays one sign surface. *(Ord. No. 574)*

Sign, Window

Any sign, picture, symbol, or combination thereof, placed inside a window or upon the window that can be viewed through the window by the public. *(Ord. No. 574)*

Site

Any lot or parcel or combination of lots or parcels assembled for the purpose of development.

Slaughter House

Any land, building, place or establishment in which animals are slaughtered, eviscerated, or dressed.

Small Wind Energy Conversion System (WEC)

A WECS of equal or less than 100kW in total nameplate generating capacity. *(Ord. No. 512)*

Social Service Facility

A facility that is operated by an organization, which provides such services as training, counseling, health or the distribution of food and/or clothing. The term includes, but is not limited to, a facility offering life skills training, substance abuse, counseling, housing services or a neighborhood recovery center. The term does not include an emergency residential shelter.

Specified Anatomical Areas

Less than completely and opaquely covered human genitals pubic region, buttock, anus, or female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral copulation, copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, picquerism, sapphism, zooerasty; or
2. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
3. Fondling or touching of nude human genitals, public region, buttocks, or female breast; or
4. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering binding or other physical restraint of any such persons; or
5. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
6. Human excretion, urination, menstruation, vaginal or anal irrigation.

Stacking Lane

The paved area specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-thru facility or auto-oriented use. Such space is located directly along-side a drive-thru window, facility, or entrance used by patrons in lanes heading towards and away from the establishment.

Steep Slope

Lands having slopes over 18 percent or more, as measured over horizontal distances of fifty (50') feet or more.

Story

That portion of the building between the surface of any floor and the surface of the next floor and the ceiling next above it, as defined in the International Residential Code and International Building Code.

Street

A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the City as a public way.

Street, Collector

A street that serves a dual purpose of accommodating traffic and the provision of more direct access to adjacent properties. Major collector connects to minor arterials and services shorter trips within the City or County. Minor collector streets provide the connection between neighborhoods and commercial / industrial areas and the major collector / minor arterial system.

Street, Curvilinear

Curved thoroughfares that run parallel to the natural topography.

Street, Local

A street designed to provide vehicular access to abutting properties. Such streets are designed for short trips at low speeds.

Street, Minor Arterial

A street that connects urban service areas to cities / towns inside and outside of the region, which services medium to short range trips. Such streets provide connections to collector roads. Land access is restricted to concentrations of commercial or industrial land uses.

Street, Principal Arterial

A street that provides higher speed travel and mobility for long distance trips. These roads function to carry larger volumes of traffic to minor arterials and collectors. Access along such facilities is extremely limited.

Structure

Anything which is built, constructed or erected on the ground or attached to the ground; an edifice or building of any kind; or a piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including decks and signs.

Structure, Temporary

A structure without footings or a foundation, which can be easily removed from the property when a designated time period, activity, or use for which the structure was intended has ceased.

Swimming Pool

Any indoor or outdoor structure intended for swimming, wading, or recreational bathing. The structure may be constructed, installed or located in-ground, partially in-ground, or above ground and may include permanent and storable swimming pools, hot tubs, and spas.

Swimming Pool, Storable or Temporary

A pool capable of holding water to a maximum depth of twenty-four (24) inches or less than 5,000 gallons and constructed entirely on or above ground, and is designed and constructed to be readily disassembled for storage and re-assembled to its original integrity.

T.**Tattoo Parlor / Body Piercing Studio**

An establishment whose principle business activity is the practice of one or both of the following: (1) placing designs, letter, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin: (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Tavern

Establishment serving "on-sale" liquor, beer, or wine with or without food service.

Telecommunication Facility

A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas, other accessory development and related equipment.

Telecommunication Facility, Co-Located

A telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

Telecommunication Facility, Commercial

A telecommunication facility that is operated primarily for a business purpose or purposes.

Telecommunication Facility, Exempt

Includes, but is not limited to the following:

1. A single round or building mounted receive-only radio or television antenna including any mast, for the sole use of the resident occupying a residential parcel on which the radio or television antenna is located, with an antenna height not exceeding forty (40) feet.
2. A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed thirty-five (35) feet.
3. A citizens band radio antenna, ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, existing at the time of the adopting of this Ordinance.
4. A ground or building mounted receive only radio or television satellite dish antenna (TVRO) provided the dish is not located in the front yard of the parcel on which it is located and provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
5. A ground or building mounted digital satellite link panel for high speed internet usage provided that the device is not located in the front yard of the parcel in which it is located and provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
6. City government owned and operated towers supporting receive and/or transmit antennas, including the supporting structures, for all public safety and service purposes, which existed at the time of the adoption of this Ordinance.

Telecommunication Facility, Multiple-User

A telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public entity, excluding research and development industries with antennas to service internal uses only.

Telecommunication Facility, Non-Commercial

A telecommunication facility that is operated solely for a non-business purpose.

Telecommunication Tower

A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than ten (10) feet tall and six (6) inches in diameter supporting one or more antennas, dishes, arrays, etc. shall be considered a telecommunications tower.

Temporary Patient/Family Housing

A facility owned or operated by a public or non-profit organization intended to be used solely for the temporary occupancy of patients being treated at a local hospital or outpatient clinic or family members of patients being treated at a local hospital or outpatient clinic. This may include the provision of food service to the occupants only. (Ord. No. 499)

Tennis Club

A commercial facility for the playing of tennis at which there is a club house including rest rooms. A tennis facility may provide additional services such as swimming, outdoor recreation, and related retail sales and may include a restaurant and cocktail lounge is approved as part of the conditional use process.

Theater, Indoor (non-adult use)

A building or portion of a building devoted to showing motion pictures, or for dramatic, operatic, dance, musical and other performances to be viewed by the public.

Thrift Store

A profit or nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise that is donated or principally donated. This definition does not include antique shops, pawn shops, or second-hand stores.

Tool and Equipment Rental Facility

Establishments primarily engaged in the rental of tools, lawn and garden equipment, party supplies and other similar equipment. Included in this type of use is the incidental storage, maintenance, and servicing of said equipment. The term does not include motor vehicle rental facilities.

Premium Topsoil

As defined by MNDOT specification standard. (Ord. No. 748)

Townhouses

A single-family dwelling unit constructed in a group of three (3) or more attached dwelling units of not more than two (2) stories each and contiguous to each other only by sharing one (1) common wall, in which each unit extends from foundation to roof and with open space on at least two (2) sides. Such structures are to be of the town or row house type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units.

Trade / Business School

A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills.

Transient Merchant

Any person, individual, co-partnership, incorporation, both as principal and agent, who is engaged in, does, or transacts any temporary and transient merchant business selling goods, wares, and merchandise; and who for the purpose of carrying on such business, has complied with the requirements of this Ordinance and Section 245 of the Isanti City Code and hires, leases, occupies, or uses a site, parking lot, vacant lot, motor vehicle or trailer in a zoning district where it is allowed by this Ordinance. This definition shall not apply to wholesalers selling to retailers, individuals making contact

with others for the purpose of establishing a customer delivery route for food or dairy products, garage/rummage, or estate sales, bazaars/flea markets/farmer's markets, vendors associated with special events, auctions held by a licensed auctioneer, temporary motor vehicles sales as defined within this Ordinance, or a court-ordered sale. (*Ord. No. 480*)

Transitional Lot

Land that acts as a buffer between uses or different density or intensity and compatibility. Transitional yard requirements may be imposed at specified locations to act as a sort of buffer zone.

Transmitting Antenna, Commercial Receiving

Any antenna erected for the commercial use of information.

Transmitting Antenna, Private Receiving

Any antenna erected for the non-commercial use of information.

Trees, Coniferous/Evergreen

A woody plant which, at maturity, is at least thirty (30) feet or more in height, with a single trunk, fully branched to the ground, having foliage on the outermost portion of the branches year round.

Trees, Deciduous

A woody plant which, at maturity, is at least thirty (30) feet or more in height, with a single trunk, un-branched for several feet above the ground, having a defined crown, and which loses its leaves annually.

Trees, Street

A tree planted within or on the street right-of-way.

Truck Freight Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

U.

Undue Hardship

As used in connection with the granting of a variance, undue hardship means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

Unified Business Center

A group of two (2) or more buildings planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings, units, or uses are located on the same lot or parcel. (*Ord. No. 574*)

Useable Lot Area

One hundred (100) percent of the minimum lot size requirements for each district shall be free from wetlands, stormwater ponding areas, steep slopes, flood hazard areas, easements, or any other natural or man-made features that may restrict development on the property.

Uses

The purpose or activity for which the land or building is designated or intended, or for which it is occupied, utilized, or maintained.

Use, Conditional

A land use which because of its unique characteristics cannot be properly classified as a permitted use in a particular district. After consideration of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, a permit for such Conditional Use may be granted by the City Council.

Use, Interim

A temporary use of until a particular date, until the occurrence of a particular event or until zoning regulations no longer permits it. An interim use is granted to a particular individual and does not accrue to the subject property.

Use, Permitted

A use that may lawfully be established within a particular zoning district.

Use, Principal

The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.

Use, Prohibited

A use that is not permitted in any zoning district.

Use, Principal

The specific purpose for which land is used.

Use, Substandard

Any use existing prior to the date of this Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area, frontage, setbacks, water frontage length, or other dimensional standards of this Ordinance.

Use, Temporary

A temporary use is one established for a fixed period of time with intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

V.

V-types Sign

Two separate faces at one location that are at an angle of forty-five (45) degrees or less to each other.

Variance

A modification of the literal provisions of this Ordinance granted when strict enforcement of the Ordinance would cause undue hardship due to circumstances unique to the individual property on which the variance is granted. The essential elements of the variance are undue hardship and unique circumstances, as distinguished from a mere inconvenience.

Veterinary Clinic

An establishment where animals or pets are given medical care and/or surgical treatment. Use of a clinic as a kennel shall be limited to short-term boarding and shall be incidental to the clinical use.

W.

Warehouse

The commercial storage of merchandise and personal property.

Water Treatment Plant

An establishment engaged in operating a water treatment plant or operating the water supply system. The water supply system may include pumping stations, aqueducts or distribution mains.

Wetlands

An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation and which may have the following characteristics:

1. Vegetation belonging to the marsh (emergent aquatic) bog, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 5, 6, 7, and 8 described by the United States Fish and Wildlife service, Circular 39, "Wetlands of the U. S.", 1956).
2. Mineral soils with grey horizons or organic solids belonging to the Histosol order (peat and muck).
3. Soil which is water logged or covered with water at least three months of the year. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and properly, may be shallow water bodies, the waters of

which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Wholesale Establishment

An establishment providing indoor or outdoor storage and sale of factory-direct merchandise for resale. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

Wind Energy Conversion System (WECS)

Any device, wind turbine, and accessory facilities, including the support structure of the system such as a tower that operates by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed to the electrical grid. (*Ord. No. 512*)

Wind Energy Conversion System (WECS) Total Height

The height of a freestanding WECS shall be measured as the distance from ground level to the highest point on the tower, including the vertical length of any extensions such as the rotor blade. The height of a building mounted WECS shall be measured as the distance from the point where the base of the system is attached to the building or to the lowest point on the WECS, whichever is closer to the ground, to the highest point on the WECS, including the vertical length of any extensions such as the rotor blade. (*Ord. No. 512*)

Wind Energy Conversion System (WECS) Monopole Tower

A vertical structure consisting of a single pole, constructed without guyed wires and anchors; which is used in the operation of a WECS. (*Ord. No. 512*)

Wind Energy System

An electrical generating facility that consists of a wind turbine, feeder line(s), rotor blades, associated controls and may include a tower. (*Ord. No. 512*)

Wind Turbine

Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind. (*Ord. No. 512*)

Window

The area of the building façade which is occupied by transparent or translucent glass or other similar material. (*Ord. No. 574*)

Y.**Yard**

An open space on the same lot with a building, in which open space is unoccupied and unobstructed from the ground upwards, except for permitted obstructions provided within this Ordinance.

Yard, Front

A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear

A yard extending along the full length of the rear lot line between the side lot lines.

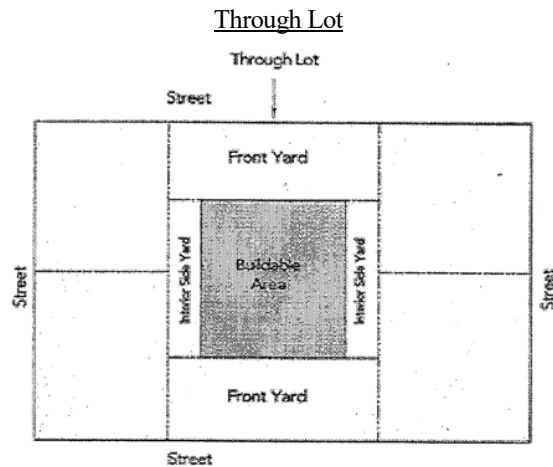
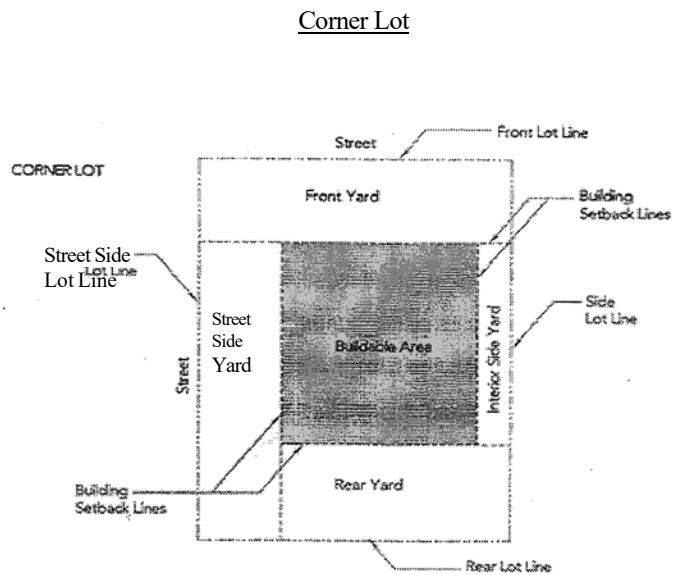
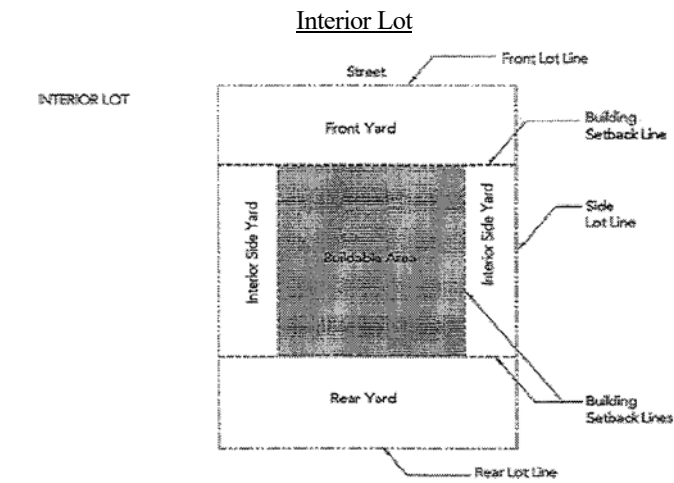
Yard, Required

A minimum front, rear, or side yard, as established in the building bulk regulations for each particular zoning district.

Yard, Side

A yard extending along a side lot line from the front yard to the rear yard.

FIGURE 10: Yard Illustrations



Z.

Zero Lot Line

A structure in which is sited on two (2) or fewer lot lines with no yard, permitting site design flexibility and lower development costs through more efficient development and lower per-unit land costs.

Zoning Administrator

The person appointed by the City Council to enforce the Zoning Ordinance.

Zoning District

An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.

Zoning Map, Official

The map or maps incorporated into this Chapter as part thereof, and as amended, designating the zoning districts.

SECTION 3: ESTABLISHMENT OF ZONING DISTRICTS

Subdivision 1	Intent
Subdivision 2	Zoning Map
Subdivision 3	Zoning of Annexation or Detachment Areas
Subdivision 4	Zoning District Boundaries

Subdivision 1: Intent

The following Zoning Districts are hereby established to meet the intent and purposes of the Comprehensive Plan. The Comprehensive Plan and the Zoning Ordinance are created for the purpose of protecting the public health, safety, and general welfare of the of the City of Isanti. For the purposes of this Ordinance, the City of Isanti is hereby divided and classified into the following zoning districts:

Residential Districts

R-1	Single Family Residential District.
R-1A	Rural Residential District (<i>Ord. No. 735</i>)
R-2	Single Family Residential District.
R-3A	Low Density Multiple Family Residential District.
R-3B	Medium Density Multiple Family Residential District.
R-4	Multiple Family Dwelling District.

Business Districts

B-1	Central Business District (CBD)
B-2	General Business District (GBD)
B-3	Neighborhood Business District (NB)

Industrial Districts

I-1	Industrial Park District
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Special Purpose Districts

RC	Recreational Commercial District
CBT	Central Business Transitional District
PUD	Planned Unit Development District

Overlay Districts

D-1	Downtown Overlay District
S-1	Rum River Scenic Overlay District
FP	Flood Plain Overlay District
OSP	Open Space and Parks Overlay District
H65	Highway 65 Corridor Overlay District

Tier One Zoning Districts

T1-R	Tier One: Residential District
T1-C	Tier One: Highway Commercial District
T1-I	Tier One: Industrial District

Subdivision 2: Zoning Map

The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning maps entitled the "City of Isanti Zoning Map", a copy of which is on file with the Zoning Administrator. Said maps and all of the notifications, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

Subdivision 3: Zoning of Annexation or Detachment Areas

A. In the event of changes to the City limits that remove territory from the City, district boundaries shall be

constructed as to move with City limits.

- B. In the event of annexation of new areas to the City or in the event the City is given exclusive zoning jurisdiction of an area which is not annexed or within the City limits, such areas shall be considered to be in the "R-1" Single Family Residential District, unless the Ordinance annexing such property designates otherwise. If the area is not designated at the time of annexation, such "R-1" Single Family Residential Zoning shall be maintained, until such time as the property owner requests a rezoning of the property. A public hearing before the Planning Commission requesting a particular zoning designation shall be held upon proper application to the City with final approval granted by the City Council.

Subdivision 4: Zoning District Boundaries

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroad lines shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shorelines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such lines.
- D. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.
- E. Where a zoning district boundary divides a lot, resulting in differing and non-uniform requirements (split-lot zoning) for two or more portions of the lot, each portion shall be subject to the regulations applicable to the specific zoning district shown for that portion of the lot.
- F. The exact location of all district boundaries shall be interpreted by the Zoning Administrator, subject to appeal as provided in Section 21 of this Ordinance.

SECTION 4: GENERAL PROVISIONS

Subdivision 1	Purpose
Subdivision 2	District Regulations
Subdivision 3	Building Restrictions
Subdivision 4	Lot Area Requirements
Subdivision 5	Yard Requirements
Subdivision 6	Subdivision of Multiple Tenant Commercial and Industrial Buildings
Subdivision 7	Design Standards
Subdivision 8	Vision Clearance at Corners, Intersections, and Access Points
Subdivision 9	Administrative Standards
Subdivision 10	Public Water Alterations

Subdivision 1: Purpose

The purpose of this Section is to establish general development standards for residential and non-residential uses in an effort to ensure that adjacent land uses are compatible, ensure minimum standards to principal and accessory uses within each zoning district are met, blight and deterioration are prevented, and the health, safety, and general welfare of the city are enhanced.

Subdivision 2: District Regulations

The regulations provided within this Ordinance for each zoning district shall be minimum regulations, and shall apply uniformly to each class or kind of structure and land, except as herein provided.

- A. No buildings, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to exceed the height or bulk requirements, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear, front, and side yards, or other open spaces than herein required or in any other manner contrary to the provisions of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance.

Subdivision 3: Building Restrictions

- A. No cellar, garage, tent, or accessory building shall at anytime be used as an independent residence or dwelling unit, temporarily or permanently.
- B. Existing basements used as an independent dwelling unit shall have the status of a nonconforming use, subject to the provisions of Section 19 of this Ordinance and to applicable building codes.
- C. Except in the case of Planned Unit Developments and multi-family developments as provided in this Ordinance, not more than one (1) principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meanings, in case of doubt or on any question or interpretation; the decisions of the Zoning Administrator shall be final, subject to the right of appeal to the City Council.
- D. Temporary Habitations. Temporary dwellings including travel trailers, campers, tents, recreational vehicles, and other vehicles or structures which are adaptable for living and may be reasonably transported may be used for dwelling purposes for a period not to exceed thirty (30) consecutive days in any twelve (12) month period. Only one (1) temporary dwelling may be placed on a parcel or lot.

- E. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Isanti opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings. (*Ord. No. 650*)
- F. Moved Buildings. No building shall at anytime be moved into or within the City without being issued a building permit and without being in compliance with City ordinances. Any building or structure being moved into the City shall be required to notify City staff as to the date, time and route of such a move.
- G. Height Exceptions. The building height limits established shall not apply to belfries, cupolas, domes, spires, monuments, airway beacons, radio towers, flag poles, chimneys or flues; nor to elevators, water tanks, poles, towers, or other structures for essential service; nor to agricultural structures for essential service; nor to similar structures extending above the roof of any building, nor to necessary mechanical appurtenances.
- H. General Building Standards. Unless specified elsewhere within this Ordinance, the following standards shall apply to all residential structures: (*Ord. No. 568*)
 - 1. The length of a residential structure shall not exceed three (3) times the width, excluding the garage.
 - 2. A permanent, full perimeter foundation that complies with building code requirements shall be provided with frost footings.
 - 3. All residential structures, including manufactured homes, must comply with building code requirements for single-family detached dwellings.
 - 4. All manufactured homes shall have available for inspection, manufacturer's instructions specifying how said dwelling is to be situated on a permanent foundation.
 - 5. Unless located in a designated manufactured home development subject to standards as provided within this Ordinance, all manufactured homes located within a residential district shall comply with the provisions of the underlying zoning district.
- I. Minimum Ground Floor Area. All dwellings must have a ground floor area of at least five hundred (500) square feet, unless stipulated otherwise within this Ordinance.
- J. Buildings or structures consisting of pole type construction are prohibited in all zoning district classifications.

Subdivision 4: Lot Area Requirements

The minimum lot area requirements are set forth within the respective district provisions of this ordinance.

- A. Lot Area Exception. A lot of record existing upon the effective date of this Ordinance which does not meet the area or width requirements of this Ordinance may be utilized provided that due to ownership patterns, the combining of adjacent lots to meet the requirements of this Ordinance is not possible. All sanitary requirements shall be met.
- B. In computing required lot area, one-half (1/2) of the width, but not exceeding ten (10) feet of any alley or portion thereof abutting any lot line may be included as part of the lot area for such computation.

Subdivision 5: Yard Requirements

The minimum yard setback distances from the appropriate lot line are set forth within the district provisions of this ordinance.

- A. Corner Lots. Where a lot is located at the intersection of two (2) or more streets, the side yard setback along the street side shall not be less than twenty (20) feet.
- B. Through Lots. On a lot fronting on two (2) parallel streets, both street lines shall be front lot lines for applying the yard regulations of this Ordinance.
- C. Earth Sheltered Buildings. Computations for yard requirements shall be based on measurements from the exposed exterior surface of the building.
- D. Area and Rear Yard with Alley Adjoining. In computing the depth of a rear yard for any building where the rear line of the lot adjoins an alley, one-half (1/2) of the width of such alley may be included as rear yard depth, provided that the rear yard depth actually on the lot shall not be less than twenty (20) feet in any dwelling district.

- E. Permitted Yard Encroachments. The following shall not be considered encroachments on yard setback requirements.
1. In any yard. Overhanging eaves, gutters, open terraces, marquees, flues, sills, lintels, pilasters, cornices, ornamental features, bay windows, awnings, open porches not enclosed by walls, screens, windows, or doors attached to the principal structure, providing they do not project more than three (3) feet into the required yard. In addition, flag poles (maximum height of 30 feet), fences, light poles, and landscaping shall be permitted encroachments.
 2. Window wells and their related covers, but shall not encroach into existing or required drainage or utility easements.
 3. In front yards. Uncovered walkways, stoops, and steps are permitted encroachments.
 4. In rear yards. Play and recreational structures, private dog kennels, laundry drying equipment, satellite dishes, patios, picnic tables, arbors, and trellises.
 5. Encroachments in any yard that abut a public right-of-way, shall be considered permitted encroachments, except that no encroachment is permitted within the Vision Clearance Triangle on corner lots and no encroachment is permitted within or above the public right-of-way without prior approval granted by the City Council.

Subdivision 6: Subdivision of Multiple Tenant Commercial and Industrial Buildings

Commercial and industrial multiple tenant buildings in existence prior to the effective date of this Ordinance may be subdivided for individual lot ownership provided that:

1. The subject site is platted and recorded in conformance with the requirements of the Subdivision Ordinance, as applicable.
2. The subdivision shall comply with applicable cooperative and condominium laws as established by the State of Minnesota.
3. Variances shall not be required for zero (0) lot line setback associated with internal or common walls between the various units.
4. Variances shall not be required for lot sizes, which do not meet the minimum requirements of the district in which the condominium would be located. Lot sizes shall be reviewed by the Planning Commission and approved by the City Council.
5. All other provisions required by this Ordinance shall be applicable to each subdivided lot.

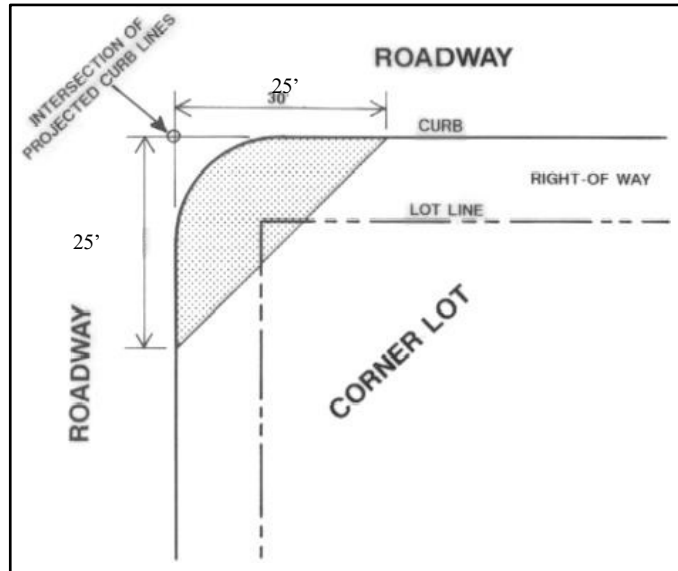
Subdivision 7: Design Standards

The architectural appearance and function of any building and site shall not be so dissimilar to the existing buildings or area so as to constitute a blighting influence. Earth sheltered buildings are allowed if in compliance with all other zoning provisions promulgated pursuant to Minn. Stats. 4462.357, as amended from time to time.

Subdivision 8: Vision Clearance at Corners, Intersections, and Access Points

- A. The purpose of the vision triangle is to provide clear vision for motorists at intersections. There shall be a vision clearance triangle at the intersection of any streets with railroads, alleys, or non-residential driveways.
- B. The vision clearance triangle shall be determined by measuring twenty-five (25) feet along the right-of-way starting from the point of the intersection of said lines, and connecting these two (2) points with a line to define the triangular area. The Zoning Administrator may adjust the vision clearance triangle configuration where physical site conditions exist that may adversely affect public safety.
- C. No structure, vehicle, vegetation, fence, sign, building, or other obstacle or any portion thereof shall be placed or retained between the height of thirty (30) inches and ten (10) feet above the abutting curb line of the intersecting streets within the vision clearance triangle.
- D. Allowable installations in the vision clearance triangle include: utility and light poles when no safer alternative location is available, trees or plant species with growth patterns that will not develop significant foliage to obstruct views in the clearance area, and official signs and signals.
- E. Exceptions to these vision clearance requirements include buildings and structures existing prior to the date of this Ordinance or amendments thereto.

FIGURE 11: Vision Clearance Triangle Illustration



Subdivision 9: Administrative Standards

Whenever in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, unless other standards are provided with in this Ordinance, the decisions shall be made so that the result will be consistent with the intent and purpose of the Ordinance as described in Section 1, Subdivision 2 of this Ordinance.

Subdivision 10: Public Water Alteration

Any alteration which will change or diminish the course, current, or cross section of a public water or wetland as defined by State and Federal laws must be approved by the Commissioner of the Minnesota Department of Natural Resources, in accordance with the procedures of Minnesota Statute, Section 105.42 as amended. This alteration includes construction of channels and ditches, lagoons, dredging of lake or stream bottoms for removal of muck, silt, or weeds, and filling in the lake or stream bed.

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Subdivision 1	Purpose
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ARTICLE ONE: "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

Subdivision 1: Purpose

The "R-1" Single-Family Residential District is designed to be the most restrictive of the residential districts. The intent of the "R-1" Single-Family District is to provide for an attractive environment for low density, single family detached dwellings in settings with larger lot sizes and increased open space surrounding the dwelling, while also allowing for directly related and complementary residential uses that serve the residents in the district.

Subdivision 2: Permitted Uses

The following are permitted uses:

- A. Dwellings, Single-family detached.
- B. Essential services.
- C. Farming.
- D. Group family daycare facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- E. Public open space.
- F. State licensed daycare facility serving twelve (12) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- G. State licensed residential facility (group home) or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall be considered prohibited.

Subdivision 3: Permitted Accessory Uses

The following are permitted accessory uses:

- A. Accessory buildings in accordance with the provisions as provided within this Article and within Section 13 of this Ordinance.
- B. Decorative landscaping features, fencing, and screening as permitted and regulated in Section 15.
- C. Decks and patios.
- D. Non-commercial gardening.
- E. Permitted home occupations, as regulated by Section 13 of this Ordinance.
- F. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located in the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met. (*Ord. No. 644*)
- G. Residential kennel, as defined in Section 2 of this Ordinance, which meets the registration and licensing requirements as provided within Chapter 87, Article II Dogs of the Isanti City Code.
- H. Rummage, Garage, Craft and Boutique sales. The infrequent temporary display and sale, by and occupant on his/her premises, of personal property, including general household rummage, used clothing and appliances, provided the exchange or sale of merchandise is conducted within the residence or accessory structure.
 - 1. The number of sales shall not exceed four (4) per year.
 - 2. The duration of sales does not exceed three (3) consecutive days.

3. Any related signage shall be limited to the premises and to other residential property provided that the property owner's permission has been obtained to display such signage, and signage shall conform to the sign ordinance and shall be removed at the termination of the sale.

Subdivision 4: Conditional Uses

The following are conditional uses allowed in the "R-1" Single-Family Residential District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Bed and Breakfast establishments subject to those standards as provided within Section 13 of this Ordinance.
- B. Cemetery.
- C. Community recreation.
- D. Educational institutions.
- E. Public buildings.
- F. Religious institutions.
- G. Telecommunication towers and antennas. Standards as provided in Section 13 shall be met; in addition to the following stipulation.
 1. Towers and antennas located within the "R-1" Single-Family District are limited to municipal functions and applications only.
- H. Adult Day Center serving twelve (12) or fewer persons. (*Ord No. 594*)

Subdivision 5: Interim Uses

The following are interim uses allowed in the "R-1" Single-Family Residential District and require an Interim Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Special home occupations, which is accessory to a residential dwelling; subject to the requirements provided in Section 13 of this Ordinance.
- B. Temporary Real Estate Offices, subject to the performance standards as provided within Section 13 of this Ordinance.

Subdivision 6: Lot Requirements and Setbacks

- A. Lot Requirements.
 - a. Lot Size 11,000 square feet
 - b. Lot Width
 - i. Corner 95 feet
 - ii. Other 80 feet
 - c. Lot Depth 137 feet
- B. Setbacks and Height Restrictions – Principal Building. Minimum Front Yard Setback 30 feet Minimum
 - a. Rear Yard Setback 30 feet
 - b. Minimum Side Yard Setback 10 feet, each side
Minimum Street Side Yard Setback 20 feet
 - c. Maximum Height 2 ½ stories or 35 feet
Maximum Impervious Surface Coverage 40% (*Ord. No. 733*)
- C. Setbacks – Accessory Buildings.
 - a. Regulations for Accessory structures are provided in Section 13 of this Ordinance. Rear Yard Setback 5 feet
 - b. Side Yard Setback 5 feet

- c. Street Side Yard Setback 20 feet

D. Garage Requirements.

- a. With the exception of dwelling units constructed prior to the effective date of this Ordinance, all dwelling units shall include an enclosed attached garage. All such garages shall be attached and constructed to accommodate two (2) vehicles parked side-by-side. Tandem garage spaces are permitted providing the required number of side-by-side parking spaces are met.
- b. Minimum Floor Area 720 square feet
- c. Minimum Width 24 feet
- d. Minimum Depth 20 feet

E. Usable Lot Requirements.

- a. All portions of the required minimum lot size for the district, not located within the standard five (5) foot drainage and utility easements must be 100% usable, as defined in Section 2 of this Ordinance.

Subdivision 7: Special Regulations

- A. All dwellings must have a minimum of twelve hundred (1200) square feet of livable floor space above grade. All dwellings must have a permanent, full-perimeter foundation and frost footings, which shall meet building code requirements.
- B. No residence shall be less than twenty-four (24) feet in width, as measured across the narrowest portion of the dwelling.
- C. Building elevations shall provide for diversity in terms of, to include but is not limited to, the type of materials, building orientation, window location, and roof pitch. The exterior design, proportions, and materials shall be selected to achieve a quality design and a sense of individuality.
- D. The design of the structure shall be similar in character and appearance to other dwellings in the area with regard to unit size, roof overhangs, roof materials, roof pitch, and exterior materials.
 - 1. A roof constructed of asphalt composition, shingle, tile, crushed rock, metal or similar roofing material, which is compatible with surrounding development shall be used. (*Ord No. 771*)
 - 2. Exterior siding of brick, wood, stucco, plaster, concrete, or other similar materials, which is finished and non-glossy and non-reflective; and which is compatible with the surrounding development shall be used.
 - 3. A predominant shape and form that is compatible with the surrounding neighborhood shall be used. (*Ord. No. 568*)

ARTICLE TWO: “R-2” SINGLE FAMILY RESIDENTIAL DISTRICT

Subdivision 1: Purpose

The “R-2” Single-Family Residential District is designed to accommodate single-family detached dwellings. The intent is to provide opportunities for smaller single-family homes on mid-range lot sizes, while also allowing for directly related and complementary residential uses that serve the residents of the district. The district will provide more affordable single-family housing options as well as will allow for a more compact development pattern that will better protect and preserve identified natural resource areas.

Subdivision 2: Permitted Uses

The following are permitted uses:

- A. Dwellings, Single-family detached.
- B. Essential services.
- C. Farming.
- D. Group family daycare facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- E. Public open space.
- F. State licensed daycare facility serving twelve (12) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- G. State licensed residential facility (group home) or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses of have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offense shall be considered prohibited.

Subdivision 3: Permitted Accessory Uses

The following are permitted accessory uses:

- A. Accessory buildings in accordance with the provisions as provided within this Article and within Section 13 of this Ordinance.
- B. Decorative landscaping features, fencing, and screening as permitted and regulated in Section 15.
- C. Decks and patios.
- D. Non-commercial gardening.
- E. Permitted home occupations, as regulated by Section 13 of this Ordinance.
- F. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located in the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met. (*Ord. No. 644*)
- G. Residential kennel, as defined in Section 2 of this Ordinance, which meets the registration and licensing requirements as provided within Chapter 87, Article II Dogs of the Isanti City Code.
- H. Rummage, Garage, Craft and Boutique sales. The infrequent temporary display and sale, by an occupant on his/her premises, of personal property, including general household rummage, used clothing and appliances, provided the exchange or sale of merchandise is conducted within the residence or accessory structure.
 - 1. The number of sales shall not exceed four (4) per year.
 - 2. The duration of the sales does not exceed three (3) consecutive days.

3. Any related signage shall be limited to the premises and to other residential property provided that the property owner's permission has been obtained to display such signage, and signage shall conform to the sign ordinance and shall be removed at the termination of the sale.

Subdivision 4: Conditional Uses

The following are Conditional Uses allowed in the "R-2" Single-Family Residential District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Bed and Breakfast establishments subject to those standards as stipulated within Section 13 of this Ordinance.
- B. Cemetery.
- C. Community recreation.
- D. Educational institutions.
- E. Public buildings.
- F. Religious institutions.
- G. Telecommunication towers and antennas. Additional standards as provided in Section 13 of this Ordinance shall be met.
- H. Adult Day Center serving twelve (12) or fewer persons. (*Ord. No. 594*)

Subdivision 5: Interim Uses

The following are Interim Uses permitted in the "R-2" Single-Family Residential District and require an Interim Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Boarding House.
- B. Special home occupations, which is accessory to a residential dwelling; subject to the requirements provided in Section 13 of this Ordinance.
- C. Temporary Real Estate Offices, subject to the performance standards as provided within Section 13 of this Ordinance.

Subdivision 6: Lot Requirements and Setbacks

- A. Lot Requirements.

Lot Size	9,000 square feet
Lot Width	
Corner	90 feet
Other	75 feet
Lot Depth	120 feet
- B. Setbacks and Height Restrictions – Principal Building. Minimum

Front Yard Setback	30 feet
Minimum Rear Yard Setback	30 feet
Minimum Side Yard Setback	10 feet, each side
Minimum Street Side Yard Setback	20 feet
Maximum Height	2 ½ stories or 35 feet
Maximum Impervious Surface Coverage	40% (<i>Ord. No. 733</i>)
- C. Setbacks – Accessory Buildings.

Regulations for Accessory structures are provided in Section 13 of this Ordinance	
Rear Yard Setback	5 feet
Side Yard Setback	5 feet

Street Side Yard Setback

20 feet

D. Garage Requirements.

With the exception of dwelling units constructed prior to the effective date of this Ordinance, all dwelling units shall include an enclosed attached garage. All such garages shall be attached and constructed to accommodate two (2) vehicles parked side-by-side. Tandem garage spaces are permitted providing the required number of side-by-side parking spaces are met.

Minimum Floor Area 480 square feet

Minimum Width 20 feet

Minimum Depth 20 feet

E. Usable Lot Requirements.

All portions of the required minimum lot size for the district, not located within the standard five (5) foot drainage and utility easement must be 100% usable, as defined in Section 2 of this Ordinance.

Subdivision 7: Special Regulations

- A. All dwellings must have a minimum of nine hundred sixty (960) square feet of livable floor space above grade. All dwellings must have a permanent, full perimeter foundation and frost footings, which shall meet building code requirements.
- B. No residence shall be less than twenty-four (24) feet in width, as measured across the narrowest portion of the dwelling.
- C. The design of the structure shall be similar in character and appearance to other dwellings in the area with regard to unit size, roof overhangs, roof materials, roof pitch, and exterior materials.
1. A roof constructed of asphalt composition, shingle, tile, crushed rock, metal or similar roofing material, which is compatible with surrounding development shall be used. (*Ord No. 771*)
 2. Exterior siding of brick, wood, stucco, plaster, concrete, or other similar materials, which is finished and non-glossy and non-reflective; and which is compatible with the surrounding development shall be used.
 3. A predominant shape and form that is compatible with the surrounding neighborhood shall be used. (*Ord. No. 568*)

ARTICLE THREE: “R-3A” LOW DENSITY MULTIPLE FAMILY DISTRICT

Subdivision 1: Purpose

The “R-3A” Low Density Multiple Family District is designed to provide for low density areas, which accommodate a variety of housing types, to include detached and attached single-family, two-family, duplexes, and attached and detached townhomes. These districts shall be located and are intended to function as a transition area between the less intense single-family developments and the more intense multiple family districts. The district promotes more walkable neighborhoods with a variety of housing types.

Subdivision 2: Permitted Uses

The following are permitted uses:

- A. Conversion of a residential dwelling, subject to the requirements as provided within Section 13 of this Ordinance.
- B. Dwellings, Single-family detached.
- C. Dwellings, Townhomes attached / detached. If attached, not to exceed six (6) units per building.
- D. Dwellings, Two-family.
- E. Essential services.
- F. Farming.
- G. Group family daycare facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- H. Public open space.
- I. State licensed daycare facilities serving twelve (12) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- J. State licensed residential facility (group home) or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses of have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offense shall be considered prohibited.
- K. Fire Station (*Ord. No. 752*)

Subdivision 3: Permitted Accessory Uses

The following are permitted accessory uses:

- A. Accessory buildings in accordance with the provisions as provided within this Article and within Section 13 of this Ordinance.
- B. Decorative landscaping features, fencing, and screening as permitted and regulated in Section 15.
- C. Decks and patios.
- D. Non-commercial gardening.
- E. Permitted home occupations, as regulated by Section 13 of this Ordinance.
- F. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located within the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met. (*Ord. No. 644*)

- G. Residential kennel, as defined in Section 2 of this Ordinance, which meets the registration and licensing requirements as provided within Chapter 87, Article II Dogs of the Isanti City Code.
- H. Rummage, Garage, Craft and Boutique sales. The infrequent temporary display and sale, by and occupant on his/her premises, of personal property, including general household rummage, used clothing and appliances, provided the exchange or sale of merchandise is conducted within the residence or accessory structure
 - 1. The number of sales shall not exceed four (4) per year
 - 2. The duration of sales does not exceed three (3) consecutive days.
 - 3. Any related signage shall be limited to the premises and to other residential property provided that the property owner's permission has been obtained to display such signage, and signage shall conform to the sign ordinance and shall be removed at the termination of the sale.

Subdivision 4: Conditional Uses

The following are conditional uses allowed in the "R-3A" Low Density Multiple Family Residential District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Cemetery.
- B. Community recreation.
- C. Educational institutions.
- D. Public buildings.
- E. Religious institutions.
- F. Senior Citizen Housing
- G. Senior Residential Care Facilities, as defined in Section 2 of this Ordinance.
- H. Telecommunication towers and antennas. Standards as provided in Section 13 shall be met.
- I. Adult Day Center serving twelve (12) or fewer persons. (*Ord. No. 594*)

Subdivision 5: Interim Uses

The following are interim uses allowed in the "R-3A" Low Density Multiple Family Residential District and require an Interim Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Special home occupations, which is accessory to a residential dwelling; subject to the requirements provided in Section 13 of this Ordinance.
- B. Temporary Real Estate Offices, subject to the performance standards as provided within Section 13 of the Ordinance.

Subdivision 6: Maximum Density

The maximum density permitted shall be six (6) dwelling units per gross acre. Planned Unit Developments are recommended when developing within this district.

Subdivision 7: Lot Requirements and Setbacks

- A. Minimum Lot Size Requirements.

Detached Single family	7,500 square feet
Two-family	7,000 square feet per unit
Townhomes, Attached and Detached	6,000 square feet per unit
- B. Minimum Lot Widths and Depths. Lot

Width	
Single-family	60 feet
Two-family	60 feet per unit
Over two-family	None

- C. Setbacks and Height Restrictions – Principal Building. Minimum
- | | |
|-------------------------------------|--|
| Front Yard Setback | 30 feet |
| Minimum Rear Yard Setback | 30 feet |
| Minimum Side Yard Setback | 10 feet, each side. Buildings exceeding thirty (30') feet shall have an additional side yard setback or one (1) foot for each one (1) foot of building height over thirty (30') feet. Side yard setbacks for interior lot lines of attached units shall be zero. |
| Minimum Street Side Yard Setback | 20 feet |
| Maximum Height | 3 stories, not to exceed 35 feet |
| Maximum Impervious Surface Coverage | 35% |
| Minimum Building Separation | 30 feet |
- D. Setbacks – Accessory Buildings.
Regulations for Accessory structures are provided in Section 13 of this Ordinance.
- | | |
|--------------------------|---------|
| Rear Yard Setback | 5 feet |
| Side Yard Setback | 5 feet |
| Street Side Yard Setback | 20 feet |
- E. Garage Requirements.
With the exception of dwelling units constructed prior to the effective date of this Ordinance, all dwelling units shall include an enclosed attached garage. All such garages shall be attached and constructed to accommodate two (2) vehicles parked side-by-side per dwelling unit. Tandem garage spaces are permitted providing the required number of side-by-side parking spaces are met.
- | | |
|--------------------|-----------------|
| Minimum Floor Area | 400 square feet |
| Minimum Width | 20 feet |
| Minimum Depth | 20 feet |
- F. Usable Lot Requirements.
All portions of the required minimum lot size for the district, not located within the standard five (5) foot drainage and utility easements must be 100% usable, as defined in Section 2 of this Ordinance.
- G. Transitional Lot Requirements.
1. Any “R-3A” zoned lot directly abutting existing residential development with the “R-1” or “R-2” Districts shall be required to provide an increased setback from the property line to the principal buildings, which meet the following:

a. R-3A adjacent to R-1	50 foot buffer
b. R-3A adjacent to R-2	40 foot buffer
 2. Exceptions to this provision may be granted, provided one or more of the following conditions have been met:
 - a. The properties are separated by a major collector, arterial street or railroad;
 - b. The properties are separated by a wetland, body of water, floodplain, public open space or park, or other such public reserved or restricted area; or
 - c. Landscaping, screening, or buffering has been provided, which meets the approval of the City Council.

Subdivision 8: Special Regulations

- A. All dwellings must have a minimum of nine hundred sixty (960) square feet of livable floor space above grade. All dwellings must have a permanent, full perimeter foundation and frost footings, which shall meet building code requirements.
- B. No residence shall be less than twenty-four (24) feet in width, as measured across the narrowest portion of the dwelling.
- C. All developments, with the exception of single-family detached, two-family, and detached townhomes, within the “R-3A” Low Density Multiple Family District are required to have Site Plan Approval in accordance with Section 18 of this Ordinance.

- D. The design of the structure shall be similar in character and appearance to other dwellings in the area with regard to unit size, roof overhangs, roof materials, roof pitch, and exterior materials.
1. A roof constructed of asphalt composition, shingle, tile, crushed rock, metal or similar roofing material, which is compatible with surrounding development shall be used. (*Ord No. 771*)
 2. Exterior siding of brick, wood, stucco, plaster, concrete, or other similar materials, which is finished and non-glossy and non-reflective; and which is compatible with the surrounding development shall be used.
 3. A predominant shape and form that is compatible with the surrounding neighborhood shall be used. (*Ord No. 568*)

ARTICLE FOUR: “R-3B” MEDIUM DENSITY MULTIPLE FAMILY DISTRICT

Subdivision 1: Purpose

The “R-3B” Medium Density Multiple Family District is designed to provide for medium density areas, which accommodate a variety of housing types, to include two-family, townhomes, rowhomes, and multi-family dwellings. These districts shall be located near collector streets and are intended to enhance transitional areas between lower density residential areas and other non-residential land uses. The district encourages even greater housing unit diversity and options in close proximity to city services and commercial areas.

Subdivision 2: Permitted Uses

The following are permitted uses:

- A. Conversion of a residential dwelling, subject to the requirements as provided within Section 13 of this Ordinance.
- B. Dwellings, Rowhomes. Not to exceed eight (8) units per building.
- C. Dwellings, Townhomes attached. Not to exceed eight (8) units per building.
- D. Dwellings, Triplex/Quadrominium
- E. Dwellings, Two-family.
- F. Essential services.
- G. Farming.
- H. Group family daycare facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minnesota Statute 462.357, Subdivision 7, as amended.
- I. Public open space.
- J. State licensed daycare facility serving twelve (12) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- K. State licensed residential facility (group home) or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses of have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offense shall be considered prohibited.

Subdivision 3: Permitted Accessory Uses

The following are permitted accessory uses:

- A. Accessory buildings in accordance with the provisions of this Article and within Section 13 of this Ordinance.
- B. Decorative landscaping features, fencing, and screening as permitted and regulated in Section 15.
- C. Decks and patios.
- D. Non-commercial gardening.
- E. Permitted home occupations, as regulated by Section 13 of this Ordinance.
- F. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located in the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met. (*Ord. No. 644*)

- G. Residential kennel, as defined in Section 2 of this Ordinance, which meets the registration and licensing requirements as provided within Chapter 87, Article II Dogs of the Isanti City Code.
- H. Rummage, Garage, Craft and Boutique sales. The infrequent temporary display and sale, by an occupant on his/her premises, of personal property, including general household rummage, used clothing and appliances, provided the exchange or sale of merchandise is conducted within the residence or accessory structure.
 - 1. The number of sales shall not exceed four (4) per year.
 - 2. The duration of the sales does not exceed three (3) consecutive days.
 - 3. Any related signage shall be limited to the premises and to other residential property provided that the property owner's permission has been obtained to display such signage, and signage shall conform to the sign ordinance and shall be removed at the termination of the sale.

Subdivision 4: Conditional Uses

The following are Conditional Uses allowed in the "R-3B" Medium Density Multiple Family Residential District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Cemetery.
- B. Community recreation.
- C. Educational institutions.
- D. Manufactured home development, subject to the performance standards as provided within Section 13 of this Ordinance. (*Ord. No. 568*)
- E. Public buildings.
- F. Religious institutions.
- G. Senior Citizen Housing.
- H. Senior Residential Care Facilities.
- I. State licensed daycare facility serving thirteen (13) through sixteen (16) persons as allowed under Minnesota Statutes 462.357, Subdivision 8, as amended.
- J. State licensed residential facility (group home) or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving seven (7) to sixteen (16) persons as allowed under Minnesota Statutes 462.357, Subdivision 8, as amended. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses of have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offense shall be considered prohibited.
- K. Telecommunication towers and antennas. Additional standards as provided in Section 13 shall be met.
- L. Adult Day Center. (*Ord. No. 594*)

Subdivision 5: Interim Uses

The following are Interim Uses permitted in the "R-3B" Medium Density Multiple Family Residential District and require an Interim Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Boarding houses, (includes rooming houses or lodging houses), as defined in Section 2 of this Ordinance.
- B. Special home occupations, which is accessory to a residential dwelling; subject to the requirements as provided in Section 13 of this Ordinance.
- D. Temporary Real Estate Offices, subject to the performance standards as provided within Section 13 of this

Ordinance.

Subdivision 6: Maximum Density

The maximum density permitted shall be ten (10) dwelling units per gross acre. Planned Unit Developments are recommended when developing within this district.

Subdivision 7: Lot Requirements and Setbacks

- A. Minimum Lot Requirements.
- | | |
|--------------|----------------------------|
| Two-family | 4,500 square feet per unit |
| Townhomes | 4,000 square feet per unit |
| Rowhomes | 4,000 square feet per unit |
| Multi-family | 4,000 square feet per unit |
- B. Minimum Lot Width and Depth
- | | |
|------------|------------------|
| Two-family | 50 feet per unit |
|------------|------------------|
- C. Setbacks and Height Restrictions – Principal Building. Minimum
- | | |
|-------------------------------------|---|
| Front Yard Setback | 25 feet |
| Minimum Rear Yard Setback | 25 feet |
| Minimum Side Yard Setback | 10 feet, each side. Buildings exceeding thirty (30') feet shall have an additional side yard setback or one (1) foot for each one (1) foot of building height over thirty-five (30') feet. Side yard setbacks for interior lot lines of attached units shall be zero. |
| Minimum Street Side Yard Setback | 20 feet |
| Maximum Height | 3 stories, not to exceed 35 feet |
| Maximum Impervious Surface Coverage | 40% |
| Minimum Building Separation | 30 feet |
- D. Setbacks and Height Restrictions – Accessory Buildings.
- Regulations for Accessory structures are provided in Section 13 of this Ordinance. Rear Yard
- | | |
|--------------------------|---------|
| Setback | 5 feet |
| Side Yard Setback | 5 feet |
| Street Side Yard Setback | 20 feet |
- E. Garage Requirements.
- With the exception of dwelling units constructed prior to the effective date of this Ordinance, all dwelling units shall include an enclosed attached garage. All such garages shall be attached and constructed to accommodate two (2) vehicles parked side-by-side per dwelling unit. Tandem garage spaces are permitted providing the required number of side-by-side parking spaces are met.
- | | |
|--------------------|-----------------|
| Minimum Floor Area | 400 square feet |
| Minimum Width | 20 feet |
| Minimum Depth | 20 feet |
- F. Usable Lot Requirements.
- All portions of the required minimum lot size for the district, not located within the standard five (5) foot drainage and utility easement must be 100% usable, as defined in Section 2 of this Ordinance.
- G. Transitional Lot Requirements.
- Any “R-3B” zoned lot directly abutting existing residential development with the “R-1” or “R-2” Districts shall be required to provide an additional setback from the property line to the principal buildings, which meet the following:
 - R-3B adjacent to R-1 50 foot buffer
 - R-3B adjacent to R-2 40 foot buffer
 - Exceptions to this provision may be granted, provided one or more of the following conditions have been met:

- a. The properties are separated by a major collector, arterial street, or railroad;
- b. The properties are separated by a wetland, body of water, floodplain, public open space or park, or other such public reserved or restricted area; or
- c. Landscaping, screening, or buffering has been provided, which meets the approval of the City Council.

Subdivision 8: Special Regulations

- A. All dwellings must have a minimum of nine hundred sixty (960) square feet of livable floor space above grade. All dwellings must have a permanent, full perimeter foundation and frost footings, which shall meet building code requirements.
- B. No residence shall be less than twenty-four (24) feet in width, as measured across the narrowest portion of the dwelling.
- C. All developments, with the exception of two-family and triplexes, within the “R-3B” Medium Density Residential District are required to have Site Plan Approval in accordance with Section 18 of this Ordinance.
- D. The design of the structure shall be similar in character and appearance to other dwellings in the area with regard to unit size, roof overhangs, roof materials, roof pitch, and exterior materials.
 - 1. A roof constructed of asphalt composition, shingle, tile, crushed rock, metal or similar roofing material, which is compatible with surrounding development shall be used. (*Ord No. 771*)
 - 2. Exterior siding of brick, wood, stucco, plaster, concrete, or other similar materials, which is finished and non-glossy and non-reflective; and which is compatible with the surrounding development shall be used.
 - 3. A predominant shape and form that is compatible with the surrounding neighborhood shall be used.

ARTICLE FIVE: “R-4” MULTIPLE FAMILY DWELLING DISTRICT

Subdivision 1: Purpose

The “R-4” Multiple Family Dwelling District is designed to provide for high density areas, which accommodate various types of multi-family dwellings, such as apartments and condominium-style housing. Developments within this district shall be developed as part of a Planned Unit Development, as densities within this district will meet the maximum density goal of twelve (12) units per acre. Higher densities may be permitted and such determination shall be based upon the site-specific characteristics and the requested type of development. These districts shall be located in areas served by public utilities and municipal services as well as in areas with accessibility to collector streets, shopping centers, employment centers and where this type of development would meet the intent and goals established within the Comprehensive Plan.

Subdivision 2: Permitted Uses

The following are permitted uses:

- A. Conversion of a residential dwelling, subject to the requirements as provided within Section 13 of this Ordinance.
- B. Condominiums.
- C. Dwellings, Multiple family (apartments).
- D. Essential services.
- E. Farming.
- F. Group family daycare facilities licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- G. Public open space.
- H. State licensed daycare facility serving twelve (12) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- I. State licensed residential facility (group home) or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses of have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offense shall be considered prohibited.

Subdivision 3: Permitted Accessory Uses

The following are permitted accessory uses:

- A. Decorative landscaping features, fencing, and screening as permitted and regulated in Section 15.
- B. Decks and patios.
- C. Non-commercial gardening.
- D. Permitted home occupations, as regulated by Section 13 of this Ordinance.
- E. Residential kennel, as defined in Section 2 of this Ordinance, which meets the registration and licensing requirements as provided within Chapter 87, Article II Dogs of the Isanti City Code.
- F. Rummage, Garage, Craft and Boutique sales. The infrequent temporary display and sale, by an occupant on his/her premises, of personal property, including general household rummage, used clothing and appliances, provided the exchange or sale of merchandise is conducted within the residence or accessory structure.
 - 1. The number of sales shall not exceed four (4) per year.
 - 2. The duration of the sales does not exceed three (3) consecutive days.

3. Any related signage shall be limited to the premises and to other residential property provided that the property owner's permission has been obtained to display such signage, and signage shall conform to the sign ordinance and shall be removed at the termination of the sale.
- G. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located in the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met. (*Ord. No. 644*)

Subdivision 4: Conditional Uses

The following are Conditional Uses allowed in the "R-4" Multiple Family Residential District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Cemetery.
- B. Community recreation.
- C. Educational institutions.
- D. Public buildings.
- E. Religious institutions.
- F. Senior Citizen Housing (Apartments).
- G. Senior residential care facilities, as defined within Section 2 of this Ordinance.
- H. State licensed daycare facility serving thirteen (13) through sixteen (16) persons as allowed under Minnesota Statutes 462.357, Subdivision 8, as amended.
- I. State licensed residential facility (group home) or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving seven (7) to sixteen (16) persons as allowed under Minnesota Statutes 462.357, Subdivision 8, as amended. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses of have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offense shall be considered prohibited.
- J. Telecommunication towers and antennas. Additional standards as provided in Section 13 shall be met.
- K. Adult Day Center. (*Ord. No. 594*)

Subdivision 5: Interim Uses

The following are Interim Uses permitted in the "R-4" Multiple Family Residential District and require an Interim Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Boarding houses, (includes rooming houses or lodging houses), as defined in Section 2 of this Ordinance.
- B. Special home occupations, which is accessory to a residential dwelling; subject to the requirements provided in Section 13 of this Ordinance.
- C. Temporary Real Estate Offices, subject to the performance standards as provided within Section 13 of this Ordinance.

Subdivision 6: Maximum Density

The maximum density permitted shall be twelve (12) dwelling units per gross acre. Planned Unit Developments are recommended when developing within this district.

Subdivision 7: Lot Requirements and Setbacks

- A. Minimum Lot Requirements.
Lot area shall be of adequate size to accommodate the intended use, parking and buffer areas, setback requirements, etc. without having significant impact on nearby properties in terms of noise, traffic, light glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission.
- B. Setbacks and Height Restrictions – Principal Building.
- | | |
|-------------------------------------|---|
| Minimum Front Yard Setback | 30 feet, plus one (1) foot for each one (1) foot of building height over thirty-five (35) feet. |
| Minimum Rear Yard Setback | 25 feet |
| Minimum Side Yard Setback | 10 feet, each side, plus one (1) foot for each one (1) foot of building height over thirty-five (35) feet. Side yard setbacks for interior lot lines of attached units shall be zero. |
| Minimum Street Side Yard Setback | 20 feet |
| Maximum Height | Not to exceed forty-five (45) feet |
| Maximum Impervious Surface Coverage | 50% |
| Minimum Building Separation | 30 feet |
- C. Garage and Parking Requirements.
1. Parking shall meet the requirements of Section 17 of this Ordinance for Multiple-Family Residential (condominiums) and Multiple-Family Residential (apartments).
 2. Tandem garage spaces are permitted providing the required number of side-by-side parking spaces are met.
 3. All multi-tenant accessory structures shall have a solid barrier, completely isolating each tenant garage space.
- D. Usable Lot Requirements.
All portions of the required minimum lot size for the district, not located within the standard five (5) foot drainage and utility easement must be 100% usable, as defined in Section 2 of this Ordinance.
- E. Transitional Lot Requirements.
1. Any “R-4” zoned property abutting existing residential development with the “R- 1”, “R-2” or “R-3A” and “R-3B” Districts shall be required to provide an increased setback from the property line to the principal buildings.
 - a. R-4 adjacent to R-1 60 foot buffer
 - b. R-4 adjacent to R-2 50 foot buffer
 - c. R-4 adjacent to R-3A 40 foot buffer
 2. Exceptions to this provision may be granted, provided one or more of the following conditions have been met:
 - a. The properties are separated by a major collector arterial street, or railroad;
 - b. The properties are separated by a wetland, body of water, floodplain, public open space or park, or other such public reserved or restricted area; or
 - c. Landscaping, screening, or buffering has been provided, which meets the approval of the City Council.

Subdivision 8: Special Regulations

- A. All dwellings must have a minimum of five hundred (500) square feet of livable floor spaces above grade.
- B. All dwellings must have a permanent, full perimeter foundation and frost footings, which shall meet building code requirements.
- C. All developments within the “R-4” Multiple Family Dwelling District are required to have Site Plan Approval in accordance with Section 18 of this Ordinance.

- D. The design of the structure shall be similar in character and appearance to other dwellings in the area with regard to unit size, roof overhangs, roof materials, roof pitch, and exterior materials.
1. A roof constructed of asphalt composition, shingle, tile, crushed rock, metal or similar roofing material, which is compatible with surrounding development shall be used. (*Ord. No. 771*)
 2. Exterior siding of brick, wood, stucco, plaster, concrete, or other similar materials, which is finished and non-glossy and non-reflective; and which is compatible with the surrounding development shall be used.
 3. A predominant shape and form that is compatible with the surrounding neighborhood shall be used. (*Ord. No. 568*)

ARTICLE SIX: “R-1a” RESIDENTIAL RURAL DISTRICT

Subdivision 1: Purpose

The “R-1A” Single-Family Residential Rural District is established for the purpose of providing residential development while affording the enjoyment of a rural lifestyle. (*Ord. No. 735*)

Subdivision 2: Permitted Uses

The following are permitted uses:

- A. Dwellings, Single-family detached.
- B. Essential services.
- C. Farming.
- D. Group family daycare facility licensed under Minnesota Rules 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- E. Public open space.
- F. State licensed daycare facility serving twelve (12) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended.
- G. State licensed residential facility (group home) or a housing with services establishment registered under Minnesota Statutes Chapter 144D, serving six (6) or fewer persons as allowed under Minnesota Statutes 462.357, Subdivision 7, as amended. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall be considered prohibited.

Subdivision 3: Permitted Accessory Uses

The following are permitted accessory uses:

- A. Accessory buildings in accordance with the provisions as provided within this Article and within Section 13 of this Ordinance.
- B. Decorative landscaping features, fencing, and screening as permitted and regulated in Section 15.
- C. Decks and patios.
- D. Non-commercial gardening.
- E. Permitted home occupations, as regulated by Section 13 of this Ordinance.
- F. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located in the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met. (*Ord. No. 644*)
- G. Residential kennel, as defined in Section 2 of this Ordinance, which meets the registration and licensing requirements as provided within Chapter 87, Article II Dogs of the Isanti City Code.
- H. Rummage, Garage, Craft and Boutique sales. The infrequent temporary display and sale, by and occupant on his/her premises, of personal property, including general household rummage, used clothing and appliances, provided the exchange or sale of merchandise is conducted within the residence or accessory structure.
 - 1. The number of sales shall not exceed four (4) per year.
 - 2. The duration of sales does not exceed three (3) consecutive days.

3. Any related signage shall be limited to the premises and to other residential property provided that the property owner's permission has been obtained to display such signage, and signage shall conform to the sign ordinance and shall be removed at the termination of the sale.

Subdivision 4: Conditional Uses

The following are conditional uses allowed in the "R-1A" Single-Family Residential Rural District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Bed and Breakfast establishments subject to those standards as provided within Section 13 of this Ordinance.
- B. Cemetery.
- C. Community recreation.
- D. Educational institutions.
- E. Public buildings.
- F. Religious institutions.
- G. Telecommunication towers and antennas. Standards as provided in Section 13 shall be met; in addition to the following stipulation.
 - a. Towers and antennas located within the "R-1A" Single-Family Rural District are limited to municipal functions and applications only.
- H. Adult Day Center serving twelve (12) or fewer persons. (*Ord. No. 594*)

Subdivision 5: Interim Uses

The following are interim uses allowed in the "R-1A" Single-Family Residential Rural District and require an Interim Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Special home occupations, which is accessory to a residential dwelling; subject to the requirements provided in Section 13 of this Ordinance.
- B. Temporary Real Estate Offices, subject to the performance standards as provided within Section 13 of this Ordinance.

Subdivision 6: Lot Requirements and Setbacks

- A. Lot Requirements.

Lot Size	1 acre
Lot Width	
Corner	100 feet
Other	90 feet
- B. Setbacks and Height Restrictions – Principal Building.

Front Yard Setback	50 feet
Minimum Rear Yard Setback	30 feet
Minimum Side Yard Setback	10 feet, each side
Minimum Street Side Yard Setback	20 feet
Maximum Height	2 ½ stories or 35 feet
Maximum Impervious Surface Coverage	40%
- C. Setbacks – Accessory Buildings.

Regulations for Accessory structures are provided in Section 13 of this Ordinance. Rear Yard

Setback	5 feet
Side Yard Setback	5 feet
Street Side Yard Setback	20 feet

D. Garage Requirements.

With the exception of dwelling units constructed prior to the effective date of this Ordinance, all dwelling units shall include an enclosed attached garage. All such garages shall be attached and constructed to accommodate two (2) vehicles parked side-by-side. Tandem garage spaces are permitted providing the required number of side-by-side parking spaces are met.

Minimum Floor Area	720 square feet
Minimum Width	24 feet
Minimum Depth	20 feet

E. Usable Lot Requirements.

All portions of the required minimum lot size for the district, not located within the standard five (5) foot drainage and utility easements must be 100% usable, as defined in Section 2 of this Ordinance.

Subdivision 7: Special Regulations

- A. All dwellings must have a minimum of twelve hundred (1200) square feet of livable floor space above grade. All dwellings must have a permanent, full-perimeter foundation and frost footings, which shall meet building code requirements.
- B. No residence shall be less than twenty-four (24) feet in width, as measured across the narrowest portion of the dwelling.
- C. Building elevations shall provide for diversity in terms of, to include but is not limited to, the type of materials, building orientation, window location, and roof pitch. The exterior design, proportions, and materials shall be selected to achieve a quality design and a sense of individuality.
- D. The design of the structure shall be similar in character and appearance to other dwellings in the area with regard to unit size, roof overhangs, roof materials, roof pitch, and exterior materials.
 - 1. A roof constructed of asphalt composition, shingle, tile, crushed rock, metal or similar roofing material, which is compatible with surrounding development shall be used.
 - 2. Exterior siding of brick, wood, stucco, plaster, concrete, or other similar materials, which is finished and non-glossy and non-reflective; and which is compatible with the surrounding development shall be used.
 - 3. A predominant shape and form that is compatible with the surrounding neighborhood shall be used.
 - 4. With the exception of driveways in existence at the time of prior to the effective date of this ordinance, all driveways shall be paved with concrete, bituminous or asphalt pavers in accordance with Section 17 Subdivision 15.
 - 5. The number of motor vehicles and trailers, recreational vehicles parked outside are limited to 7 units (any combination for a total of 7). As defined in Section 227 of the City Code.

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ARTICLE ONE: “B-1” CENTRAL BUSINESS DISTRICT (CBD)

Subdivision 1: Purpose

The purpose of the “B-1” Central Business District (CBD) is to promote mutually compatible business activities in downtown Isanti. What makes the Central Business District unique from the General Business District is that it is a commercial area that serves as a focal point both culturally and historically for the City of Isanti. Commercial uses, to include but are not limited to retail, office, and service uses; encourage and support pedestrian movement and activity within the Central Business District. To keep and preserve the character of this area, development and redevelopment of parcels within the district shall be architecturally compatible with the existing structures and should be arranged so as to encourage a compact, high density environment. New buildings and renovations to existing buildings should enhance the small town character found within the downtown area.

Subdivision 2: Permitted Uses

The following are permitted uses:

- A. Agricultural sales and services.
- B. Artist studios. (*Ord. No. 466*)
- C. Bakery.
- D. Business services.
- E. Catering establishments.
- F. Coffee house.
- G. Convenience stores (not accessory to a gas station).
- H. Essential services.
- I. Financial institutions.
- J. Funeral home.
- K. General office.
- L. General retail establishments.
- M. Government office.
- N. Health care clinics.
- O. Instruction/learning center. (*Ord. No. 466*)
- P. Mobile food unit, providing that such uses meets the requirements as provided within Chapter 245 of the Isanti Code of Ordinances. (*Ord. No. 731*)
- Q. Museums. (*Ord. No. 550*)
- R. Personal service establishments. (*Ord. No. 550*)
- S. Print shops. (*Ord. No. 550*)
- T. Theater, indoor (not adult-use). (*Ord. No. 550*)
- U. Thrift store. (*Ord. No. 550*)

Subdivision 3: Conditional Uses

The following are conditional uses within the “B-1” Central Business District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Club, Private.
- B. Community center.
- C. Drive-thru facilities.
- D. Household maintenance and small engine repair facility, subject to those standards as provided within Section 13 of this Ordinance. (*Ord. No. 446*)
- E. Meat market and meat processing facilities to include slaughtering providing the following requirements are met:
 - 1. Meat processing facilities may be allowed by a Conditional Use Permit only as an accessory use to a meat market. The meat processing facility shall be located in the same building as a meat market and the floor area of the meat processing facility shall not exceed the floor area of the meat market.
 - 2. The applicant shall submit a plan showing all staging areas for the temporary storage of carcasses and disposal of animal remains, as outside storage is prohibited within the Central Business District.
 - 3. The applicant shall demonstrate that the performance standards and requirements for meat processing facilities as outlined in Section 13 can be met.
- F. Motor vehicle rental facility with accessory open sales lot. Such establishments are subject to those standards as provided within Section 13 of this Ordinance. (*Ord. No. 493*)
- G. Motor vehicle sales facility with accessory open sales lot, limited to ATV’s, dirt bikes, scooters, and trailers. Such establishments are subject to those standards as provided within Section 13 of this Ordinance. (*Ord. No. 490*)
- H. Mixed use buildings.
- I. Parking facilities, when not accessory to a principal commercial use.
- J. Public buildings.
- K. Religious institutions.
- L. Restaurants (carry-out, fast food, and sit-down).
- M. Senior citizen housing.
- N. Brewpub. (*Ord. No. 554*)
- O. Brewer tap room. (*Ord. No. 554*)
- P. Microbrewery. (*Ord. No. 554*)
- Q. Micro distillery. (*Ord. No. 554*)
- R. Adult Day Center. (*Ord. No. 594*)
- S. Commercial Recreation. (*Ord. No. 730*)

Subdivision 4: Interim Uses

- A. Animal sales and services (does not include animal boarding facility).

- B. Bar.
- C. Farmer's market, in accordance with the performance standards as provided within Section 13 of this Ordinance.
- D. Recreational Vehicle Repair Facility, subject to those standards as provided within Section 13 of this Ordinance.
- E. Extended Home Occupations, subject to the standards as provided within Section 13 of this Ordinance. (*Ord. No. 583*)

Subdivision 5: Uses By Administrative Permit

- A. Outdoor Sales, Temporary (General Retail Establishments and Civic Organizations), providing that such uses meet the requirements as provided within Section 13 of this Ordinance.
- B. Transient Merchants, providing that such uses meet the requirements as provided within Section 13 of this Ordinance and Chapter 245 of the Isanti City Code of Ordinances. (*Ord No. 480*)

Subdivision 6: Permitted Accessory Uses

- A. Accessory buildings and uses customarily incidental to any of the permitted uses. Accessory buildings are subject to the regulations as provided within Section 13 of this Ordinance.
- B. Off-street parking and loading, in accordance with Section 17 of this Ordinance.
- C. Outdoor patios and decks, as an accessory use to a bar, restaurant, club, or other assembly use with food or liquor sales, providing the requirements as listed in Section 13 are met.
- D. Outdoor smoking shelters, as an accessory use to a bar, restaurant, club, or other assembly use with food or liquor sales, providing the requirements as listed in Section 13 are met.
- E. Signs, in accordance with Section 16 of this Ordinance.
- F. Trash receptacle enclosures, in accordance with the standards as provided within Section 14, Subdivision 3 of this Ordinance.

Subdivision 7: Lot Requirements and Setbacks

The following minimum requirements shall be observed in the Central Business District; subject to additional requirements, exceptions, and modifications as set forth within this Ordinance:

- A. Setbacks and Height Restrictions – Principal Building. Minimum

Setback from a Railroad Right-of-Way	10 feet
Front, Side, and Rear Yards	Zero Lot Line
Maximum Building Height	Three (3) stories or forty-five (45) feet, whichever is less

Subdivision 8: Site Plan Approval Required

New and/or intensified development within the Central Business District shall obtain Site Plan Approval in accordance with Section 18 of this Ordinance.

Subdivision 9: Additional Standards

Exterior Building Materials, Parking, Lighting, and Screening/Landscaping shall be in accordance with regulations as presented in Section 11, Article 1: "D-1" Downtown Overlay District.

ARTICLE TWO: “B-2” GENERAL BUSINESS DISTRICT (GBD)

Subdivision 1: Purpose

This district is designed and intended to promote the development of commercial uses which are predominantly auto-oriented in nature. The district caters to highway-oriented businesses as well as to businesses that provide basic shopping and service needs to the community. When designing a commercial site within the General Business District, compatibility with adjacent uses and buildings is required within the district, as site design, building size and materials, and screening / landscaping are important when creating and maintaining a thriving commercial base.

Subdivision 2: Permitted Uses

The following are considered permitted uses within the “B-2” General Business District:

- A. Agricultural sales and services.
- B. Artist studios. (*Ord. No. 466*)
- C. Bakery.
- D. Broadcasting and recording studio.
- E. Business service.
- F. Catering establishments.
- G. Coffee house.
- H. Community shopping centers (medium-scale).
- I. Convenience store (not accessory to a gas station).
- J. Day care center.
- K. Dry cleaning and Laundromats.
- L. Essential services.
- M. Financial institutions.
- N. Funeral home.
- O. General office.
- P. General retail establishments.
- Q. Government office.
- R. Health care clinic.
- S. Health club.
- T. Hospital. (*Ord. No. 499*)
- U. Hotel or motel.
- V. Instruction/learning center. (*Ord. No. 466*)
- W. Locksmith.

- X. Massage therapy (not adult use).
- Y. Personal service establishments.
- Z. Mobile food unit, providing that such use meets the requirements as provided within Chapter 245 of the Isanti Code of Ordinances. (*Ord. No. 731*)
- AA. Print shop.
- BB. Showroom.
- CC. Theaters, indoor (not adult use).
- DD. Thrift store.
- EE. Tool / equipment rental facility (indoor only).

Subdivision 3: Conditional Uses

The following are conditional uses within the “B-2” General Business District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Ambulance or medical carrier services. (*Ord. No. 499*)
- B. Automobile car wash establishment, subject to those standards as provided within Section 13 of this Ordinance.
- C. Automobile sales and service, with accessory open sales lot, subject to those standards as provided within Section 13 of this Ordinance.
- D. Commercial recreation.
- E. Community centers.
- F. Drive-thru facilities.
- G. Farm implement.
- H. Gas stations, subject to the standards as provided within Section 13 of this Ordinance.
- I. Garden center.
- J. Helipad or helistop in conjunction with a hospital. (*Ord. No. 499*)
- K. Home improvement center.
- L. Hospice. (*Ord. No. 499*)
- M. Household maintenance and small engine repair facilities, subject to those standards as provided within Section 13 of this Ordinance.
- N. Meat markets and meat processing facilities to include slaughtering, providing that the following requirements are met:
- O. Meat processing facilities may be allowed by a conditional use permit only as an accessory use to a meat market. The meat processing facility shall be located in the same building as a meat market and the floor area

of the slaughter area shall not exceed the floor area of the processing area and meat market.

- P. The applicant shall submit a plan showing all staging areas for the temporary storage of carcasses and disposal of animal remains, as outside storage is prohibited within the Central Business District (CBD).
- Q. The applicant shall demonstrate that the general standards and requirements for meat processing facilities as outlined within Section 13 of this Ordinance can be met.
- R. Medical research laboratory.
- S. Medical support facilities. (*Ord. No. 499*)
- T. Motor vehicle rental facilities w/ open sales or display lot. Such establishments are subject to those standards as provided within Section 13 of this Ordinance.
- U. Motor vehicle repair facilities, establishments are subject to those standards as provided within Section 13 of this Ordinance.
- V. Motor Vehicle Sales, subject to the standards as provided within Section 13 of this Ordinance. (*Ord. No. 649*)
- W. Nursery, retail
- X. Parking facilities, when not accessory to a principal use.
- Y. Private clubs.
- Z. Public buildings.
- AA. Religious institutions.
- BB. Restaurants (Carry-out, Drive-in, Fast food, or Sit-down).
- CC. Senior residential care facilities, as defined within Section 2 of this Ordinance. (*Ord. No. 496*)
- DD. Social service facility.
- EE. Temporary patient/family housing. (*Ord. No. 499*)
- FF. Tool / equipment rental facility (with accessory open sales lot), subject to the standards as provided within Section 13 of this Ordinance.
- GG. Trade / business school.
- HH. Wholesale establishment, indoors.
- II. Wind energy conversion systems, as an accessory use, subject to the standards as provided within Section 13 of this Ordinance. (*Ord. No. 512*)
- JJ. Brewpub. (*Ord No. 554*)
- II. Brewer tap room. (*Ord. No. 554*)
- JJ. Microbrewery. (*Ord. No. 554*)

- KK. Micro distillery. (*Ord. No. 554*)
- LL. Micro distillery cocktail room. (*Ord. No. 732*)
- MM. Educational Institutions, subject to the following requirements.
1. Number of students to be defined based on location, traffic and any other factors determined appropriate in relation to school size.
 2. The applicant shall submit a plan showing traffic flow and safety concerns.
 3. Additional standards as provided in Section 13 shall be met. (*Ord No. 575*)
- NN. Adult Day Center. (*Ord. No.594*)

Subdivision 4: Interim Uses

- A. Animal sales and services.
- B. Bars.
- C. Commercial kennel, as defined in Section 2 of this Ordinance, meeting the registration and licensing requirements as provided within Chapter 87, Article II Dogs of the Isanti City Code. (*Ord. No. 542*)
- D. Farming.
- E. Farmer's market, subject to the standards as provided within Section 13 of this Ordinance.
- F. Flea markets.
- G. Gunsmith.
- H. Liquor store.
- I. Pawn shops.
- J. Secondhand store.
- K. Tattoo parlor / body piercing studio (non-adult use), subject to the standards and licensing requirements as provided within the Isanti City Code of Ordinances.
- L. Temporary motor vehicle sales, accessory to a financial institution, in which such sales event is permitted two (2) times per calendar year and shall not exceed three (3) days per event. No more than the number of events identified shall be permitted for the same property in any given calendar year. (*Ord. No. 480*)

Subdivision 5: Uses By Administrative Permit

- A. Outdoor Sales, Temporary (General Retail Establishments and Civic Organizations), providing that such uses meet the requirements as provided within Section 13 of this Ordinance.
- B. Transient merchants, providing that such uses meet the requirements as provided within Section 13 of this Ordinance and Chapter 245 of the Isanti City Code of Ordinances. (*Ord. No. 480*)

Subdivision 6: Permitted Accessory Uses

- A. Accessory buildings and uses customarily incidental to any of the permitted uses. Accessory buildings are subject to the regulations as provided within Section 13 of this Ordinance.
- B. Off-street parking and loading, in accordance with Section 17 of this Ordinance.

- C. Outdoor patios and decks, as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales, providing the requirements as listed in Section 13 are met.
- D. Outdoor smoking shelters, as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales, providing the requirements as listed in Section 13 are met.
- E. Recreation support facilities may be permitted only as an accessory use to commercial recreation facilities.
- F. Signs, in accordance with Section 16 of this Ordinance.
- G. Supporting retail and service uses associated and located within a hospital or health care clinic, to include: cafeteria, employee exercise facilities, shops for medical equipment, pharmaceutical supplies, gift shops, bookstores, florists, banking facilities, laundry/dry cleaning, community rooms, and chapels.
- H. Trash receptacle enclosures, in accordance with the provisions within Section 14, Subdivision 3 of this Ordinance.

Subdivision 7: Lot Requirements and Setbacks

The following minimum requirements shall be observed in the General Business District; subject to additional requirements, exceptions, and modifications as set forth within this Ordinance:

- A. Setbacks and Height Restrictions – Principal Building. Minimum

Front Yard Setback	30 feet
Minimum Side Yard Setback	15 feet
Minimum Street Side Yard Setback	20 feet
Minimum Rear Yard Setback	15 feet
Maximum Building Height	Three (3) stories or forty-five (45) feet, whichever is less.
- B. Impervious Surface Coverage.
Twenty-five (25) percent of the total lot area shall consist of green space. Five (5) percent of the total lot area shall be green space within the parking perimeter. (*Ord. No. 618*)

Subdivision 8: Site Plan Approval Required

Prior to the construction of any building within the General Business District; Site Plan Approval and Building Appearance Review shall be required in accordance with Section 18 of this Ordinance.

Subdivision 9: Exterior Building Materials

- A. The exterior wall finishes on any building shall be comprised of one or more of the following materials:
 - 1. Face brick.
 - 2. Natural stone.
 - 3. Glass.
 - 4. Decorative concrete block as approved by the City Council.
 - 5. Specifically designed pre-cast concrete units; if the surfaces have been integrally treated with an applied decorative material or texture.
 - 6. Masonry stucco.
 - 7. Other comparable or superior material as recommended by the Planning Commission and approved by the City Council.
- B. All subsequent additions and accessory buildings constructed after the erection of the original building or buildings, shall be constructed with exterior finishes comprised of the same materials as the original structure(s).

Subdivision 10: Parking and Driveways

Parking, driveways, and driving areas shall meet the requirements of Section 17 of this Ordinance, subject to the following additional requirements, exceptions, and modifications as set forth:

- A. Parking lots and drive aisles shall be setback a minimum of ten (10) feet from front, rear, and side yards.
- B. When abutting a residentially zoned district, parking and drive aisles shall be setback a minimum of twenty (20) feet.

Subdivision 11: Lighting

Any lighting used to illuminate off-street parking areas, signage, or buildings shall be directed away from residential properties and shall meet the standards as stipulated within Section 14 of this Ordinance.

Subdivision 12: Screening and Landscaping

Screening and Landscaping within the Neighborhood Business District shall be provided in accordance with the requirements as stipulated within Section 15 of this Ordinance. On lots adjacent to a residential district, a minimum twenty (20) foot landscaped buffer strip shall be planted.

Subdivision 13: Additional Standards

Properties along Highway 65 are subject to the regulations presented in Section 11, Article 5: “H65” Highway 65 Corridor Overlay District. (*Ord. No. 657*)

ARTICLE THREE: “B-3” NEIGHBORHOOD BUSINESS DISTRICT (NBD)

Subdivision 1: Purpose

The purpose of the Neighborhood Business District (NB) is to provide for the establishment of local centers for convenient, limited retail or service outlets that cater to surrounding residential neighborhoods. These centers are not intended to draw customers from the larger community. The centers should be small in scale. Site and architectural design should be compatible with the surrounding uses.

Subdivision 2: Permitted Uses

The following are considered permitted uses within the “B-3” Neighborhood Business District:

- A. Coffee house.
- B. Convenience stores of 3,000 square feet or less in gross floor area (not accessory to a gas station).
- C. Dry cleaner or Laundromat.
- D. Essential services.
- E. Financial institution.
- F. General office.
- G. General retail establishments of 3,000 square feet or less of gross floor area per unit that provides direct retail sales to users of goods and services and, which are conducted within the primary or accessory structures.
- H. Health care clinics.
- I. Instruction/learning center. (*Ord. No. 466*)
- J. Neighborhood shopping centers or similar multi-tenant developments with 8,000 square feet or less of gross floor area.
- K. Personal service establishments.

Subdivision 3: Conditional Uses

The following are conditional uses within the “B-3” Neighborhood Business District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Automobile car wash (as an accessory use to a gas station or convenience store), subject to the standards as provided within Section 13 of this Ordinance.
- B. Daycare centers, subject to the standards as provided within Section 13 of this Ordinance.
- C. Drive-thru facilities.
- D. Gas Station, subject to the standards as provided within Section 13 of this Ordinance.
- E. Health clubs of 3,000 square feet or less in gross floor area.
- F. Mixed use buildings.
- G. Restaurant, (sit down or carry-out) providing that the use meets the following requirements:
 - 1. Cooking odors shall be controlled, so as not to be noticeable to adjacent residential properties.

2. Gross floor area of the restaurant shall not exceed 3,000 square feet.

H. Adult Day Center. (*Ord. No. 594*)

Subdivision 4: Interim Uses

- A. Animal sales and services of 3,000 square feet or less in gross floor area (does not include animal boarding facility).

Subdivision 5: Uses by Administrative Permit

- A. Outdoor Sales, Temporary (General Retail Establishments and Civic Organizations), providing that such uses meet the requirements as provided within Section 13 of this Ordinance.

Subdivision 6: Permitted Accessory Uses

- A. Accessory buildings and uses customarily incidental to any of the permitted uses. Accessory buildings are subject to the regulations provided within Section 13 of this Ordinance.
- B. Off-street parking and loading, in accordance with Section 17 of this Ordinance.
- C. Signs, in accordance with Section 16 of this Ordinance.
- D. Trash receptacle enclosures, in accordance with the standards as provided within Section 14, Subdivision 3 of this Ordinance.

Subdivision 7: Lot Requirements and Setbacks

The following minimum requirements shall be observed in the Neighborhood Business District; subject to additional requirements, exceptions, and modifications as set forth within this Ordinance:

- A. Lot Requirements.

Minimum Lot Size	20,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	200 feet
- B. Setbacks and Height Restrictions – Principal Building.

Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	10 feet
Minimum Street Side Yard Setback	20 feet
Minimum Rear Yard Setback	15 feet
Maximum Lot Coverage	60% (<i>Ord. No. 618</i>)
Maximum Building Height	Two and one-half (2 ½) stories or thirty-five (35) feet, whichever is less.

Subdivision 8: Site Plan Approval

Prior to the construction of any building within the Neighborhood Business District; Site Plan Approval and Building Appearance Review shall be required in accordance with Section 18 of this Ordinance.

Subdivision 9: Exterior Building Materials

- A. Buildings within the Neighborhood Business District shall be designed so as to be compatible with the surrounding residential uses. High quality, exterior building materials shall be limited to one or a combination of the following:
 1. Face or modular brick
 2. Natural stone
 3. Stucco
 4. Fiber-cement siding
 5. Glass
 6. Integrated, concrete masonry units, if the surfaces have been treated with an applied decorative material or texture.
 7. Accent materials may include tile, stone, metal and/or wood.

- B. The City Council may waive these exterior material requirements; provided that both conditions are met:
 - 1. The exterior materials are maintenance free and contain ornamental patterns.
 - 2. The development contains other architectural features, such as ornamental columns, unique roof lines, or special exterior spaces.

Subdivision 10: Building Design and Layout

- A. Roof Design. Buildings shall have a variety of roof shapes, to include: pitched, gable or hip roofs or detailed parapets and cornices for flat roofs.
- B. Facades. Building facades shall be articulated using such techniques as staggering, arcades, awnings, window treatments, or other unique details.
- C. Building Orientation. Primary Entries shall be oriented towards public streets and loading/unloading areas shall be oriented away from public streets.

Subdivision 11: Parking and Driveways

Parking, driveways, and driving areas shall meet the requirements of Section 17 of this Ordinance, subject to the following additional requirements, exceptions, and modifications as set forth:

- A. Parking lots and drive aisles shall be setback a minimum of ten (10) feet from front, rear, and side yards.
- B. When abutting a residentially zoned district, parking and drive aisles shall be setback a minimum of twenty (20) feet.

Subdivision 12: Lighting

Any lighting used to illuminate off-street parking areas, signage, or buildings shall be directed away from residential properties and shall meet the standards as stipulated within Section 14 of this Ordinance.

Section 13: Screening and Landscaping

Screening and Landscaping within the Neighborhood Business District shall be provided in accordance with the requirements as stipulated within Section 15 of this Ordinance. On lots adjacent to a residential district, a minimum twenty (20) foot landscaped buffer zone shall be provided with landscaping and screening in accordance with the provisions as provided within Section 15 of this Ordinance.

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ARTICLE ONE: “I-1” INDUSTRIAL PARK DISTRICT

Subdivision 1: Purpose

The “I-1” Industrial Park District is established, in an effort to expand upon employment opportunities within the community. The purpose of the Industrial Park District is to group industrial uses in locations that have adequate and convenient access to major streets, highways and the railroad line. While the City is predominately residential in character, industrial uses are an important part of the City’s land use pattern. Regulations encourage the development of industrial uses that are compatible with surrounding and abutting land uses. In order to accomplish this compatibility, development within the district is intended for administrative, wholesaling, manufacturing, warehousing, office, and related uses which can maintain high standards of appearance, through building design, site design, and landscaping / screening, and not require a high level of public services. With proper control, these areas should be compatible with commercial or residential areas.

Subdivision 2: Permitted Uses

The following are permitted uses:

- A. Building maintenance service.
- B. Contractor’s shop.
- C. Essential services.
- D. Light manufacturing.
- E. Motor vehicle repair facility, subject to those standards as provided within Section 13 of this Ordinance.
- F. Office – showroom.
- G. Office – warehouse.
- H. Research and development facilities.
- I. Warehouse.
- J. Water treatment plant.
- K. Wholesale establishment, indoor.
- L. Adult Establishments, subject to the requirements of Chapter 68 of the Isanti City Code or Ordinances.

Subdivision 3: Conditional Uses

The following uses may be permitted through the issuance of a Conditional Use Permit. All applications for a Conditional Use Permit due to hazardous waste production, processing, or storage shall submit a plan describing the storage, transportation, and final disposal of all hazardous waste materials and shall submit proof of registration with the Minnesota Pollution Control Agency as a hazardous waste generator.

- A. Ambulance service.
- B. Broadcasting and recording studio.
- C. Commercial recreation (indoor only).
- D. Contractor’s yard.
- E. Ground transportation service.
- F. Heavy manufacturing.

- G. Household maintenance and small engine repair facility, subject to those standards as provided within Section 13 of this Ordinance. (*Ord. No. 446*)
- H. Medium manufacturing.
- I. Motor vehicle body shop, subject to the standards as provided within Section 13 of this Ordinance.
- J. Outside storage (permanent), subject to the standards as provided within Section 13 of this Ordinance.
- K. Public buildings / uses.
- L. Recycling collection centers.
- M. Scrap operations (indoor only).
- N. Self storage facilities.
- O. Telecommunication facilities, subject to the standards as provided within Section 13 of this Ordinance.
- P. Truck freight terminal.
- Q. Wholesale establishment (outdoor).
- R. Wind energy conversion systems, as an accessory use, subject to the standards as provided within Section 13 of this Ordinance. (*Ord. No. 512*)
- S. Distillery. (*Ord. No. 554*)
- T. Micro distillery. (*Ord. No. 554*)

Subdivision 4: Interim Uses

- A. Adult uses (principal), subject to the standards and licensing provisions provided within Section 13 of this Ordinance and the Isanti City Code of Ordinances. (*Ord. No. 527*)
- B. Farming.
- C. Wildlife rehabilitators licensed by the State that temporarily keeps exotic animals within the City of Isanti when the purpose is to return the animals to the wild.

Subdivision 5: Uses by Administrative Permit

Subject to the provisions of this Section, and processing requirements stipulated in Section 21, the following uses are allowed in the industrial district by administrative permit as may be issued by the Zoning Administrator. This Subdivision allows for certain temporary uses that are accessory to the principle use in the industrial district and typically occur for short durations on an infrequent basis.

- A. Temporary Outdoor Storage, subject to the following criteria:
 - 1. Storage areas shall be located within the rear yard; however, outdoor storage may be located within the side yard, providing the side yard is not adjacent to or across the street from a residentially zoned property.
 - 2. Storage area shall be maintained in a neat and orderly manner.
 - 3. Storage areas shall not be located upon sodded areas.
 - 4. Outside storage of items shall be for a maximum of fifteen (15) consecutive days, up to four (4) times a year.
 - 5. If outside storage is placed within parking areas, said storage areas shall not consume more than 15% of the required parking spaces.

Subdivision 6: Permitted Accessory Uses

- A. Accessory buildings and uses customarily incidental to any of the permitted uses. Accessory buildings are subject to the regulations as provided within Section 13 of this Ordinance.
- B. Off-street parking and loading, in accordance with Section 17 of this Ordinance.
- C. Outdoor smoking shelters, subject to the standards as provided within Section 13 of this Ordinance.
- D. General Retail, provided that:
 - 1. The retail sales area is accessory to the principal use.
 - 2. The retail sales area is indoors.
 - 3. The retail sales area does not exceed ten (10%) of the gross floor area of the building in which the sales area is situated.
 - 4. No additional signage has been provided identifying the retail sales activity.
- E. Signs, in accordance with Section 16 of this Ordinance.
- F. Trash receptacle enclosures, subject to the regulations as provided within Section 14 of this Ordinance.

Subdivision 7: Minimum Lot Size

- A. Every individual lot, site, or tract shall have an area of not less than one-half (.5) acres.
- B. Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right-of-way.
- C. All planned unit developments shall require a minimum area of at least two (2) acres.
- D. There shall be a required minimum of twenty-five percent (25%) reservation of the total lot area for landscaping use. A landscaping plan must be submitted to and be approved by the Planning Commission or its designee.

Subdivision 8: Front, Side and Rear Yard Requirements (Principal Building)

- A. Front Yard. There shall be a front yard having a depth of not less than thirty (30) feet between building and the street right-of-way line.
- B. Side Yard. There shall be two (2) side yards, one on each side of a building. Each side yard shall be not less than fifteen feet in width.
- C. Rear Yard. There shall be a rear yard not less than thirty (30) feet in depth.

Subdivision 9: Transitional Yard Requirements

When any lot line coincided with a lot line of an adjacent residential district, a minimum thirty (30) foot landscaped buffer zone shall be provided with landscaping and screening in accordance with the provisions as provided within Section 15 of this Ordinance.

Subdivision. 10. Maximum Impervious Surface Coverage

The sum total of the ground area covered by all structures and uses (permitted, accessory, and conditional, including parking lots) on the zoning lot on which the structures and uses are located shall not exceed seventy-five (75%) percent. The applicant must prove to the City, the ability to meet or exceed City, County, and/or State stormwater holding requirements as part of their project and/or site plan approval.

Subdivision 11: Off-Street parking and Loading/Unloading Facilities

Off-street parking and loading/unloading facilities shall meet the requirements as established in the Section 17 of this Ordinance. All off-street parking and loading/unloading spaces shall be located on the same lot as the principal use.

Subdivision 12: Performance Standards

All buildings, structures, and uses shall meet the performance requirements as established within Section 14 of this Ordinance.

Subdivision 13: Building Design and Construction

- A. The design and location of the buildings constructed on a lot shall be attractive and shall complement existing structures and the surrounding natural features and topography with respect to height, design finish, color, size and location.
- B. Load bearing structural components shall be steel or structural concrete. Other materials of greater strength may be used if expressly allowed by the City Council.
- C. Architecturally and aesthetically suitable building materials shall be applied to, or used on, all sides of all buildings that are adjacent to other existing or future structures or roads. Exterior walls of iron, aluminum, or wood will be permitted only with the specific written approval of the City Council. Exterior walls of masonry, concrete and glass are encouraged. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings.
- D. All exterior wall finishes on any building shall be comprised of any one or a combination of the following materials:
 - 1. Face brick
 - 2. Natural stone
 - 3. Glass
 - 4. Specially designed pre-cast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture.
 - 5. Factory fabricated, finished 26 Ga. Metal panel
 - 6. Decorative concrete block approved by the City Council.
 - 7. Architectural metal accent panels, generally with a value greater than pre-cast concrete units, and as specifically approved by the City Council.
 - 8. When material noted in (5) above is used, there shall be a wainscot of material noted in (1), (2.) or (6) above, Wainscot shall be located across a minimum of 50% of the linear perimeter of the building and shall be located where most visible from streets and as specifically approved by the City Council. Minimum wainscot height shall be one-third of the sidewalk height and/or specifically approved by the City Council.
 - 9. Other materials as approved by the City Council and in conformance with existing design and character of the Property.

Subdivision 14: Fencing and Screening

Fencing and Screening for industrial uses shall be accomplished through the use of either a screening fencing or planning screen, which meets the requirements as stipulated within Section 15 of this Ordinance. The Planning Commission shall review and make a recommendation with final approval granted by the City Council.

Subdivision 15: Site Plan Approval Required

All applications for a building permit or an occupancy permit shall be accompanied by a site plan that meets the criteria listed in Section 18 of this Ordinance.

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ARTICLE ONE: “RC” RECREATIONAL COMMERCIAL DISTRICT

Subdivision 1: Purpose

The purpose of the Recreational Commercial District (RC) is to implement the goals and objectives established within the Comprehensive Plan, which is to provide sufficient area for the development of indoor and outdoor recreational and cultural activities and facilities that preserve the natural character of the land while meeting the current and future recreational services demands of the community.

Subdivision 2: Permitted Uses

The following are considered permitted uses within the “RC” Recreational Commercial District:

- A. Athletic clubs and facilities.
- B. Community centers.
- C. Community Garden. (*Ord. No. 672*)
- D. Farmers Market. (*Ord. No. 672*)
- E. Golf course.
- F. Health club or spa.
- G. Motel / Hotel.
- H. Public open space.
- I. Tennis club.

Subdivision 3: Conditional Uses

The following are conditional uses within the “RC” Recreational Commercial District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Bed and breakfast. (*Ord. No. 672*)
- B. Commercial recreation.
- C. Gas station w/ convenience store, subject to the standards as provided within Section 13 of this Ordinance.
- D. Hobby farm. (*Ord. No. 672*)
- E. Motorized go-carts (indoor only and not discernable beyond the walls of the facility (perimeter of property)). (*Ord. No. 672*)
- F. Parking facilities, when not accessory to a principal use.
- G. Restaurants may be allowed by a conditional use permit only as an accessory use to a community center, hotel/motel, health or athletic club, or golf course.
- H. Retreat center. (*Ord. No. 672*)

Subdivision 4: Interim Uses

The following are interim uses within the “RC” Recreational Commercial District and shall require an Interim Use Permit based upon the procedures set for and regulated by Section 21 of this Ordinance.

- A. Archery ranges (indoor or outdoor).
- B. Campground.

- C. Paintball (indoor or outdoor).

Subdivision 5: Permitted Accessory Uses

- A. Clubhouse facilities when complementary to the permitted use.
- B. Decorative landscaping features, fencing, and screening as permitted and regulated in Section 15 of this Ordinance.
- C. General retail establishments complementary to the permitted use.
- D. Off-street parking and facilities, in accordance with regulations provided within Section 17 of this Ordinance.
- E. Signs, in accordance with regulations provided within Section 16 of this Ordinance.
- F. Trash receptacle enclosures, in accordance with the regulations provided within Section 14 of this Ordinance.

Subdivision 6: Lot Requirements and Setbacks

The following minimum requirements shall be observed in the Recreational Commercial District; subject to additional requirements, exceptions, and modifications as set forth within this Ordinance.

- A. Lot Requirements.
Minimum Lot Size 10,000 square feet
Lot area shall be of adequate size to accommodate the intended use, parking and buffer areas, setback requirements, etc. without having significant impact on nearby properties in terms of noise, traffic, light glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission.
- B. Setbacks and Height Restrictions.
Principal and accessory structures
- | | |
|---|---------|
| Minimum Front Yard Setback | 30 feet |
| Minimum Rear Yard Setback | 30 feet |
| Minimum Side Yard Setback | 15 feet |
| Minimum Street Side Yard Setback | 20 feet |
| Minimum Setback from a Residential Area | 50 feet |
- Parking lot setbacks
- | | |
|---|---------|
| Minimum Front Yard Setback | 10 feet |
| Minimum Rear Yard Setback | 10 feet |
| Minimum Side Yard Setback | 10 feet |
| Minimum Setback from a Residential area | 20 feet |
- Maximum Impervious Surface Coverage 50%
Maximum Building Height 3 stories or forty-five (45) feet, whichever is less.

Subdivision 7: Site Plan Approval Required

Prior to the construction of any building, structure, or use within the Recreational Commercial District: Site Plan Approval and Building Appearance Review shall be required in accordance with Section 18 of this Ordinance.

Subdivision 8: Exterior Building Materials

- A. Buildings within the Recreational Commercial District shall be designed so as to be compatible with the surrounding uses. Exterior building wall finishes shall be comprised of one (1) or a combination of the following materials.
1. Face brick.
 2. Natural stone.
 3. Glass.
 4. Decorative concrete block as approved by the City Council.
 5. Specifically designed pre-cast concrete units; if the surfaces have been integrally treated with an

- 6. applied decorative material or texture.
 - 7. Masonry stucco.
 - 7. Other comparable or superior material as recommended by the Planning Commission and approved by the City Council.
- B. Design Standard Flexibility. The City Council may approve an alternative approach to meeting any of the design standards in this Section if an applicant demonstrates such modification is necessary to respond to site conditions, will result in better integration of uses, or provide significant site amenities, buffers, and other elements to offset any potential harmful effect that could be caused by the use and will further intent of this Section. (*Ord. No. 672*)
- C. All subsequent additions and accessory buildings constructed after the erection of the original building or buildings, shall be constructed with exterior finishes comprised of the same materials as the original structure(s).

Subdivision 9: Parking and Driveways

Parking areas, driveways, and driving areas shall meet the requirements of Section 17 of this Ordinance, subject to any additional requirements, exceptions, or modifications as set forth within this Section of the Ordinance.

Subdivision 10: Lighting

Any lighting used to illuminate off-street parking areas, signage, or buildings shall be directed away from residential properties and shall meet the standards as stipulated within Section 14 of this Ordinance.

Subdivision 11: Screening and Landscaping

Screening and landscaping within the Recreational Commercial District shall be provided in accordance with the requirements as provided within Section 15 of this Ordinance. On lots adjacent to a residential district, a minimum twenty (20) foot landscaped buffer zone shall be provided with landscaping and screening in accordance with the provisions as provided within Section 15 of this Ordinance.

ARTICLE TWO: CENTRAL BUSINESS TRANSITIONAL DISTRICT (CBT)

Subdivision 1: Purpose

The purpose and intent of the Central Business Transitional District “CBT” is to not only strengthen and expand upon the uses normally found within the Central Business District core, but to promote a high quality mix of residential, office, commercial, and service uses that are consistent with the unique and diverse elements already found within the area. Future development within this area must be compatible with the existing elements found within the Central Business District and the adjacent residential neighborhoods. Land uses to locate within the district will create a network of public places and pedestrian amenities, will enhance existing structures, uses, and circulation patterns, and will promote the areas that are located adjacent to the Central Business District as a mixed-use commercial and residential area. Architecture, site design and landscaping, street connectivity, and building placement are important aspects to consider when creating the overall character of the area.

It also recognized that some mature parts of the City are located within the Central Business Transitional District and contain uses, while not residential or commercial in nature, may be compatible with surrounding uses providing site and building design standards are met. Sub-districts have been created for the purpose of maintaining the vitality of these two distinct areas, while continuing to encourage and allow for redevelopment as necessary.

Subdivision 2: Sub-Districts Created

Projects and uses proposed within each of the sub-districts will be reviewed and evaluated in accordance with the goals and objectives of the Comprehensive Plan and this Ordinance.

A. CBT-1 (Commercial/Residential Mixed Use)

This district is intended to provide for a mix of residential and retail/service uses designed to serve the residential community. This area will provide for a mix of residential dwellings types, commercial, and open spaces which utilize creative building and site design as provided for the greater district to promote the overall character of the area.

B. CBT-2 (Limited Light Industrial Mixed Use)

This district is intended to be similar to the CBT-1, with the exception that limited light industrial uses as defined in this Ordinance will be permitted. Such uses shall meet specific site and building design standards as provided for within this Article of the Zoning Ordinance, in an effort to promote the overall character of the area and ensure that such uses are compatible with surrounding residential and commercial uses.

Subdivision 3: Permitted Uses

The following are considered permitted uses within the “CBT-1” District:

- A. Artist studios.
- B. Catering establishments.
- C. Coffee shop.
- D. Dry cleaner or Laundromat.
- E. Dwelling, Row House.
- F. Dwelling, Single-Family.
- G. Dwelling, Townhouse.
- H. Dwelling, Two-Family.
- I. Financial institutions.
- J. General office.
- K. General retail establishments.

- L. Government office.
- M. Health care clinic.
- N. Instruction/learning center.
- O. Licensed home day care. Facility shall comply with Minnesota State Statutes and Rules.
- P. Personal service establishments.
- Q. Public open space.
- R. Video rental store (not adult use).

The following are considered Permitted Uses within the “CBT-2” District:

- A. All of the uses specified as permissible within the “CBT-1” District.
- B. Limited Light Industrial, as defined within this Ordinance.

Subdivision 4: Conditional Uses

The following are conditional uses within the “CBT-1” and “CBT-2” Districts and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Animal sales and services.
- B. Community center.
- C. Condominiums.
- D. Drive-thru facilities.
- E. Dwelling, Apartments.
- F. Mixed-use buildings.
- G. Parking facilities, not accessory to a principal use.
- H. Private clubs.
- I. Public buildings.
- J. Religious institutions.
- K. Restaurant (sit-down or carry-out).
- L. Senior citizen housing.
- M. Senior residential care facility.

Subdivision 5: Interim Uses

The following are Interim Uses within the “CBT-1” and “CBT-2” Districts and shall require an Interim Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective Interim Uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Bars.

- B. Special and extended home occupations, which is accessory to a residential dwelling; subject to the requirements provided in Section 13 of this Ordinance.
- C. Temporary real estate offices, subject to the standards as provided within Section 13 of this Ordinance.

Subdivision 6: Uses By Administrative Permit

- A. Outdoor Sales, Temporary (General Retail Establishments and Civic Organizations), providing that such uses meet the requirements as provided within Section 13 of this Ordinance.

Subdivision 7: Permitted Accessory Uses

- A. Accessory buildings and uses customarily incidental to any of the permitted uses. Accessory structures for residential or commercial uses shall meet the requirements as provided within Section 13 of this Ordinance, respectively.
- B. Business identification signs, in accordance with Section 16 of this Ordinance.
- C. Decorative landscaping features, fencing, and screening as permitted and regulated by Section 16 of this Ordinance.
- D. Non-commercial gardening.
- E. Off-street parking and loading, in accordance with regulations provided within Section 17 of this Ordinance.
- F. Outdoor patios and decks, as an accessory use to a bar, restaurant, club, or other assembly use with food or liquor sales, providing the requirements of Section 13 are met.
- G. Outdoor smoking shelters, as an accessory use to a bar, restaurant, club, or other assembly use with food or liquor sales, providing the requirements of Section 13 are met.
- H. Permitted home occupations, accessory to a residential dwelling; subject to the regulations as provided in Section 13 of this Ordinance.
- I. Residential kennels, as defined in Section 2 of this Ordinance. Shall meet the registration and licensing requirements as provided within Chapter 87, Article II Dogs of the Isanti City Code.
- J. Rummage, garage, craft and boutique sales, for residential uses only. The infrequent temporary display and sale, by an occupant on his/her premises, of personal property, including general household rummages, used clothing and appliances, provided the exchange of sale of merchandise is conducted within the residence or accessory structure; the number of sales does not exceed four (4) per year; the duration of the sales does not exceed three (3) consecutive days; any related signage shall be limited to the premises and to other residential property provided that the property owner's permission has been obtained to display such signage, and signage shall conform to the sign ordinance and shall be removed at the termination of sale.
- K. Trash receptacle enclosures, in accordance with the requirements provided within Section 14, Subdivision 3 of this Ordinance.

Subdivision 8: Maximum Density

The maximum residential density permitted within the "CBT" Central Business Transition District shall be ten (10) dwelling units per gross acre.

Subdivision 9: Minimum Lot Requirements and Setbacks

Developments within the "CBT" Central Business Transition District shall be subject to the minimum lot requirements and setbacks as defined within this Ordinance for the "R-3A" Low Density Multiple Family District for single-family residential dwellings; the "R-3B" for two-family, townhomes, and rowhomes; the "R-4" for condominiums and apartments; and the "B-1" Central Business District.

Subdivision 10: Site Plan Approval Required

Prior to the construction of any building, including, two-family, townhomes, and multi-family dwellings within the “CBT” Central Business Transition District; Site Plan Approval and Building Appearance Review shall be required in accordance with Section 18 of this Ordinance.

Subdivision 11: Additional Standards

Exterior Building Materials, Parking, Lighting, and Screening/Landscaping shall be in accordance with regulations as presented in Section 11, Article 1: “D-1” Downtown Overlay District.

ARTICLE THREE: “PUD” PLANNED UNIT DEVELOPMENT DISTRICT

Subdivision 1: Purpose

The purpose of this Article is to provide for the grouping of lots and / or buildings within a development as an integrated, coordinated unit; which allows for greater development flexibility through the removal of the detailed restrictions of conventional zoning. This section allows for greater freedom, imagination, and flexibility in site design and layout as well as promotes the preservation of natural features, the conservation and efficient use of land, and the creation of additional open spaces than is possible under the more restrictive application of the zoning requirements. Planned Unit Developments shall only be considered, if such development provides significant benefit to the residents of the community.

The diversification and variation in the relationship of uses, structures, open spaces, natural features, and public amenities in the development is conceived and implemented as a comprehensive and cohesive unified project. Developments utilizing the regulations, as set forth in this article, shall be in substantial compliance with the basic intent of the Zoning Ordinance and shall meet the goals and objectives outlined in the Comprehensive Plan. Planned Unit Developments are recognized as serving the public interest, through the provision of specific features or characteristics within the development. Through proper planning and design, each Planned Unit Development should include features, which are in compliance with, the following objectives:

- A. To promote a development pattern that is in harmony with the intent, goals and objectives as outlined within of the City of Isanti Comprehensive Plan.
- B. To encourage innovation and diversification within residential developments that meet the growing demands for different housing options at all economic levels.
- C. To provide higher quality standards of site and building design within developments, which are architecturally and environmentally innovative, and to achieve better utilization of land than is possible through the strict application of zoning and subdivision regulations.
- D. To conserve the natural amenities of the land through the preservation and enhancement of site characteristics such as natural topography, woodland areas, scenic views, steep slopes, wetlands, creeks, lakes, natural habitats, geologic features and to prevent soil erosion.
- E. To permit the mixing of land uses within the development that may not otherwise be accomplished through the rules and regulations of the Zoning Ordinance.
- F. To preserve and enhance open spaces, which provide scenic enjoyment, active and passive recreational uses, natural habitat protection and community identity.
- G. To reduce improvement costs through a more efficient use of land and a smaller network of utilities and streets than is possible through the application of standards contained in conventional subdivision regulations.
- H. To ensure that site and building design are compatible with both existing and planned land uses within the adjacent area. Site planning, landscaping, and building architecture should reflect higher quality design than is found elsewhere within the community.
- I. To promote development that is sensitive in transitional areas located between different land uses and along significant corridors within the community.
- J. To encourage quality design and environmentally sensitive development by allowing increases in base net densities, providing such increases can be justified through superior design or the provision of additional amenities such as public or private open space, tree preservation or natural habitat protection.
- K. To promote a more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City.

- L. To encourage development that will utilize the energy and environmental designs that will promote water efficiency, energy efficiency, air quality, construction waste management and resource reuse, sustainable building and site design and construction, and innovative green building principles.

Subdivision 2: Benefit

The proposed Planned Unit Development shall accomplish a majority of the purposes and shall meet the design criteria as set forth within this Article. Any proposed Planned Unit Development shall not be simply for the enhanced economic gain of the applicant. It shall be the applicant's responsibility to demonstrate compliance with this requirement. Written documentation addressing this matter shall be made part of the Planned Unit Development Zoning Application. Prior to recommendation by the Planning Commission and approval by the City Council, the City shall determine that some benefit will be realized if a Planned Unit Development is permitted.

Subdivision 3: Unified Control

All property to be included within the PUD shall be under unified control or be subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved PUD development plan. Unified control shall include a single ownership or under the management and supervision of a central authority, or otherwise subject to such long-term leases or other ownership controls as the City Council deems necessary.

Subdivision 4: General Development Standards

- A. Comprehensive Plan Consistency.
The proposed Planned Unit Development shall be consistent with the goals and objectives of the Comprehensive Plan and the Future Land Use Map.
- B. Zoning District Regulations.
1. The various zoning regulations and requirements, which apply to the existing zoning district designated on the zoning map may be considered as guidelines only and may be departed from, upon the formal approval of a planned unit development.
 2. The Planned Unit Development District is a floating zone designated within the zoning ordinance and not pre-designated on the zoning map. It shall only be designated on the zoning map at such time as the City Council reviews and approves the development plan for the Planned Unit Development. At such time, the Planned Unit Development District is considered an amendment to the zoning map, controlled through the approved development plan and such property shall be identified by the letters for the appropriate Planned Development District.
 3. The Planned Development Districts shall be labeled accordingly, with the following abbreviations, depending upon the overall allowable uses:

PUD Districts	Abbreviations
Planned Residential	PUD - R
Planned Commercial	PUD - C
Planned Industrial	PUD - I

- C. Permitted Uses.
1. The following uses are permitted in a Planned Unit Development District, provided that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions as set forth within this Article. Each Planned Unit Development shall only be used for the use or uses for which the site is designated in the Comprehensive Plan. Specific uses and performance standards for each Planned Unit Development shall be delineated and made part of an approved and recorded development plan.
 2. Where the site of a proposed Planned Unit Development is designated for more than one land use in the Comprehensive Plan, the City may require that the Planned Unit Development include all the land uses so designated or such combination of the designated uses as the City Council shall deem appropriate to achieve the purposes of this article and the Comprehensive Plan.
 3. Commercial uses may be included within the residential portion of a proposed Planned Unit Development, providing it is in accordance with the Comprehensive Plan. Requirements for commercial uses in a Planned Unit Development are as follows:
 - a. No more than ten (10) percent of the total land area within the development may be used for commercial uses and no one contiguous commercial area shall exceed five (5) acres.

- b. Commercial uses within a Planned Unit Development are limited to those uses as permitted within the “B-3” Neighborhood Business District.
- c. Commercial uses located within a Planned Unit Development are intended to meet the neighborhood shopping and service needs of the Planned Unit Development residents and not the needs of the general surrounding area. Such uses shall be grouped in convenience centers designed as integral, harmonious parts of the Planned Unit Development. Such uses shall be appropriately buffered and screened from residential uses (both within the Planned Unit Development and surrounding area) to protect them from unsightliness, noise, odors and other characteristics incompatible with residential uses.
- d. Commercial uses located in a Planned Unit Development shall be internally oriented and should be designed so that store fronts, signs, and advertisements are not visible from the residential areas and that all commercial associated activities, storage of merchandise, equipment, and materials (including trash and waste) are within an enclosed building.
- e. Signs shall be limited to one name plate, not to exceed sixteen (16) square feet in size for each establishment. Name plates shall be attached flat against the building wall and shall not be illuminated, animated, or flashing. Window signs are permitted providing such signs are non-illuminated and meet the requirements of Section 16 of this Ordinance.

D. Size.

All Planned Unit Developments shall contain a minimum of five (5) acres of contiguous land, unless the City finds that a tract which contains less than five (5) acres of land is suitable as a Planned Unit Development area by virtue of some unusual conditions. The applicant must demonstrate the existence of one of the following:

- a. Unusual physical features exist on the property or in the surrounding neighborhood such that development as a Planned Unit Development will conserve a physical or topographic feature of importance to the neighborhood or community.
- b. The property is adjacent to or across a right-of-way from property that was previously developed as a Planned Unit Development and the development of the subject property would be perceived as and will function as an extension of the previously developed property.
- c. The property is located in a transitional area between different land uses or on a collector, minor or principal arterial as defined in the Comprehensive Plan, thus justifying the need for varying types of uses.
- d. The property is located in or adjacent to the Central Business District or Central Business Transitional District. Development or redevelopment of the property as a Planned Unit Development would meet the intent and purposes established for these areas as identified within the Comprehensive Plan.

E. Density Requirements.

- 1. Maximum Density. The net density of a Planned Unit Development shall correspond to the density regulations as specified within the existing zoning district as designated on the official zoning map and within the Comprehensive Plan. Developments requesting residential density transfers or density bonuses shall be thoroughly reviewed to ensure that such development is exceeding the requirements for a Planned Unit Development. Documentation shall be provided to the City demonstrating the need for density transfers or bonuses.
- 2. Residential Density Transfer. In order to encourage the protection of natural resources, to enhance tree preservation, to allow limited development in an area with unusual building characteristics due to subsoil characteristics, or to encourage creative land use, a density transfer system may be allowed whereby lot sizes smaller than that normally required in a district will be permitted on the developable land in return for leaving the natural resource areas open from development. The net density of dwelling units proposed for the entire site shall not exceed the density limits provided within the Comprehensive Plan where the land is located.
- 3. Density Bonus. An increase in density may be allowed at the sole discretion of the City. A density bonus accumulation of up to twenty (20%) percent over the stated maximum gross density permitted within the existing zoning district may be awarded based upon recommendation by the Planning Commission and findings by the City Council that such an increase is consistent with the intent of the Comprehensive Plan and that the Planned Unit Development exceeds the purposes and stated objectives provided within this Article.

- F. Coordination with Other Regulations.
Subdivision review under Ordinance No. 254 shall be carried out simultaneously with the review of the Planned Unit Development. The plans required under this Article shall be submitted in addition to or in a form which will satisfy the requirements of Ordinance No. 254 for Preliminary and Final Plat approvals.

Subdivision 5: Planned Unit Development Design Standards

- A. Minimum Lot Requirements.
1. General. Building setback, height, lot size, etc, that apply to the original zoning district shall be considered guidelines and may be departed from in the approval of the planned unit development.
 2. Street Setback. No building / structure shall be located less than twenty-five (25) feet from the back of curb, along local streets; thirty (30) feet along collector streets; and fifty (50) feet along arterial streets.
 3. Periphery Setback. The front and side yard setbacks at the periphery of the site shall meet the minimum requirements as specified within the original zoning district.
 4. Side Yard Setback. The minimum side yard setback for a residential lot is ten (10) feet.
- B. Minimum Building Requirements.
1. Number of Buildings on a Lot. More than one (1) building may be placed upon one (1) platted or recorded lot within a Planned Unit Development.
 2. Space between Buildings. A minimum twenty (20') foot building separation shall be maintained for buildings on adjacent lots or upon the same lot.
- C. Off-Street Parking and Loading Requirements.
1. Off-Street Parking and Loading shall meet the requirements as set forth within Section 17 of this Ordinance.
- D. Landscaping Requirements.
1. A Landscaping Plan shall be provided, which shall meet requirements as specified in Section 15 of this Ordinance. The plan shall include; a detailed planting list that indicates the number, size, and species. In assessing the landscape plan, the Planning Commission and City Council shall consider the natural features of the site, the architectural characteristics of the proposed structures, and the overall scheme of the proposed Planned Unit Development.
 2. Planting material shall be used to accomplish the desired objectives of the planned unit development, be native to Minnesota, and functionally appropriate for shade, shelter, height, mass, texture, color and form. Major areas designated within the plan should have distinctive planting schemes using unique types of trees, ground cover, and paving to help identify these areas.
- E. Infrastructure Requirements.
1. Public Services. The proposed project shall be served by City water and sewer. Fire hydrants shall be installed at such locations as necessary to provide adequate fire protection to the development.
 2. Storm Water Management. Storm water management techniques shall be consistent with the City's Subdivision Ordinance, Storm Water Management Ordinance, and other City Standards.
 3. Underground Utilities. In any Planned Unit Development, all utilities, including but not limited to telephone, electricity, gas and cable television shall be installed underground.
 4. Streets. The placement and construction of all streets within a Planned Unit Development shall be consistent with the provisions of the City Subdivision Ordinance and City Engineering Standards; with the following additions:
 - a. Local streets shall be designed to discourage their use for regional traffic.
 - b. Streets shall connect to one another or shall be terminated by other streets.
 - c. Dead-end streets are prohibited, and cul-de-sacs shall be permitted only where topography or other physical conditions would necessitate their use.
 5. Utility Connections.
 - a. Water Connections. Where more than one (1) property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off and secured by the City, in addition to the normally supplied shut off at the street.
 - b. Sewer Connections. Where more than one unit is served by a sanitary sewer lateral which exceeds three (300) feet in length, provisions must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be

the responsibility of the property owners association or owner.

F. Open Space Requirements.

In addition to parkland dedication requirements as provided within Ordinance No. 254; additional common open space sufficient to meet the minimum requirements established by this Section are required. Complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided. The required open space shall be designed for passive and active recreational needs acceptable to the City. In planning active recreational facilities, consideration shall be given for the inclusion of playgrounds, sports fields, tot lots, etc; in consultation with the Park and Recreation Board. The size, location, and character of the common open space shall be appropriate to the PUD; taking into consideration the development's size, density, expected population, topography, number and type of dwelling units provided.

G. Traffic and Circulation Requirements.

1. All streets shall conform to the design standards established by the City and as contained within the Subdivision Ordinance, unless otherwise approved by the City Council.
2. The transportation component of the plan shall show the general location and extent of all transportation facilities proposed as part of the Planned Unit Development. The plan shall include arterial, collector, and local streets, transportation routes, and the delineation of such systems on the land; street widths, grade separations, divided roads; left-turn lanes; pedestrian and bicycle paths; sidewalks and trails; and any other information related to the provision of circulation of the various modes of transportation within the planned unit development.

H. Signs.

All signs in the PUD shall be included as part of the PUD application and are subject to Section 16 of this Ordinance, with exception to commercial signage, which shall meet the requirements as specified within Subdivision 4(C) of this Article.

Subdivision 6: Administration and Procedures

A. Pre-Application Conference.

Prior to submitting a Planned Unit Development application, the applicant shall meet with City staff. At such conference, the applicant shall be prepared to show and describe the proposal for the PUD, as the basis for discussion. The primary purpose of the pre-application conference is to provide the applicant with the opportunity to gather information and obtain guidance from the City as to the general suitability of the proposal for a PUD, prior to incurring substantial costs for the preparation of plans, surveys, formal reviews, and other data. Staff shall review the zoning classification, regulatory ordinances (i.e. zoning and subdivision), comprehensive plan, and procedures for filing a PUD with the applicant.

B. Concept Plan.

1. Application. In order to receive more formal guidance in the design and layout of a proposed PUD, prior to the submission of a formal application, an applicant may submit a concept plan for review and comment by the Planning Commission and City Council. Such Concept Plan shall show the basic intent and the general nature of the entire development.
2. Review Process. The Planning Commission shall review the Concept Plan, informally, and make recommendations to be forwarded to the City Council. The City Council shall advise the applicant of any changes, modification, or issues that should be addressed prior to the filing of the Development Plan Application. Such review does not constitute preliminary approval of the PUD, as all comments and decisions are non-binding.
3. Plan Submittal. In order for the review to be the most beneficial to the applicant, the concept plan shall contain such specific information as requested by the City, to include:
 - a. Property description, acreage, identification of owner and developer;
 - b. Existing conditions within surrounding area;
 - c. Description of the relationship to the comprehensive plan, existing land use, zoning, transportation, and utilities;
 - d. Overall maximum PUD density range (gross and net, as defined by ordinance);
 - e. General location of major streets and pedestrian ways;
 - f. General location of residential and non-residential land uses with approximate type and intensities of development;

- g. Height, bulk, and square footage of specific land uses;
- h. Number and types of dwelling units;
- i. General location and percentage of parkland and open space;
- j. Staging and time schedule for the development;
- k. Proposed site development plan;
- l. Color renderings or models showing what the development will look like; and
- m. Narrative description or written statement describing the proposed PUD, the market that it is intended to serve, the relationship to the Comprehensive Plan and existing zoning classification as well as how the PUD will be designed, arranged, and operated. Such narrative shall also describe how the proposed PUD meets the Purposes and Benefit as defined by this Article.

C. General Development Plan.

1. Application. Within six (6) months of the City Council's review of the Concept Plan, the petitioner(s) shall file an application for the General Development Plan, Preliminary Plat, and fee. The purpose of the General Development Plan is to provide the proposed implementation of the Concept Plan.
2. Plan Submittal. General Development Plan submittals shall include but not be limited to the following items:
 - a. A Preliminary Plat Application, with associated materials that conform and include such information as outlined within Ordinance No. 254.
 - b. Rezoning and General Development Plan (PUD) Applications, with associated materials that conform to the requirements of this Article and this Ordinance.
 - c. Plans and written narrative describing the following shall also be included:
 - (i) Buildings. The location, size, use, and arrangement of all buildings within the development; to include height in stories or feet and total square feet of ground area coverage and floor area. Existing building which will remain on-site shall be shown as well.
 - (ii) Architectural Plans. Preliminary architectural plans indicating use, floor plans, elevations, and exterior wall finishes of proposed buildings.
 - (iii) Natural Resource Analysis. Identify existing vegetation areas consisting of forest and wood lots as well as wetlands and wetland vegetation; the geology, slope, soil and groundwater characteristics of the site; existing lakes, streams, ponds, drainage swales, runoff setting areas, and floodplains must be identified; analysis of the relationship of the proposed use of the existing natural conditions as listed above.
 - (iv) Areas of Use. A tabulation calculating the approximate gross square footage of commercial and/or industrial floor space, if such uses are provided.
 - (v) Traffic Circulation. Location, dimensions, and number of driveway entrances, curb cuts, parking stalls, loading spaces, and access drives. All other circulation elements, such as bike and pedestrian ways; and the total site coverage of these elements shall be included.
 - (vi) Common Areas. Location, designation, and total area of all common open space.
 - (vii) Public or Private Open Space. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites, or recreational facilities.
 - (viii) Landscaping Plan. A detailed landscape plan including the type, size, and quality of all existing and proposed plantings.
 - (ix) Tree Preservation Plan. If the site is wooded and the development aims to preserve existing tree species on the site, a plan shall be submitted that meets the requirements of the Ordinance.
 - (x) Phasing Plan. A plan indicating the timing and phasing of the development by geographic area.
 - (xi) Document Changes. Any additional information as requested by the Planning Commission, City Council, City Engineer, City Administrator, or other City staff as necessary to conduct a full review of the entire proposed PUD.
3. Development Plan Review Process.

- a. Review and Action by City Staff. Upon receipt of the completed application for a PUD General Development Plan, Preliminary Plat, and Rezoning; the City Planner shall refer such information to other appropriate staff members and official bodies for review and recommendation.
- b. Public hearing. The Planning Commission shall hold a public hearing on the PUD General Development Plan. Property owners within three hundred fifty (350') feet will be notified, although failure of any property owner to receive notice shall not invalidate the proceedings. The Planning Commission shall make findings and recommendation to the City Council.
- c. City Council Action. Within thirty (30) days of receipt of the report and recommendation by the Planning Commission, the City Council shall review said plans and grant approval, resubmit the plan to the Planning Commission for further consideration of specified items, or deny the General Development Plan.
- d. Expiration of General Development Plan.
 - (i) The petitioner shall submit, within one (1) year from the date of City Council approval, a Final Development Plan. In any case where the applicant fails to file Final Development Plans, to proceed with development in accordance with the provisions of this article and the approved General Development Plan, such approval shall be considered null and void.
 - (ii) Upon application by the petitioner, the Council at its discretion may extend, for not more than one (1) year, the filing deadline for any Final Development Plan, when for good cause shown such an extension is necessary. In any case where the General Development Plan approval expires, the City Council may adopt a resolution repealing the General Development Plan Approval. Any portion of the General Development Plan that has not received Final Development Plan approval will revert back to the previous zoning designation.

D. Final Development Plan.

1. Application.

Within one (1) year of General Development Plan Approval or an extension deadline as approved by the City Council, the application shall file with the appropriate City forms, the information contained in the Concept Plan and the General Development Plan for Final Development Plan approval. The Final Development Plan shall be reviewed for consistency with the General Development Plan and shall serve as a complete and permanent public record of the PUD and the manner in which it is to be developed. Such plan shall incorporate all prior approved plans and all approved modifications resulting from the PUD process. It shall serve in conjunction with other provisions of the City Code as the land use regulation applicable to the PUD.

2. Plan Submittal. Final Development Plan submittals shall include but not be limited to the following items, which will be reviewed for consistency with the approved General Development Plan:

- a. Application for Final Development Plan (PUD).
- b. Final Plat and all associated information, in accordance with the City's Subdivision Ordinance, Ordinance No. 254.
- c. Final Site, Landscaping, Tree Preservation, and Natural Resource Evaluation Plans.
- d. All certificates, seals, and signatures required for the dedication of land and recordation of documents.
- e. Final lighting, signage, and parking plans.
- f. Staging Plan, if the PUD is to be developed in different phases, such plan shall indicate the time frame for the construction of the various elements within the entire PUD.
- g. Any other plan, agreements, or specifications, as deemed necessary by City Staff to review the proposed Final Development Plan.

3. Final Development Plan Review Process.

- a. Review and Action by City Staff. Upon receipt of the completed application for a Final Development Plan for a PUD and Final Plat; the City Planner shall refer such information to other appropriate staff members and official bodies for review and recommendation.
- b. Public hearing. The Planning Commission shall hold a public hearing on the PUD Final Development Plan. Property owners within three hundred fifty (350') feet will be notified, although failure of any property owner to receive notice shall not invalidate the

proceedings. The Planning Commission shall review the proposed Final Development Plan for consistency with the General Development Plan and make findings and recommendations to the City Council.

- c. City Council Action. Within thirty (30) days of receipt of the report and recommendation by the Planning Commission, the City Council shall review said plans and grant approval, resubmit the plan to the Planning Commission for further consideration of specified items, or deny the Final Development Plan.
 - (i) Denial of the Final Development Plan for a PUD shall be accompanied by written findings of fact of the City Council, to include any supporting data set forth that shows the reasons for the denial in terms of the ways in which the proposed use fails to meet the standards, purposes, and intent of this Article and the Comprehensive Plan.
 - (ii) If an application for Final Development Plan PUD has been considered and denied by the City Council, a similar application for a PUD affecting the same property shall not be considered again by the Planning Commission or City Council for at least one (1) year from the date of the Final Development Plan denial.
 - (iii) If the application for Final Development Plan (PUD) is approved by the City Council, the terms of the PUD shall be embodied in a PUD Agreement/Development Agreement and such other documentation as the City shall deem necessary or desirable.
- d. Recording of the Final Development Plan.
 - (i) Upon approval of the Final Development Plan by the City Council, the City Clerk or his/her designee shall record the Final Development Plan, PUD Agreement/ Development Agreements, covenants and all other pertinent documents with the County Register of Deeds or Register of Titles within ninety (90) days after the date of approval. Fees associated with the recording of the Final Plan will be charged back to the developer or subdivider.
 - (ii) Failure of the applicant to comply and submit the necessary items for the recording of the Final Development Plan by the City shall be cause for revoking the City's approval and the Final Development Plan shall be considered void, unless the developer or applicant requests an extension, in writing and receives approval from the City Council.
- e. Expiration of Final Development Plan.

Within one (1) year after the approval of the Final Development Plan PUD, or such shorter / longer time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall automatically render void the PUD, unless an extension has been granted by the City Council. All approvals of the PUD plan and the area encompassed within the PUD shall be subject to the provisions of the Zoning Ordinance and other Code provisions, applicable to the district in which the area is located. In such case, the City Council shall adopt a resolution repealing the PUD and the PUD approvals, thus re-establishing the zoning and other provisions that would otherwise be applicable to the site.
- f. Extension Requests Final Development Plan.

The City Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension.
- g. Building and Other Permits.

Except as otherwise expressly provided within Ordinance, upon receiving notice from the City Planner that the approved Final Development Plan for the PUD has been recorded and upon application of the applicant pursuant to the applicable ordinances of the City, all appropriate officials of the City may issue building and/or other permits to the applicant for development, construction, and any other work to be completed within the subject development area.
- h. Evaluation of Planned Unit Development.
 - (i) Following the approval of the Planned Unit Development, the City Planner, in conjunction with the City Engineer, or his/her designees shall review all permits issued and construction undertaken and compare the actual development with

- (ii) the approved development plan and schedule.
If the City Planner or his/her designee finds that the development is not proceeding in accordance with approved plans, he or she shall immediately notify the City Council. Within thirty (30) days of such notice, the City Council shall either by ordinance revoke the PUD permit, and the land shall be governed by the regulations applicable in the district in which it is located, or shall take such steps as necessary to compel compliance with the Final Development Plans as approved; or shall require the landowner or applicant to seek an amendment to the Final Development Plan.

E. Changes in the Planned Unit Development.

The Planned Unit Development shall be developed according to the approved and recorded Final Plat and all supporting data. The recorded Final Plat and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of the premises and the location of structures in the Planned Unit Development project. If a change or revision is proposed for any aspect of an approved Planned Unit Development, such change or revision requests shall be submitted to City staff for review. The Community Development Director, or his/her designee shall determine if the change, revision, or addition is minor or major.

1. Minor Changes.

The City Council may approve minor changes without a public hearing provided that the Final Development Plan PUD remains consistent with the spirit and intent of the General Development Plan or a previously approved Final Development Plan.

The modification shall not:

- (i) Change the general character of the PUD;
- (ii) Cause substantial relocation of principal or accessory structures;
- (iii) Cause a substantial relocation or reduction of parking, loading, or recreation areas;
- (iv) Cause a substantial relocation of traffic facilities and circulation systems;
- (v) Increase the impervious surface coverage of buildings and parking areas;
- (vi) Increase the gross floor area of buildings, the number of dwelling units, or the net density of the site;
- (vii) Reduce the amount of approved open space, landscaping, screening, tree preservation, or natural resource amenities to be located within the development.

2. Major Changes.

If the requested change is determined by the Community Development Director, or his/her designee, to be major or substantial, or would represent a significant departure from General Development Plan or previously approved Final Development Plan, shall result in the formal abandonment and the subsequent filing of a new application for Planned Unit Development.

SECTION 11: OVERLAY DISTRICTS

Article 1	“D-1” Downtown Overlay District	11-3
Subdivision 1	Purpose	
Subdivision 2	Applicability	
Subdivision 3	General Land Use	
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ARTICLE ONE: “D-1” DOWNTOWN OVERLAY DISTRICT

Subdivision 1: Purpose

The purpose of the “D-1” Downtown Overlay District is to provide for the orderly and integrated development of the Central Business District and the surrounding Central Business Transitional District. The Central Business District and surrounding area are fragmented. The Downtown Overlay District will unite the area and establish standards that take into consideration the unique identity found within this area. It is the purpose of the Article to implement minimum standards that promote high-quality architectural and site design for residential, commercial, and mixed-use buildings and within the downtown overlay district. The standards provided herein are intended to preserve and restore unique and historical buildings; ensure coordinated design of new and existing buildings, minimize adverse impacts on adjacent properties from buildings which may detract from the character and appearance of the district; protect vehicular and pedestrian movements throughout the area; and aid in improving the overall economic viability of the district.

Subdivision 2: Applicability

The regulations of the “D-1” Downtown Overlay District pertain to all properties within the boundaries of the district, as represented on the map provided in the Appendix. If provisions of this article are inconsistent with other provisions set forth within the text of this Ordinance, the regulations set forth within this Article shall apply.

Subdivision 3: General Land Use

- A. All Permitted Uses, Conditional Uses, Interim Uses, Accessory Uses, and Uses by Administrative Permit as listed within the underlying zoning district shall be potentially allowable uses subject to the standards as provided within the “D-1” Downtown Overlay District.
- B. Destination retail, restaurant, and entertainment uses, particularly mixed with compatible, complementary or other synergistic uses are encouraged throughout the Downtown Overlay District.
- C. Automobile oriented uses such as fast food restaurants, gas stations, and drive-through services are also discouraged within the Downtown Overlay District.

Subdivision 4: Streets and Sidewalk Network

- A. Developments that include public or private streets shall connect with and provide for the future extension of the community’s existing street network.
- B. Sidewalks are required along all public and private streets within the Downtown Overlay District. The location and alignment of new sidewalks shall connect directly with the existing sidewalk network. The width of the sidewalk shall be consistent with City policy.
- C. On-street parking shall be incorporated with the street design within the Downtown Overlay District. Parking areas shall be defined by curbing.
- D. The number and width of curb cuts shall be in conformance with City policy. Sites within the Downtown Overlay District that have multiple buildings shall have unified / joint access.
- E. Street trees shall be placed, no less than one (1) tree per fifty (50) lineal feet of frontage on any street within the Downtown Overlay District. Where street trees cannot be planted, sidewalk planters are encouraged in these areas. Such trees or planters shall be coordinated as part of the streetscape design.
- F. All new utilities shall be encouraged to be placed underground. Compatible lines (e.g. electric, phone, cable) shall be placed in a common trench.

Subdivision 5: Off-Street Parking

Areas located within the Downtown Overlay District are intended to be a pedestrian-oriented place. The design, location, and availability of parking will be a critical component to ensure the success of redevelopment within this area. Parking must be conveniently located and easily accessible; however, parking areas should not negatively impact the pedestrian character of the area. The purpose of the off-street parking requirements within the Downtown Overlay District is to allow land uses to deviate from the parking requirements provided in Section 17 of

this Ordinance. The deviation from these requirements is allowed in recognition of the unique character of the downtown area, which include mixed uses, pedestrian scale development, enhanced streetscape, and potential future availability of mass transit. The regulations of the Downtown Overlay District will allow for a reduction in the number of parking spaces and encourage shared parking.

A. General.

1. Off-street parking areas should not be located in front of buildings between the building and the street.
2. Off-street parking shall be provided where it is physically possible to do so.
3. Exception to those properties located along First Avenue NW or SW, 90 degree parking is permitted abutting the street when approved by the City Council.
4. Access points for rear and side parking lots should be designed to look like streets rather than driveways.
5. Parking areas should be well identified and easy to find.
6. On-street parking should be provided everywhere it is physically possible to do so.

B. Residential standards. Parking for residential uses within the Downtown Overlay District shall be provided in accordance with the requirements of Section 17 of this Ordinance.

C. Commercial standards.

1. If the required amounts of parking spaces cannot be fully provided on site, then parking may be provided in public or shared lots elsewhere within the Downtown Overlay District.
2. Shared parking facilities among commercial uses should be encouraged where peak hours, proximity, and other characteristics would make these types of facilities feasible.
3. Parking areas should flow together and should not contain barriers that would prevent cross connections between lots, as this should encourage the sharing of parking areas between uses.
4. Shared parking shall meet the requirements as stipulated within Section 17 of this Ordinance.
5. Employees of commercial establishments should be required to park in designated long-term parking areas.
6. When a non-residential use would require 100 or fewer parking spaces based upon the requirements of Section 17 of this Ordinance, the required number of parking spaces provided shall be 50 percent of the total number required.

Subdivision 6: Site Design Standards

- A. A consistent street edge must be maintained at the right-of-way line along all street frontages. Street edge elements may consist of the principal building, low masonry walls, fences, landscaping, or a combination of these elements.
- B. Awnings and Projecting Signs may be permitted to encroach into the public right-of-way providing such signs meet the requirements as provided within Section 16 of this Ordinance.
- C. All ground mounted mechanical equipment shall be screened and properly maintained with material similar to or compatible with the material used on the main structure. Screened mechanical equipment shall not be located within the front or street side yard, but may be located within an interior side or rear yard.
- D. Trash and recycling areas shall meet the requirements as provided within Section 14 of this Ordinance. Such areas shall not be located in the front or street side yards, but may be located within an interior side or rear yard.
- E. Loading areas and docks shall be limited to the rear of the principal building. These areas shall be screened from adjacent residential uses by fencing, walls, or landscaping.

Subdivision 7: Landscaping

- A. The periphery of all parking lots shall be well landscaped and screened from the public right-of-way. If parking lots exist along the primary right-of-way it must contain a landscaped edge that contains low shrubs, street trees, fencing, walls, or a combination of these elements.
- B. Interior landscaped areas for parking lots shall equal or exceed ten (10) percent of the area for vehicular parking and parking aisles. This regulation does not apply to parking areas with less than twenty-five (25)

parking spaces.

- C. Existing trees shall be maintained and preserved to the extent possible.
- D. Landscaping shall emphasize massing of plant materials over isolated or scattered placement of individual specimens.
- E. Trees, shrubs, groundcover, and perennial plantings shall be required at the base of a parking structure. Perimeter planters may be required around the upper level decks of the parking structure, particularly when facing a public right-of-way or residential uses.
- F. Landscaping shall provide for an appropriate mix of plantings around the exterior footprint of all buildings and shall improve the appearance of the structure and break up large unadorned building elevations. In addition to deciduous and coniferous trees; shrubs, ornamental trees, perennials and annual flowers and bulbs as well as ornamental grasses and ground cover shall be used to complement any landscape plan.
- G. Trees shall be of varying species and be in accordance with the City Tree Lists as presented within Section 15 of this Ordinance.

Subdivision 8: Building Design Standards

- A. Architectural style shall be similar to other existing downtown buildings. The evaluation of a project shall be based upon the quality of the design and on its relationship to the surrounding structures and uses. Extremes of style or attempts to recreate a style indigenous to the downtown area are discouraged.
- B. The architectural appearance, to include but is not limited to, building character, permanence, massing, composition, and scale of all principal buildings shall comply with the guidelines as presented within this Ordinance.
- C. The main entrance to the principal structures shall face the primary street with secondary entrances provided to the side or rear of the structure.
- D. Building Frontage. Buildings should be oriented to the street with traditional storefronts lining the public sidewalk.
- E. Windows and Doors. Doors and windows should be similar in size, proportion and alignment based on the architectural style of the building and to those on adjacent building facades. At least forty (40) percent of the street side of the first story shall consist of clear windows and doors.
- F. Roofs. The type of roof used for an infill or new building should be similar to those found on adjacent buildings. Roof top equipment shall be concealed behind parapets or screened from the view of pedestrians.
- G. Acceptable Materials. Exterior building materials shall not be dissimilar to existing structures within the immediate area or the downtown area as a whole. Exterior building finishes shall consist of material comparable in grade and quality to the following:
 - 1. Brick
 - 2. Natural stone
 - 3. Wood provided the surfaces are finished for exterior use and only woods of proven durability shall be used.
 - 4. Glass, to include glass curtain wall panels.
 - 5. Tilt up concrete panels that have a grid or block like appearance.
 - 6. EIFS (Exterior Insulating and Finishing System) may be used but not as a primary material.
 - 7. Metal may be used as an accent but not as a primary material.
- H. Franchise Architecture. Franchise architecture (building designs that are trademarked or identified with a particular chain or corporation and is generic in nature) shall be revised if it does not comply with Downtown Overlay District Standards.

- I. Signs and Graphics. Signage and graphics should be an integral part of the building architecture or used as a decorative element. Decorative neon or other types of decorative signs are desirable when displayed within storefront windows.
- J. Awnings. Historically, awnings have been a frequent feature of buildings within the downtown. Awnings have been used to soften an otherwise hard and rigid streetscape. Awnings enhance the historic feel of Main Street, while providing sun protection for display windows, shelter for pedestrians, occasionally provide a sign panel for businesses, and provide additional accent color and design to building facades.
 - 1. An awning may project over the public sidewalk provided that it is at least eight (8) feet above grade and does not project more than two-thirds (2/3) the width of the public sidewalk as measured from the building.
 - 2. Awnings must be constructed of durable, water-repellent material such as canvas or metal. Plastic or fiberglass awnings are not permitted.
 - 3. Backlighting or illuminating of awnings is not permitted.
 - 4. Retractable or fixed awnings may be used.
 - 5. Awnings shall not extend across multiple storefronts and/or multiple buildings. Long expanses of awnings should be broken into segments that reflect the door or window openings located beneath.
 - 6. Awning colors and materials shall complement the building façade. Earth tones are encouraged. Large areas of bright colors are considered inappropriate.
 - 7. Signage on awnings is permitted on the end panel or valance only. Lettering size shall be proportional to the space available and shall meet the gross surface area requirements provided within Section 16 of this Ordinance.
 - 8. Awnings and canopies deteriorate over time; regular maintenance and replacement is required.
 - 9. Color renderings showing the location, size, color, and any proposed signage shall be submitted for review by the Downtown Committee and Planning Commission. Awnings that encroach within or above the public right-of-way shall receive approval by the City Council prior to construction of the awning. (*Ord. No. 473*)

Subdivision 9: Parks and Public Amenities

- A. Public fixtures that have been selected for Main Street should be required on streets throughout the Downtown Overlay District to ensure visual continuity within the area.
- B. Sidewalks within the area should include on-street parking, landscaping and street trees, lighting, seating areas, and areas for other designated street furniture and commercial opportunities, to include newspaper boxes and trash receptacles.
- C. Mixed-use developments should be designed to include formal and informal open spaces linked by sidewalks. The site design should include connections between these open spaces, retail/commercial uses, and adjacent residential neighborhoods.

ARTICLE TWO: “S-1” RUM RIVER SCENIC OVERLAY DISTRICT

Subdivision 1: Intent

The intent of the “S-1” Rum River Scenic Overlay District to provide for the preservation and protection of the Rum River within the City of Isanti, as required by Minnesota Statutes, Section 104.31-104.40 (as amended), and Minnesota Rules parts 6105.0010 - 0250; 6105.1400 - 1480; and 6120.2500 - 3900.

Subdivision 2: District Application

This district shall apply to all lands within the designated Wild & Scenic River Boundaries as identified in Minnesota Rules parts 6105.1400 - 1480. This District shall be shown on the zoning map.

Subdivision 3: Interpretation

The "S-1" Rum Scenic River Overlay District shall be applied to and superimposed upon any underlying zoning district. Where provisions of any statute or regulation impose greater restrictions than those required in this District, such statute or regulation shall be controlling. The definitions of Minnesota Rules parts 6120.2500 and 6105.0040 shall be controlling.

Subdivision 4: Uses

All permitted, conditional, interim and prohibited uses of the underlying district shall apply within the "S-1" Rum Scenic River Overlay District.

Subdivision 5: District Provisions

The following provisions shall apply within the "S-1" Rum River Scenic River Overlay District, as they are more restrictive than those of the underlying district.

A. The following table sets forth the minimum dimensional requirements of the "S-1" District:

TABLE 2: Dimensional Requirements in the “S-1” District

	Unsewered Areas	Sewered Areas, Riparian Lots	Sewered Areas, Non-Riparian Lots
Minimum Lot Size	40,000 sq/ft	20,000 sq/ft	15,000 sq/ft
Lot Size at building line and water line	150 feet	75 feet	75 feet
Building Setback from Ordinary High Water Mark (OHWL)	100 feet	75 feet	75 feet
Building Setback from Federal State and County Trunk Highway R-O-W	50 feet	50 feet	50 feet
Building Setback from other roads and public street R-O-W	20 feet	20 feet	20 feet
On-site sewage treatment system setback from OHWL	75 feet	n/a	n/a
Maximum Structure Height*	35 feet	35 feet	35 feet
Maximum total area of all impervious surfaces on each lot**	30%	30%	30%
Impervious surface setback from OHWL	50 feet	50 feet	50 feet

* Does not apply to customary buildings used primarily for agricultural purposes.

** Includes all structures, surfaced roads, parking lots and other surfaced areas.

- B. Lots of record, on the effective date of the ordinance, which do not meet the applicable size or width requirements shall be allowed as building sites provided that all the sanitary and dimensional standards are complied with, as practicable, and the lot was in separate ownership on the date and enactment of this ordinance. Contiguous lots under the same ownership may be developed as separate lots provided that they meet or exceed 60% of the lot width requirements of this district and adequate sanitary facilities can be installed.
- C. No person, firm, or corporation shall install, alter, repair, or extend an individual sewer disposal system or well without first obtaining a permit for such action from the Building Official. No permit may be issued unless or until the following conditions are satisfied.
 - 1. Public collection and treatment facilities must be used where available and feasible.
 - 2. All minimum standards or other local ordinances, Minnesota Rules part 7080.0010 - 0240 and all applicable standards of the Minnesota Department of Health relating to wells and sewer systems are complied with.
 - 3. All private water supply systems shall conform to Minnesota Department of Health standards for water quality.
- D. Between the ordinary high water mark and the applicable building setback line, clear cutting of trees over four inches in diameter shall be prohibited. All vegetative cutting in the "S-1" District shall comply with the conditions of Minnesota Rules parts 6105.0150, subpart 1, items B, C, and subpart 2.
- E. Grading and filling in of the natural topography shall require a grading and filling permit from the zoning administrator prior to initiation of any such work. Such Regulations NR 79 (h) is satisfied.
- F. No land shall be subdivided which is determined by the City of Isanti, or the Commissioner of Natural Resources, to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community. Soil percolation rate tests and soil borings shall be required on each proposed lot in any proposed subdivision within the proposed lot in any proposed subdivision within the "S-1" District, to establish the suitability of the land for development. Such testing is required before any final plat may be approved, but may be waived by the Zoning Administrator when adequate data is already available.
- G. Planned Unit Developments may be permitted in the "S" Districts if preliminary plans are first approved by the Commissioner of Natural Resources.
- H. No structure shall be placed in the floodway. Structures proposed to be located in the flood plain shall meet all requirements of Minnesota Rules 6120.500 - 6200.
- I. No structure shall be placed on any slope greater than 12% unless the structure can be screened from view of the river with natural vegetation, adequate sewage facilities can be installed and the building permit applicant can adequately prove to the zoning administrator that erosion will be controlled or prevented.

ARTICLE THREE: FLOOD PLAIN OVERLAY DISTRICT

Subdivision 1: Statutory Authorization, Findings of Fact and Purpose

A. Statutory Authorization.

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Isanti, Minnesota does ordain as follows:

1. Findings of Fact.

- a. The flood hazard areas of the City of Isanti, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures or flood protection and relief, and impairment of tax base, all of which adversely affect the public health, safety, and general welfare.
- b. Methods Used to Analyze Flood Hazards. This Article is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
- c. National Flood Insurance Program Compliance. This Article is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations parts 59 – 78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

2. Statement of Purpose.

It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize those losses described in Subdivision 1(a) by provisions contained herein.

Subdivision 2: General Provisions

A. Lands to Which Article Applies.

This Article shall apply to all lands within the jurisdiction of the City of Isanti shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

B. Establishment of Official Zoning Map.

1. The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Article. The attached material shall include the Flood Insurance Study for Isanti County Minnesota and Incorporated Areas, prepared by the Federal Emergency Management Agency and dated November 5, 2003, and the Flood Insurance Rate Map Panels dated November 5, 2003 therein and numbered 0170D, 0190D, 0282D, 0285D, 0301D, and 0305D, and the Flood Insurance Rate Map Panels dated November 5, 2003, Revised Dated April 12, 2006 numbered 0282D and 0301D.

The Official Zoning Map shall be on file in the Office of the City Clerk and the Zoning Administrator.

2. The City of Isanti is adopting more panels than is currently within City limits due to current and future anticipated growth. The additional maps will be effective upon the acceptance of the City with Annexation or in its Urban Service Area.

C. Regulatory Flood Protection Elevation.

The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

D. Interpretation.

1. In their interpretation and application, the provision of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between the mapped boundary and actual field conditions and there is a formal appeal of the

decision of the City Administrator and/or his/her designee, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area in the floodplain if earlier, and other available technical data. Person contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

E. Abrogation and Greater Restrictions.

It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances, sections, or articles inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

F. Warning and Disclaimer of Liability.

This Article does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Isanti or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

G. Severability.

If any section, clause, provision, or portion of this Article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected thereby.

Subdivision 3: Definitions

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

A. Accessory Use or Structure: a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

B. Basement: any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

C. Conditional Use: a specific type of structure or land use listed in the official control that may be allowed by only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: (1) certain conditions as detailed in the zoning ordinance exist and (2) the structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

D. Equal Degree of Encroachment: a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

E. Flood: a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

F. Flood Frequency: the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

G. Flood Fringe: that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” use in the Flood Insurance Study for Isanti County Minnesota and Incorporated Areas adopted in Subdivision 2 (B) (1) and (2) of this Article.

H. Flood Plain: the beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

I. Flood-Proofing: a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

- J. Floodway: the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- K. Lowest Floor: the lowest floor of the lowest enclosed area (including basement). An unfinished basement or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
- L. Manufactured Home: a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle".
- M. Obstruction: any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- N. Principal Use or Structure: all uses or structures that are not accessory uses or structures.
- O. Reach: a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- P. Recreational Vehicle: a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Article, the term recreational vehicle shall be synonymous with the term travel trailer / travel vehicle.
- Q. Regional Flood: a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.
- R. Regulatory Flood Protection Elevation: The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation on a floodway.
- S. Structure: anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Subdivision 11(c) of this Article and other similar items.
- T. Substantial Damage: damage of any origin sustained by a structure where the cost of restoring the structure to its undamaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- U. Substantial Improvement: within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
(2) Any alteration of an "historic structure" provided that the alteration will not preclude the structure's continued designation as an "historic structure". For the purpose of this Article, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

- V. Variance: a modification of a specific permitted development standard required in an official control including this article to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstances as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

Subdivision 4: Annexations

The Flood Insurance Rate Map panels adopted by reference into Subdivision 2 (B) (1) and (2) of this Article above may include floodplain areas that lie outside of the corporate boundaries of the City of Isanti at the time of adoption of this Article. If any of these floodplain land areas are annexed into the City of Isanti after the date of the adoption of this Article, the newly annexed floodplain lands shall be subject to the provisions of this Article immediately upon the date of annexation into the City of Isanti.

Subdivision 5: Establishment of Zoning Districts

A. Districts.

1. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map effective on November 5, 2003, and the Flood Insurance Rate Map Panels dated November 5, 2003, therein and numbered 0170D, 0190D, 0282D, 0285D, 0301D, and 0305D, and the Flood Insurance Rate Map Panels dated November 5, 2003, Revised Dated April 12, 2006 numbered 0282D and 0301D.
2. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe shall constitute those areas shown on the Flood Insurance Rate Map effective on November 5, 2003, therein and numbered 0170D, 0190D, 0282D, 0285D, 0301D and 0305D, and the Flood Insurance Rate Map Panels dated November 5, 2003, Revised Dated April 12, 2006 numbered 0282D and 0301D as being within Zone AE but being located outside the floodway.
3. General Flood Plain District. The General Flood Plain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map effective on November 5, 2003 therein and numbered 0170D, 0190D, 0282D, 0285D, 0301D, and 0305D, and the Flood Insurance Rate Map Panels dated November 5, 2003, Revised Dated April 12, 2006 numbered 0282D and 0301D.

B. Compliance.

No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Article and other applicable regulations which apply to uses within the jurisdiction of this Article. Within the Floodway, Flood Fringe, and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Subdivisions 6, 7, and 8 that follow respectively, shall be prohibited. In addition, a caution is provided here that:

1. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Article and specifically Subdivision 11;
2. Modifications, additions, structural alterations, or normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Article and specifically Subdivision 13; and
3. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Article and specifically as stated in Subdivision 12 of this Article.

Subdivision 6: Floodway District (FW)

A. Permitted Uses.

Such uses may be permitted, if permitted within the underlying zoning district.

1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Industrial-commercial loading areas, parking areas, and airport landing strips.
3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4. Residential lawns, gardens, parking areas, and play areas.
- B. Standards for Floodway Permitted Uses.
1. The use shall have a low flood damage potential.
 2. The use shall be permissible in the underlying zoning district, if one exists.
 3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.
- C. Conditional Uses.
- Such uses are may be considered conditional uses, if permitted as such within the underlying zoning district.
1. Structures accessory to the uses listed in (B) above and the uses listed in (C2) – (C8) below.
 2. Extraction and storage of sand, gravel, and other materials.
 3. Marinas, boat rentals, docks, piers, wharves, and water control structures.
 4. Railroads, streets, bridges, utility transmission lines, and pipelines.
 5. Storage yards for equipment, machinery, or materials.
 6. Placement of fill.
 7. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Subdivision 11 (D) of this Article.
 8. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
- D. Standards for Floodway Conditional Uses.
1. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
 2. All floodway Conditional Uses shall be subject to the procedures and standards contained in Subdivision 12 (D) of this Article.
 3. The Conditional Use shall be permissible in the underlying zoning district if one exists.
 4. Fill.
 - a. Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.
 - b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - c. As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Office of the County of Isanti Recorder.
- E. Accessory Structures.
1. Accessory structures shall not be designed for human habitation.
 2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and
 - b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 3. Accessory structures shall be elevated on fill of structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an

accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking and vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:

- a. The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
- b. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed; and
- c. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

F. Storage of Materials and Equipment.

1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

G. Structural works for flood control that will change the course, current, or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

H. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

Subdivision 7: Flood Fringe District (FF)

A. Permitted Uses.

Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a Permitted Use in the Flood Fringe provided such use does not constitute a public nuisance. All Permitted Uses shall comply with the standards for Flood Fringe “Permitted Uses” listed in (B) and the “Standards for all Flood Fringe Uses” listed in (C).

B. Standards for Flood Fringe Permitted Uses.

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with Subdivision 6 (E3).
3. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowed only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with (B1) above.
4. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
5. The provisions of Subdivision 7 (E5) of this Article shall apply.

C. Conditional Uses.

Any structure that is not elevated on fill or flood proofed in accordance with (B1) through (B2), immediately above, or any use of land that does not comply with (B3) through (B4), also immediately above, shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified (D) “Standards for Flood Fringe Conditional Uses”, (E) “Standards for Flood Fringe Uses” and Subdivision 12 (D) of this Article.

D. Standards for Flood Fringe Conditional Uses.

1. Alternative elevation methods other than the use of fill may be utilized to elevate a structure’s lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc, or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure’s basement or lowest floor if: (1) the enclosed area is above-grade and on at least one side of the structure; (2) it is designed to internally flood and is constructed with flood resistant materials; and (3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - a. Design and Certification.
The structure’s design and as-build condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - b. Specific Standards for Above-Grade, Enclosed Areas.
Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (i) A minimum are of “automatic” openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two (2) openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
 - (ii) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 and FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
2. Basements, as defined in Subdivision 3 (B) of this Article, shall be subject to the following:
 - a. Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevations.
 - b. Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Subdivision 7 (D3) of this Article.
3. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
4. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must

clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5. Storage of Materials and Equipment:
 - a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
6. The provisions of (E), listed immediately below, shall also apply.

E. Standards for All Flood Fringe Uses.

1. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
2. Commercial Uses – accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.
3. Manufacturing and Industrial Uses – measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in (E)(2) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established certain criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation – FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
5. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
6. Standards for travel trailers and travel vehicles are contained in Subdivision 11 (C).
7. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Subdivision 8: General Flood Plain District

A. Permitted Uses.

Such uses may be permitted, if permitted within the underlying zoning district.

1. The uses listed in Subdivision 6 (A) shall be permitted uses.
2. All other uses shall be subject to the floodway / flood fringe evaluation criteria pursuant to Subdivision 8 (B) below. Subdivision 6 shall apply if the proposed use is in the Floodway District and Subdivision 7 shall apply if the proposed use is in the Flood Fringe District.

B. Procedures for Floodway and Flood Fringe Determinations within the General Flood Plain District.

1. Upon receipt of an application for a Conditional Use Permit for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the Regulatory Flood

Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.

- a. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
 - c. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
2. The applicant shall be responsible to submit one (1) copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000-6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
- a. Estimate the peak discharge of the regional flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 feet. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
3. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Subdivision 6 and 7 of this Article.

Subdivision 9: Subdivisions

A. Review Criteria.

No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

B. Floodway / Flood Fringe Determinations in the General Flood Plain District.

In the General Flood Plain District, applicants shall provide the information required in Subdivision 8 (B), of this Article to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the subdivision site.

C. Removal of Special Flood

The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation

of site preparation if a change of special flood hazard area designation will be requested.

Subdivision 10: Public Utilities, Railroads, Roads, and Bridges

A. Public Utilities.

All public utilities and facilities including but not limited to gas, electrical, sewer and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

B. Public Transportation Facilities.

Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subdivisions 6 and 7 of this Article. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

C. On-Site Sewage Treatment and Water Supply Systems.

Where public utilities area not provided:

1. On-site water systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
2. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

Subdivision 11: Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles.

A. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subdivision 9 of this Article.

B. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Subdivision 7 of this Article. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Subdivision 7 (E) (1), then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

C. Travel trailers and travel vehicles that do not meet the exemption criteria specified in (C) (1) below shall be subject to the provisions of this Article and as specifically spelled out in (3) and (4) below.

1. Exemption. Travel trailers and travel vehicles are exempt from the provisions of this Article if they are placed in any of the areas listed in (2) below and further they meet the following criteria:
 - a. Have current licenses required for highway use.
 - b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer / travel vehicle has no permanent structural type additions attached to it.
 - c. The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
2. Areas Exempted for Placement of Travel / Recreational Vehicle.
 - a. Individual lots or parcels of record.
 - b. Existing commercial recreation vehicle parks or campgrounds.
 - c. Existing condominium type associations.

3. Travel trailers and travel vehicles exempted in (C) (1) above, lose this exemption when development occurs on the parcel exceeding 500-dollars for a structural addition to the travel trailer / travel vehicle or an accessory structure such as a garage or storage building. The travel trailer / travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation / flood proofing requirements and the use of land restrictions specified in Subdivisions 6 and 7 of this Article.
4. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
 - a. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Subdivision 7 (E) (1) of this Article. No fill placed in the floodway to meet the requirements of this Subdivision shall increase flood stages of the 100-year or regional flood.
 - b. All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of Subdivision 12 (D) of this Article. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subdivision 10 (C) of this Article.

Subdivision 12: Administration

A. Zoning Administrator.

A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Article. If the Zoning Administrator finds a violation of the provisions of this Article, the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Subdivision 14 of this Article.

B. Permit Requirements.

1. Permit Required. A permit issued by the Zoning Administrator in conformity with the provisions of this Article shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair) or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a non-conforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
2. Application for Permit. Application for a Permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
3. State and Federal Permits. Prior to granting a Permit or processing an application for a Conditional Use Permit or Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal Permits.
4. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Article.
5. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, Conditional Use Permits, Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use,

arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Article, and punishable as provided in Subdivision 14 of this Article.

6. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this article. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
7. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.
8. Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit, to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Agency (FEMA).
9. Notification of FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

C. Board of Adjustment.

1. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
2. Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Article.
3. Variances. The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Article as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the Ordinance, and other zoning regulations in the Community, and in the criteria specified in the respective enabling legislation which justified the granting of the variance. No Variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law. The following additional variance criteria of the Federal Emergency Agency must be satisfied:
 - a. Variances shall not be issued by a community within any designated regulatory floodway if any increases in flood levels during the base flood discharge would result.
 - b. Variances shall only be issued by a community upon (i) showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

5. Decisions. The Board shall arrive at a decision on such appeal or Variance within 60 days. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this Article, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a Variance the Board may prescribe appropriate conditions and safeguards such as those specified in Subdivision 12 (D) (6), which are in conformity with the purposes of this Article. Violations of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this Article punishable under Subdivision 14 of this Article. A copy of all decisions granting Variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
6. Appeals. Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes.
7. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

D. Conditional Uses.

The Planning Commission shall hear and give recommendation to the City Council whom shall decide applications for Conditional Uses permissible under this Article. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning Commission and City Council for consideration.

1. Hearings. Upon filing with the City of Isanti an application for a Conditional Use Permit, the City of Isanti shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Conditional Use sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.
2. Decisions. The City of Isanti shall arrive at a decision on a Conditional Use within 60 days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant. City staff is authorized to extend the sixty (60) day time limit by a time period not to exceed sixty (60) additional days; provided written notice of such extension is provided to the applicant before the end of the initial sixty (60) day period. In granting a Conditional Use Permit the City of Isanti shall prescribe appropriate conditions and safeguards, in addition to those specified in Subdivision 12 (D) (6) of this Article, which are in conformity with the purposes of this Article. Violations of such conditions and safeguards, when made a part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this Article punishable under Subdivision 14 of this Article. A copy of all decisions granting Conditional Use Permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
3. Procedures to be followed by the City of Isanti in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.
 - a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the City of Isanti for determining the suitability of the particular site for the proposed use:
 - (i) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.
 - (ii) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - b. Transmit one copy of the information described in subsection (i) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood

- damage to the use, the adequacy of the plans for protection, and other technical matters.
 - c. Based upon the technical evaluation of the designated engineer or expert, the City of Isanti shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- 4. Factors Upon Which the Decision of the City of Isanti Shall Be Based. In passing upon Conditional Use applications, the City of Isanti shall consider all relevant factors specified in other sections of this Article, and:
 - a. The danger to life and property due to increase flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - l. Such other factors which are relevant to the purposes of this Article.
- 5. Time for Acting on Application. The City of Isanti shall act on an application in the same manner as outlined within Section 21, Article 2: Conditional Use Permits, Subdivision 3: Procedures of this Ordinance.
- 6. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Article, the City of Isanti shall attach such conditions to the granting of Conditional Use Permits as it deems necessary to fulfill the purposes of this Article. Such conditions may include, but are not limited to, the following:
 - a. Modification of waste treatment and water supply facilities.
 - b. Limitations on period of use, occupancy, and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - e. Flood-proofing measures, in accordance with the State Building Code and this Article. The applicant shall submit a plan or document certified by a professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

Subdivision 13: Non-Conforming Uses.

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Article but which is not in conformity with the provisions of this Article may be continued subject to the following conditions. Historic structures, as defined in Subdivision 3 (U) (2) of this Article, shall be subject to the provisions of Subdivision 13, (A) (1-5) of this Article.
 - 1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
 - 2. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e. FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in items 3 and 6 below.
 - 3. The cost of any structural alteration or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions

of this Subdivision are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alteration and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Subdivisions 6 and 7 of this Article for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

4. If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.
5. If any nonconforming use or structure is substantially damaged, as defined in Subdivision 3 (T) of this Article, it shall not be reconstructed except in conformity with the provisions of this Article. The applicable provisions for establishing new uses or new structures in Subdivisions 6, 7, or 8 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe, or General Flood Plain District, respectively.
6. If a substantial improvement occurs, as defined in Subdivision 3 (U) of this Article, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition (as required by item (2) above) and the existing nonconforming building must meet the requirements of Subdivision 6 or 7 of this Article for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

Subdivision 14: Penalties for Violation

- A. 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.
- B. Nothing herein contained shall prevent the City of Isanti from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
 1. In responding to a suspected article violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct article violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
 2. When an article violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
 3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.
 4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition

which existed prior to the violation of this Ordinance.

Subdivision 15: Amendments

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

Subdivision 16: Repeal of Inconsistent Ordinances

All ordinances or parts of ordinances in conflict with this ordinance are to the extent of such conflict hereby repealed (ordinances that will be repealed include, but are not limited to: 147, 157, & 175). This ordinance shall take effect and be in full force from and after the date of its publication.

Subdivision 17: Penalty

Any person violating any provision of this ordinance shall be a misdemeanor offense along with any other State and Federal laws that may be violated.

ARTICLE FOUR: OPEN SPACE AND PARKS OVERLAY DISTRICT

Subdivision 1: Purpose

The purpose of the “POS” Parks and Open Space Overlay District is to protect and preserve parks, open space, and undevelopable land and areas with valuable environmental qualities from further development and to provide for the recreational use of land and structures within the City.

Subdivision 2: Applicability

The regulations of the “POS” Parks and Open Space Overlay District pertain to all properties within the boundaries of the District, as represented on the City of Isanti Zoning Map. If provisions of this Article are inconsistent with other provisions set forth within the text of this Ordinance, the regulations set forth within this Article shall apply.

Subdivision 3: Permitted Uses

The following uses are considered permitted within the “POS” Parks and Open Space Overlay District:

- A. Gazebos and park shelters.
- B. Other uses customary to parks, open space, and recreation.
- C. Pathways and trails.
- D. Picnic areas.
- E. Playgrounds.
- F. Playing fields.
- G. Performance centers.
- H. Public aquatic facilities and swimming pools.
- I. Public parks and open space.
- J. Restroom facilities.
- K. Skate parks.
- L. Skating Rinks.
- M. Sports courts.
- N. Stormwater detention or retention areas.

Subdivision 4: Accessory Uses

The following are permitted accessory uses:

- A. Decorative landscaping features.
- B. Gardening and other horticultural uses.
- C. Other uses accessory and incidental to parks, open space and recreation.
- D. Parking facilities.
- E. Recreational support facilities.
- F. Signs.

Subdivision 5: Site Plan Approval

Prior to the construction of any building or structure within the “POS” Parks and Open Space Overlay District; Site Plan Approval and Appearance Review shall be required by the Park and Recreation Board and City Council.

ARTICLE FIVE: “H65” HIGHWAY 65 CORRIDOR OVERLAY DISTRICT

(Ord No. 657)

Subdivision 1: Purpose

Highway 65 provides the main entrance into Isanti from the north and south. It is the purpose of this district to enhance the first impression of Isanti through development of a corridor that is inviting, visually appealing and a place that community members want to visit and passersby want to stop. This district is designed and intended to promote the development of an attractive view of the community from Highway 65 through architectural and signage controls, landscaping, screening, building orientation and other features.

Subdivision 2: Boundaries

The Highway 65 Corridor Overlay District shall include all properties zoned “B-2” General Business District and “T1-B” Tier One Business District lying east of the of 5th Ave NE (*a line drawn north and south using this section of 5th Ave NE as a reference point*) and west of 6th Ave NE (*a line drawn north and south based on the future plans for 6th Ave NE*), and between the north and south jurisdictional boundaries of the City. In the event a property is split by this boundary; the property shall be considered within the Highway 65 Overlay District if the majority of the property is within the described boundaries above or has frontage along Highway 65.

Subdivision 3: Permitted Uses

The following are considered permitted uses within the Highway 65 Overlay District:

- A. Artist studios.
- B. Bakery.
- C. Broadcasting and recording studio.
- D. Business service.
- E. Catering establishments.
- F. Coffee house.
- G. Community shopping centers (medium-scale).
- H. Convenience store (not accessory to a gas station).
- I. Essential services.
- J. Financial institutions.
- K. General office.
- L. General retail establishments.
- M. Government office.
- N. Health care clinic.
- O. Health club.
- P. Hospital.
- Q. Hotel or motel.
- R. Instruction/learning center.
- S. Massage therapy (not adult use).

- T. Personal service establishments.
- U. Print shop.
- V. Showroom.
- W. Theaters, indoor (not adult use).

Subdivision 4: Conditional Uses

The following are conditional uses within the Highway 65 Corridor Overlay District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Automobile car wash establishment, subject to those standards as provided within Section 13 of this Ordinance. Only in conjunction with a permitted use.
- B. Commercial recreation, indoor only. Outdoor commercial recreation permitted as an accessory to a permitted use with sufficient screening as determined by the City Council.
- C. Community centers.
- D. Drive-thru facilities.
- E. Gas stations, subject to the standards as provided within Section 13 of this Ordinance.
- F. Garden center as an accessory to a permitted use.
- G. Helipad or helistop in conjunction with a hospital.
- H. Home improvement center.
- I. Hospice as an accessory to a permitted or conditional use.
- J. Meat markets.
- K. Medical research laboratory.
- L. Medical support facilities.
- M. Nursery, retail, as an accessory to a permitted use.
- N. Private clubs.
- O. Public buildings.
- P. Restaurants (Carry-out, Drive-in, Fast food, or Sit-down).
- Q. Senior residential care facilities, as defined within Section 2 of this Ordinance.
- R. Trade / business school.
- S. Brewpub.
- T. Brewer tap room.
- U. Microbrewery.

- V. Micro distillery.

Subdivision 5: Interim Uses

- A. Bars.
- B. Gunsmith.
- C. Liquor store.
- D. Temporary motor vehicle sales, accessory to a financial institution, in which such sales event is permitted two (2) times per calendar year and shall not exceed three (3) days per event. No more than the number of events identified shall be permitted for the same property in any given calendar year.

Subdivision 6: Uses by Administrative Permit

- A. Outdoor Sales, Temporary (General Retail Establishments and Civic Organizations), providing that such uses meet the requirements as provided within Section 13 of this Ordinance.
- B. Transient merchants, providing that such uses meet the requirements as provided within Section 13 of this Ordinance and Chapter 245 of the Isanti City Code of Ordinances.

Subdivision 7: Permitted Accessory Uses

- A. Accessory buildings and uses customarily incidental to any of the permitted uses. Accessory buildings are subject to the regulations as provided within Section 13 of this Ordinance.
- B. Off-street parking and loading, in accordance with Section 17 of this Ordinance.
- C. Outdoor patios and decks, as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales, providing the requirements as listed in Section 13 are met.
- D. Outdoor smoking shelters, as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales, providing the requirements as listed in Section 13 are met.
- E. Recreation support facilities may be permitted only as an accessory use to commercial recreation facilities.
- F. Signs, in accordance with Section 16 of this Ordinance.
- G. Supporting retail and service uses associated and located within a hospital or health care clinic, to include: cafeteria, employee exercise facilities, shops for medical equipment, pharmaceutical supplies, gift shops, bookstores, florists, banking facilities, laundry/dry cleaning, community rooms, and chapels.
- H. Trash receptacle enclosures, in accordance with the provisions within Section 14, Subdivision 3 of this Ordinance.

Subdivision 8: Lot Requirements and Setbacks

The following minimum requirements shall be observed in the Highway 65 Corridor Overlay District; subject to additional requirements, exceptions, and modifications as set forth within this Ordinance:

A. Lot and Building Size Requirements.

Minimum Lot Size	1 acre
Minimum Building Size	15% of lot size

B. Setbacks and Height Restrictions – Principal Building.

Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	15 feet
Minimum Street Side Yard Setback	20 feet

Minimum Rear Yard Setback	15 feet
Maximum Building Height	Three (3) stories or forty-five (45) feet, whichever is less.

C. Impervious Surface Coverage.

Twenty-five (25) percent of the total lot area shall consist of green space. Five (5) percent of the total lot area shall be green space within the parking perimeter. (*Ord. No. 618*)

Subdivision 9: Site Plan Approval Required

Prior to the construction of any building within the Highway 65 Corridor Overlay District; Site Plan Approval and Building Appearance Review shall be required in accordance with Section 18 of this Ordinance.

Subdivision 10: Use and Standards Flexibility Rules

- A. Dimensional Flexibility. The City Council may approve modifications of one or more area or dimensional standards of an underlying district if an applicant demonstrates such modification will result in better integration of uses or additional public amenities that will further the intent of this Section.
- B. Design Standard Flexibility. The City Council may approve an alternative approach to meeting any of the design standards in this Section if an applicant demonstrates such modification is necessary to respond to site conditions, will result in better integration of uses, or provide significant site amenities, buffers, and other elements to offset any potential harmful effect that could be caused by the use and will further the intent of this Section.
- C. Use Flexibility. The City Council may recommend a use, a density of use, or a mix of uses different from what is allowed upon findings that:
 - 1. The modification significantly advances the intent of this Section;
 - 2. The modification is necessary to develop the property in an efficient, well-organized way; and
 - 3. The plan provides significant site amenities, buffers, and other elements to offset any potential harmful effects that could be caused by the use.

Subdivision 11: Exterior Building Materials

These standards are intended to ensure coordinated design of building exteriors, additions and accessory structure exteriors in order to prevent visual disharmony, minimize adverse impacts on adjacent properties from buildings which are or may become unsightly, and buildings that detract from the character and appearance of the area. It is not the intent of this division of unduly restrict design freedom when reviewing and approving project architecture in relationship to the proposed land use, and site characteristics.

- A. The exterior wall finishes on any building shall be comprised of one or more of the following materials:
 - 1. Face brick.
 - 2. Natural stone.
 - 3. Glass.
 - 4. Decorative concrete block as approved by the City Council.
 - 5. Specifically designed pre-cast concrete units; if the surfaces have been integrally treated with an applied decorative material or texture.
 - 6. Masonry stucco.
 - 7. Other comparable or superior material as recommended by the Planning Commission and approved by the City Council.
 - 8. No more than 75% of the building sides visible from Highway 65 may be constructed of decorative concrete block, pre-cast concrete or stucco.
 - 9. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50' or more). All large walls viewable from Highway 65 must be relieved by architectural detailing, such as change in materials, change in color, offsets, or other significant

visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the wall and its views from the public right-of-way.

10. Exterior building material colors shall be complimentary of other buildings within the district.
 11. Exterior elevations of all sides of a proposed building noting the material and color of each component, to include exterior building materials, awnings, mechanical screening material, fencing and the like, shall be submitted with the site plan for determination of compliance with the above requirements.
 12. Mechanical equipment
 - a. Ground equipment shall be screened per Section 14, Subdivision 4 Mechanical Equipment.
 - b. Rooftop mechanical equipment, and head-houses for elevators and stairs, shall be concealed from public view.
- B. All subsequent additions and accessory buildings constructed after the erection of the original building or buildings, shall be constructed with exterior finishes comprised of the same materials as the original structure(s).

Subdivision 12: Building Orientation

Building shall be oriented towards Highway 65 or, at a minimum, give the appearance of having a front facing Highway 65 (second front).

Subdivision 13: Parking and Driveways

Parking, driveways, and driving areas shall meet the requirements of Section 17 of this Ordinance, subject to the following additional requirements, exceptions, and modifications as set forth:

- A. Parking lots and drive aisles shall be setback a minimum of ten (10) feet from front, rear, and side yards.
- B. When abutting a residentially zoned district, parking and drive aisles shall be setback a minimum of twenty (20) feet.
- C. Loading Spaces, Overhead Doors and Service Areas.
 1. Loading spaces, overhead doors and service areas cannot face Highway 65 and must be located in designated rear yards.
 2. Loading and service areas must be separated from visitor and employee parking areas and general traffic circulation.
 3. Loading spaces, overhead doors and service areas must be designed to be compatible with the principal building. Architectural techniques, color, and landscaping must be employed to eliminate visual impacts from adjacent properties and roadways.

Subdivision 14: Lighting

Any lighting used to illuminate off-street parking areas, signage, or buildings shall be directed away from residential properties and shall meet the standards as stipulated within Section 14 of this Ordinance.

Subdivision 15: Screening and Landscaping

Screening and Landscaping within the Highway 65 Overlay District shall be provided in accordance with the requirements as stipulated within Section 15 of this Ordinance. On lots adjacent to a residential district, a minimum twenty (20) foot landscaped buffer strip shall be planted. Landscaping plans shall be submitted and approved at the same time as the site plan.

SECTION 12: TIER ONE ZONING DISTRICTS

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ARTICLE ONE: “T1-R” TIER ONE RESIDENTIAL DISTRICT

Subdivision 1: Purpose

The purpose of the “T1-R” Tier One Residential District is to protect low density areas from premature urbanization and to discourage residential development without city services. The Tier One Residential District will permit existing agricultural uses to continue until such time, as the property is annexed into the City and is serviced by City services and infrastructure.

Subdivision 2: Permitted Uses

The following are permitted uses:

- A. Agriculture.
- B. Essential services.
- C. Farming.
- D. Golf courses.
- E. Licensed home day care. Facility shall comply with Minnesota State Statutes and Rules.
- F. Nursery, wholesale.
- G. Public open space.

Subdivision 3: Permitted Accessory Uses

The following are permitted accessory uses:

- A. Accessory buildings, to include accessory farm structures, in accordance with the setback and height restrictions as provided within this Article.
- B. Decks and patios.
- C. Decorative landscaping features, fencing, and screening as permitted and regulated by this Article.
- D. Permitted home occupations as regulated by Section 13 of this Ordinance. (*Ord. No. 541*)
- E. Residential kennels, as defined in Section 2 of this Ordinance. Shall meet the registration and licensing requirements as provided within Chapter 87, Article II Dogs of the Isanti City Code.

Subdivision 4: Conditional Uses

The following are conditional uses within the “T1-R” Tier One Residential District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Cemeteries.
- B. Community recreation.
- C. Dwellings, Single-family detached. Foundation shall meet building code requirements.
- D. Recreation support facilities may be permitted as an accessory use to commercial recreation facilities.
- E. Religious institutions.
- F. Residential facility, Licensed (Group Home) serving 6 or fewer persons. Under Minnesota Statutes Chapter 144D, 462.357.
- G. Telecommunication towers and antennas. Standards as provided in Section 13 of this Ordinance shall be met.

Subdivision 5: Interim Uses

The following are interim uses within the “T1-R” Tier One Residential District and shall require an Interim Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Archery ranges.
- B. Commercial kennels, as defined in Section 2 of this Ordinance and accessory to a single-family detached dwelling, meeting the registration and licensing requirements as provided within Chapter 87, Article II Dogs of the Isanti City Code.
- C. Special home occupations, which is accessory to a residential dwelling; subject to the requirements provided in Section 13 of this Ordinance.

Subdivision 6: Lot Requirements and Setbacks

A. Lot Requirements.

Maximum Density	4 units per 40 acres
Lot Size	1 acres (43,560 square feet)
Minimum Lot Frontage	170 feet
Minimum Lot Depth	250 feet

- 1. A plat of the entire forty (40) acres shall be submitted prior to the issuance of a conditional use permit.
- 2. Such plat shall show how the property can be subdivided in the future while maintaining compliance with all City Ordinances.
- 3. Remaining property shall be platted as an outlot.

B. Setbacks and Height Restrictions – Principal Building.

The minimum principal structure setbacks for a one (1) acre lot are as follows:

Center of County and State Roadways	100 feet
Minimum Front Yard Setback	30 feet
Minimum Rear Yard Setback	30 feet
Minimum Side Yard Setback	20 feet, each side
Maximum Height	35 feet

C. Setbacks – Accessory Buildings.

Regulations for Accessory Structures are provided in Section 13 of this Ordinance.

Rear Yard Setback	5 feet
Side Yard Setback	5 feet
Street Side Yard Setback	20 feet

D. Garage Requirements.

With the exception of dwelling units constructed prior to the effective date of this Ordinance, all dwelling units shall include an attached garage. All such garages shall be attached and constructed to accommodate two (2) vehicles parked side-by-side. Tandem garage spaces are permitted providing the required number of side-by-side parking spaces are met.

Minimum Floor Area	400 square feet
Minimum Width	20 feet
Minimum Depth	20 feet

E. Driveway Requirements.

- 1. Driveways shall be constructed of bituminous, concrete, Class Five Aggregate, rock, or equivalent material suitable to control dust and drainage subject to approval of the City Planner, as said surfacing shall be harmonious with improvements in the area.
- 2. Upon annexation to the City and a bituminous or concrete roadway is adjacent to the home, the property owner has six (6) months to upgrade the driveway surface to bituminous or concrete.
- 3. Driveways shall be installed before a Certificate of Occupancy is issued.
- 4. Driveways shall be placed a minimum of three (3) feet from the adjacent property line.
- 5. Driveways beginning at the home shall be paved a minimum of twelve (12) feet in width and a

- minimum of thirty (30) feet in length.
6. Driveway culverts shall be addressed within the plat. The City Engineer shall provide approval prior to the issuance of a building permit.

Subdivision 7: Special Regulations

- A. All proposed new uses shall submit a plat to the City Planner for review of compliance with all City Ordinances.
- B. No buildings of pole type construction are permitted, unless approved as a conditional use for agriculture purposes.
- C. All dwellings must have a minimum of nine hundred twelve (912) square feet of livable floor space above grade. The minimum square footage may be reduced by a conditional use permit for a planned unit development. All dwellings must have foundations and frost footings, which shall meet building code requirements.
- D. For the purpose of this Ordinance, a frost footing shall be any footing placed at the required depth to avoid the accepted frost line as determined by an engineer of soil mechanics, and absent an engineer's report, placed at a depth of at least three and one-half feet.
- E. No residence shall be less than twenty-four (24) feet in width.
- F. All dwellings within the corporate city limits shall have one (1) year from the date on which City water and sewer services are made available to the area, to connect to such services. No variances from this policy will be permitted.
- G. All waste, material, debris, refuse, garbage, or materials not currently in use for construction purposes shall be stored indoors and screened from eye-level view of public streets and adjacent properties, or be kept in covered trash containers.

Subdivision 8: Landscaping and Fencing

- A. Lawns. All lots shall have seeded or sodded lawns. The lawn is required to cover the area surrounding the home and shall extend thirty (30) feet from the front and rear of the home and shall extend ten (10) feet on both sides of the home.
- B. Fences. As permitted and regulated by Section 15 of this Ordinance.
- C. Landscaping. A minimum of two (2) trees per 10,000 square feet of land or one (1) tree per 50 feet of road frontage, whichever is greater is required in the front yard. Four (4) inches of topsoil is required within landscaped areas.

ARTICLE TWO: “T1-B” TIER ONE BUSINESS DISTRICT

Subdivision 1: Purpose

This district is designed and intended to promote the development of commercial uses which are predominately auto-oriented in nature. The district caters to highway-oriented businesses as well as to businesses that provide basic shopping and service needs to the community. While the types of uses (permitted, conditional and interim) are similar to those found within the “B-2” General Business District; the Tier One Business District takes into consideration the unique location of parcels identified within this district. These parcels have not yet been annexed into the corporate limits of the City; however, they are located within the immediate growth boundary of the City and may become part of the community in the near future. When designing a commercial site within the Tier One Business District, compatibility with adjacent uses and buildings are required. Site design, building sizes and materials, and screening/landscaping are still considered important when creating and maintaining a thriving commercial base.

Subdivision 2: Permitted Uses

The following are permitted uses within the “T1-B” Tier One Business District:

- A. Any permitted use as listed within Section 7: Business Districts, Article 2: “B-2” General Business District.

Subdivision 3: Conditional Uses

The following are conditional uses allowed in the “T1-B” Tier One Business District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Any conditional use as listed within Section 7: Business Districts, Article 2: “B-2” General Business District.

Subdivision 4: Interim Uses

The following are interim uses allowed in the “T1-B” Tier One Business District and shall require an Interim Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Any interim use as listed within Section 7: Business Districts, Article 2: “B-2” General Business District.

Subdivision 5: Uses By Administrative Permit

The following are uses permitted by Administrative Permit within the “T1-B” Tier One Business District and shall require an Administrative Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Any use by administrative permit as listed within Section 7: Business Districts, Article 2: “B-2” General Business District.

Subdivision 6: Permitted Accessory Uses

The following are permitted accessory uses within the “T1-B” Tier One Business District:

- A. Accessory buildings and uses customarily incidental to any of the permitted uses. Accessory buildings are subject to the regulations as provided within Section 13 of this Ordinance.
- B. Outdoor patios and decks, as an accessory use to a bar, restaurant, club or other assembly use with liquor or food sales, providing the requirements as listed in Section 13 are met.
- C. Outdoor smoking shelters, as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales, providing the requirements as listed in Section 13 are met.
- D. Fencing, Screening, and Landscaping in accordance with Section 15 of this Ordinance.
- E. Signs, in accordance with Section 16 of this Ordinance.
- F. Trash receptacle enclosures, in accordance with the regulations provided within Section 14, Subdivision 3 of this Ordinance.

Subdivision 7: Lot Requirements and Setbacks

- A. Lot Requirements.
 - Lot Size 1.5 acres
 - Lot Width 160 feet

Lot Depth 250 feet

B. Setbacks and Height Restrictions – Principal Building.

Roadway Setback	100 feet
Side Yard Setback	15 feet, each side
Front Yard Setback	30 feet
Rear Yard Setback	30 feet
Maximum Building Height	35 feet

C. Off-Street Parking and Driveway Requirements.

Parking lots, driveways, and loading/unloading areas shall meet the requirements for Off-Street Parking and Loading, as provided in Section 17 of this Ordinance.

D. Parking Lot Setbacks.

Setbacks double in areas adjacent to Residential Districts.

Front Yard Setback	10 feet
Rear Yard Setback	10 feet
Street Side Yard Setback	10 feet
Side Yard Setback	5 feet

Subdivision 8: Site Plan Approval Required

All applications for a building permit or an occupancy permit shall be accompanied by a site plan that meets the criteria listed in Section 18 of this Ordinance. Approval of the site plan by the City Council is required prior to issuance of a building permit.

Subdivision 9: Building Materials

- A. Building materials shall be attractive in appearance, durable with permanent finish, and of a quality that is both compatible with surrounding structures and consistent with City standards for the District in which the structure is located.
- B. Major exterior surfaces, on all walls, shall consist of entirely face brick, stone, glass, stucco, architecturally treated concrete, cast in place or precast panels, or decorative block. Wood and metal may be used as accent materials, provided that they are appropriately integrated into the overall building design and not situated in areas that will be subject to damage associated with heavy use.
- C. Alternate exterior building materials may be considered during the site plan review process, with recommendation by the Planning Commission and final approval by the City Council.
- D. Accessory structures shall be constructed of the same or similar building material as the principal structure.

Subdivision 10: Fencing, Screening, and Landscaping

- A. Fencing and Screening. Fencing and screening of the following shall be in accordance with Section 15 of this Ordinance.
 - 1. The ground level view of mechanical utilities shall be completely screened from adjacent properties and streets, or designed to be compatible with the architectural treatment of the principle structure.
 - 2. External loading and service areas shall be completely screened from the ground level view of adjacent residential and commercial properties, and adjacent streets.
 - 3. When abutting or directly across the street from a Residential District, a fencing and/or screening is required.
 - 4. Refuse and Garbage receptacles shall be stored within the principal structure, within an attached structure accessible from the principle structure, or totally fenced or screened in accordance with this ordinance.
 - 5. Light from automobile headlights and other sources shall be screened when adjacent to a residential district.
- B. Landscaping. The site shall be landscaped in accordance with an approved landscape plan. All lots shall be sodded with four (4) inches of topsoil. One (1) tree shall be provided for every 10,000 square feet of lot or one (1) tree per fifty (50) feet of road frontage, whichever is greater.

Subdivision 11: Special Regulations

- A. All businesses within the corporate city limits have one (1) year from the date City water and sewer is extended to the property to connect to City services. Variances from this stipulation are prohibited.
- B. Pole type buildings are prohibited.
- C. Properties along Highway 65 are subject to the regulations presented in Section 11, Article 5: “H65” Highway 65 Corridor Overlay District. (*Ord. No. 657*)

ARTICLE THREE: “T1-I” TIER ONE INDUSTRIAL DISTRICT

Subdivision 1: Purpose

The “T1-I” Tier One Industrial District is established, in an effort to expand upon employment opportunities within the community as well as to provide for future land area in which to develop industrial uses. The purpose of the Tier One Industrial District is allow for the continued grouping of industrial uses in locations that have adequate and convenient access to major streets, highways and the railroad line. While the City is predominately residential in character, industrial uses are an important part of the City’s land use pattern and will continue to be so in the future. While the types of uses (permitted, conditional, and interim) are similar to those found within the “I-1” Industrial Park District; the Tier One Industrial District takes into consideration the unique location of parcels identified within this district. These parcels have not yet been annexed into the corporate limits of the City. Regulations within the Tier One Industrial District continue to encourage the development of industrial uses that are compatible with surrounding and abutting land uses. In order to accomplish this compatibility, development within the district is intended for administrative, wholesaling, manufacturing, warehousing, office, and related uses which can maintain high standards of appearance, through building design, site design, and landscaping / screening, and not require a high level of public services. With proper control, these areas should be compatible with commercial or residential areas.

Subdivision 2: Permitted Uses

The following are permitted uses within the “T1-I” Tier One Industrial District:

- A. Any permitted use as listed within Section 8: Industrial Districts, Article 1: “I-1” Industrial Park District.

Subdivision 3: Conditional Uses

The following are conditional uses allowed in the “T1-I” Tier One Industrial District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Any conditional use as listed within Section 8: Industrial Districts, Article 1: “I-1” Industrial Park District.

Subdivision 4: Interim Uses

The following are interim uses allowed in the “T1-I” Tier One Industrial District and shall require an Interim Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Any interim use as listed within Section 8: Industrial Districts, Article 1: “I-1” Industrial Park District.

Subdivision 5: Uses By Administrative Permit

The following are uses permitted by Administrative Permit within the “T1-I” Tier One Industrial District and shall require an Administrative Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance.

- A. Any use by administrative permit as listed within Section 8: Industrial Districts, Article 1: “I-1” Industrial Park District.

Subdivision 6: Permitted Accessory Uses

- A. Accessory buildings and uses customarily incidental to any of the permitted uses. Accessory buildings are subject to the regulations as provided within Section 13 of this Ordinance.
- B. Off-street parking and loading, in accordance with Section 17 of this Ordinance.
- C. Outdoor smoking shelters, in accordance with Section 13 of this Ordinance.
- D. General Retail, provided that:
 - 1. The retail sales area is accessory to the principal use.
 - 2. The retail sales area is indoors.
 - 3. The retail sales area does not exceed ten (10%) percent of the gross floor area of the building in which the sales area is situated.
 - 4. No additional signage has been provided identifying the retail sales activity.
- E. Signs, in accordance with Section 16 of this Ordinance.
- F. Trash receptacle enclosures, in accordance with the regulations as provided within Section 14, Subdivision 3 of this Ordinance.

Subdivision 7: Minimum Lot Size

- A. Every individual lot, site, or tract shall have an area of not less than two and one-half (2.5) acres.
- B. Every lot or tract shall have a width of not less than one hundred sixty (160) feet abutting a public right-of-way.
- C. Every lot or tract shall have a minimum lot depth of two hundred fifty (250) feet.
- D. There shall be a required minimum of twenty-five (25) percent reservation of the total lot area for landscaping purposes. A landscaping plan must be submitted to and be approved by the Planning Commission or its designee.

Subdivision 8: Front, Side and Rear Yard Requirements

- A. Front Yard. From the center of all roads is one hundred (100) feet and from the right-of-way is sixty-seven (67) feet.
- B. Side Yard. There shall be two (2) side yards, one on each side of the building. Each side yard shall be not less than fifteen (15) feet.
- C. Rear Yard. There shall be a rear yard setback of thirty (30) feet.

Subdivision 9: Transitional Yard Requirements

When any lot line coincides with a lot line of an adjacent residential district, the setback from the lot line shall be at least thirty (30) feet.

Subdivision 10: Maximum Impervious Surface Coverage

The sum total of ground area covered by all structures and uses (permitted, accessory, interim, and conditional, including parking lots) on the zoning lot which the structures and uses are located shall not exceed seventy-five (75) percent. The applicant must prove to the City, the ability to meet or exceed City, County, and/or State stormwater holding requirements as part of their project and/or site plan approval.

Subdivision 11: Off-Street Parking and Loading/Unloading Facilities

Off-street parking and loading/unloading facilities shall meet the requirements as established in Section 17 of this Ordinance. All off-street parking and loading/unloading spaces shall be located on the same lot as the principal use.

Subdivision 12: Performance Standards

All buildings, structures, and uses shall meet the performance requirements as established within Section 14 of this Ordinance.

Subdivision 13: Building Design and Construction

- A. All proposed new uses must submit a plat to the City Planner for review for compliance with this Ordinance.
- B. Each building located on a lot shall be built in a good and work-like manner with high quality, first-class building materials. The design and location of the buildings constructed on a lot shall be attractive and shall complement existing structures and the surrounding natural features and topography with respect to height, design finish, color, size, and location.
- C. Load bearing structural components shall be steel or structural concrete. Other materials of greater strength may be used if expressly allowed by the City Council.
- D. Architecturally and aesthetically suitable building materials shall be applied to, or used on, all sides of all buildings that are adjacent to other existing or future structures or roadways. Exterior walls of iron, aluminum, or wood will be permitted only with the specific written approval of the City Council. Exterior walls of masonry, concrete and glass are encouraged. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings.

- E. All exterior wall finishes on any building shall be comprised of at least fifty (50) percent of one (1) or a combination of the following materials:
1. Face brick
 2. Natural stone
 3. Glass
 4. Specially designed pre-cast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture.
 5. Factory fabricated, finished 26 Ga. Metal panel
 6. Decorative concrete block approved by the City Council.
 7. Architectural metal accent panels, generally with a value greater than pre-cast concrete units, and as specifically approved by the Board.
 8. Other materials as approved by the Board and in conformance with existing design and character of the property.

Subdivision 14: Fencing and Screening

Fencing and Screening for industrial uses shall be accomplished through the use of either a screening fence or planting screen, which meets the requirements as stipulated within Section 15 of this Ordinance. The Planning Commission shall review and make a recommendation with final approval granted by the City Council.

Subdivision 15: Site Plan Approval Required

All applications for a building permit or an occupancy permit shall be accompanied by a site plan that meets the criteria listed in Section 18 of this Ordinance.

SECTION 13: USE REGULATIONS

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ARTICLE ONE: RESIDENTIAL USE REGULATIONS

Subdivision 1: Adult Day Center (*Ord. No. 594*)

- A. Purpose.
The purpose of this section is to ensure the safety and wellbeing of the facilities clients.
- B. Safety and Security Measures. A plan shall be submitted as part of the permit review.
1. Enclosure of outside areas may be required to provide protection from rail, traffic, water, machinery, or other environmental hazards.
 2. Secure or alarmed exits (in compliance with building and fire code). Examples include:
 - a. Mechanical or electronic restricted access systems. These types of systems are designed to prevent unauthorized people from gaining access to a center. All the doors leading into the center are locked from the inside. You may be asked to enter a code or password onto a key pad or identify yourself before the door is opened. Sometimes, you may be "buzzed" into the building after you have been identified. The system may be as simple as a door bell or as complex as security system that is electronically operated.
 - b. Main entrance unlocked, all other doors locked to prevent someone from coming into the building from the outside. This type of system requires that everyone enter the building through the same entrance unless you have a key to another door. Perhaps the director's office will be near the main entrance so that he or she can see who is coming into the building. The center controls the access to areas inside the building by monitoring who is entering.
 - c. Bell or alert device attached to an unlocked door. In this type of system, the main entrance to the building is unlocked, but equipped with a bell or buzzer so that every time the door opens, the bell or buzzer goes off. Access to the building is not controlled but because it alerts the occupants of the building that someone has come or gone it can monitor what is occurring.

Subdivision 2: Bed and Breakfast Establishments

- A. Not more than one (1) non-resident employee shall be employed at a bed and breakfast establishment.
- B. The facility shall be owner occupied and managed.
- C. One (1) on-premise sign may be used in conjunction with such use provided that the size and placement of the sign are in compliance with Section 16 of this Ordinance.
- D. The use shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- E. Parking shall be provided at one space per rooming unit, in addition to the spaces normally required for the principal residential use. Parking shall be in accordance to Section 17 of this Ordinance and shall be screened from neighboring residentially zoned or used property.
- F. If meals are available they shall be served only to paying, overnight guests. Separate kitchen and cooking facilities shall not be made available for guest use.
- G. The hours that the lobby may remain open for the arrival and departure of paying, overnight guests shall be no earlier than 7:00am and no later than 10:00pm.
- H. The total number of guest rooms are limited to five (5) and all guest rooms shall be located within the principal structure.
- I. The establishment must comply with all applicable local and state regulations regarding fire, health, building and business permits or licenses.

Subdivision 3: Group Housing Projects

When a housing project consisting of a group of four or more buildings is to be constructed on a plot of land and the land is not to be subdivided into customary streets and lots, or the existing or contemplated street and lot layout make it impractical to apply the requirements of this chapter to the individual buildings in the housing project, the requirements of this chapter shall apply to the housing project in a manner that will be in harmony with the character of the neighborhood and the density of land use to obtain a greater standard of open space than required by this chapter in the district in which the project is to be located. These standards shall be applied by means of a conditional use permit with such attachments determining open space.

Subdivision 4: Home Occupations (Ord. No. 541)

A. Purpose.

The purpose of this section is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential and mixed-use neighborhoods without jeopardizing the health, safety, and general welfare of surrounding residential properties. Each home occupation shall comply with the applicable standards so as to ensure that no adverse impact accrue to neighboring properties or infringe upon the rights of adjoining property owners. In addition, it is the purpose of this section to provide a mechanism enabling the distinction between permitted, special, and extended home occupations; so permitted home occupations may be allowed through an administrative review process rather than a legislative hearing process as required for special and extended home occupations.

B. Permitted Home Occupations.

1. Any permitted home occupation, as defined in Section 2 of this Ordinance, shall not be established unless a home occupation permit has been issued by the Zoning Administrator. An application for a home occupation permit shall be made in writing on forms provided by the Zoning Administrator. There shall be no fee charged for a permitted home occupation permit. Such permits shall be issued by the Zoning Administrator based upon proof of compliance with the provisions of this Subdivision.
2. If the Zoning Administrator denies a permitted home occupation permit, the applicant may appeal such decision pursuant to Section 21 Administration and Enforcement, Article 6 of this Ordinance.
3. A permitted home occupation permit shall remain in effect until such time as there has been a change in the conditions associated with the home occupation or until such time as the provisions of this Section have been breached by the permit holder. At any such time the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make the final decision as to whether or not the permit holder is in violation of the provisions of this Subdivision and entitled to maintain the permit.

C. Special and Extended Home Occupations.

1. **Permit Required.** Any home occupation that does not meet the specific requirements for a permitted home occupation as defined in this Ordinance shall require an Interim Use Permit for a Special or Extended Home Occupation, as defined in Section 2 of this Ordinance. Special or Extended Home Occupations shall be applied for and reviewed in accordance with the provisions as established within Section 21 Administration and Enforcement, Article 3 Interim Use Permits.
2. **Declaration of Conditions.** The Planning Commission and City Council may impose such conditions on the granting of a special or extended home occupation permit as may be necessary to carry out the purpose and provisions of this Subdivision.
3. **Term of Permit; Renewal.** A special or extended home occupation permit may be issued for a period of one year after which the permit may be re-issued for periods of up to three years each. Each application for permit renewal shall; however, be processed in accordance with the procedural requirements of the initial special or extended home occupation permit.
4. **Reconsideration.** Whenever an application for a special or extended home occupation permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial.
5. **Special and Extended Home Occupations** are subject to review upon complaints from the neighborhood. If the complaints are considered substantial; and upon inspection there has been a change in the conditions associated with the special or extended home occupation or a breach of the provisions of this Subdivision or the conditions placed upon the approval of the special or

extended home occupation are no longer being recognized, the process for revocation of the Interim Use Permit in accordance with the provisions of Section 21, Article 3 may be initiated.

- D. General and Specific Requirements. All home occupations shall comply with the following general requirements and according to the applicable definition, the additional requirements depending upon the type of home occupation:
1. General Requirements.
 - a. The home occupation shall meet all applicable Fire and Building Codes.
 - b. All home occupations shall comply with the provisions of the City Nuisance Ordinance.
 - c. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
 - d. The home occupation shall not constitute a fire hazard to adjacent or nearby residences, or a nuisance to neighbors because of excessive traffic, light, glare, noise, odors, vibrations or other circumstances, as determined by the fire marshal or zoning administrator.
 - e. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential use.
 - f. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling with the exception of one (1) identification sign not to exceed eight (8) square feet in area and shall meet the requirements as provided in Section 16 of this Ordinance for home business signs. (*Ord. No. 595*)
 - g. Exterior storage or display of equipment, materials, tools, supplies, products or by-products used or produced in conjunction with the home occupation is prohibited.
 - h. Trucks shall not be stored, operated, or maintained in residential districts. Any vehicle used in conjunction with the home occupation shall comply with the Section 17 of this Ordinance and Chapter 227 of the Isanti City Code.
 - i. The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sales, or any other objectionable uses as determined by the zoning administrator.
 - j. All permitted and special home occupations shall be conducted entirely within the living quarters of the principal dwelling and may not be conducted in any portion of the attached garage or within accessory buildings.
- E. Permitted Home Occupation Requirements.
1. Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway.
 2. Retail sales/delivery of a service can take place provided it is done on an appointment basis or conducted by mail, so as few vehicles as possible are parked at the residential dwelling at one time.
 3. Truck deliveries or pick-ups of supplies or products, and customer appointments associated with the home occupation shall be imperceptible from normal residential activity. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.
 4. No manufacturing or processing business shall be allowed as defined herein: the production of articles from raw or prepared materials whose forms, qualities, properties, or combinations represent hazardous characteristics to the general area, during processing or as the final product.
 5. Business hours are limited to the period of 7:00 a.m. to 8:00 p.m.
 6. The use of mechanical equipment other than is usual for purely domestic or hobby purposes are prohibited.
 7. The entrance to the space devoted to or used by the home occupation must be completely contained within the principal residential dwelling unit so as to have no exterior visibility.
 8. No interior or exterior alterations of the property or the structures thereon shall be allowed that would provide indication of business activities being conducted on the premises and no construction features shall be allowed which are not customarily found in a primary residential dwelling unit or which are inconsistent with the residential character of the lot and structure thereon.
 9. The area set aside for home occupation in the dwelling unit shall not exceed twenty (20) percent of the gross living area of the dwelling unit.

10. No person other than those who customarily reside on the premises shall be employed.
- F. Special Home Occupation Requirements.
1. Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking. In such cases where on-street parking facilities are necessary, however, the City Council shall maintain the right to establish the maximum number of on-street spaces permitted and increase or decrease the maximum number when and where changing conditions require additional review.
 2. A contract between the refuse handler and the owner shall be provided for all other waste including but not limited to garbage, recyclable material, decayed wood, sawdust, shaving, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other substances not sewage or industrial waste which may pollute the waters of the state. The contract shall be provided prior to issuance of the interim use permit and shall cite the destruction of waste and shall be renewed annually on or before January 1st of each year.
 3. Toxic, explosive, flammable, or other restricted materials used, sold, or stored on the site in conjunction with the home occupation must conform to the Isanti City Code and the Uniform Fire Code.
 4. Any retail sales must be accessory or incidental to the primary residential use.
 5. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the Zoning Ordinance.
- G. Extended Home Occupation Requirements.
1. A contract between the refuse handler and the owner shall be provided for all other waste including but not limited to garbage, recyclable material, decayed wood, sawdust, shaving, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other substances not sewage or industrial waste which may pollute the waters of the state. The contract shall be provided prior to issuance of the interim use permit and shall cite the destruction of waste and shall be renewed annually on or before January 1st of each year.
 2. Toxic, explosive, flammable, or other restricted materials used, sold, or stored on the site in conjunction with the home occupation must conform to the Isanti City Code and the Uniform Fire Code.
 3. Any retail sales must be accessory or incidental to the primary residential use.
 4. Home occupation operations are restricted to the dwelling unit, attached or detached garages or accessory buildings. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
 - (a) A minimum of 400 sq/ft of garage or accessory building space shall be maintained as a primary residential garage for indoor parking of vehicles and equipment.
 5. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the Zoning Ordinance.
- H. Transferability.
- Permits shall not run with the land and shall not be transferable. Home occupation permits granted by this subdivision shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Permits are not transferrable from person to person or from address to address.
- I. Lapse of Permit by Non-Use.
- If, within one year after granting a home occupation permit, the use as permitted by the permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such petition shall be in writing and file with the Zoning Administrator at least thirty (30) days before the expiration of the original permit. There shall be no charge for the filing of such a petition. The request for extension shall state facts showing a good faith attempt to initiate the use. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for decision.

- J. **Renewal of Permits.**
An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting the permit, the permit holder agrees that his monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered de novo without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for renewal of a permit.
- K. **Inspections.**
There may one or more inspections each year by the Zoning Administrator or his/her designee of any property covered by a home occupation permit. In addition, the Zoning Administrator or his/her designee shall have the right at any time, upon reasonable request of forty-eight (48) hours notice to enter and inspect the premises covered by said permit for safety and compliance purposes.
- L. **Nonconforming uses.**
Existing home occupations, lawfully existing on the date this Subdivision was adopted, may continue as non-conforming uses. The home occupation shall be required to obtain permits for their continued operation. Any existing home occupation that is discontinued for a period of more than thirty (30) days, or is in violation of the Ordinance provisions under which it was initially established or found in violation of any other City Ordinance shall be brought into conformity with the provisions of this Subdivision.
- M. **Residential Daycare Facilities.**
Residential daycare facilities are exempted from all provisions provided in this section pursuant to Minn. Stats. 462.357, subd. 7, as amended from time to time.

Subdivision 5: Manufactured Home Development (*Ord. No. 568*)

- A. **Purpose and Intent.**
1. It is the purpose and intent of this subdivision to ensure quality development of manufactured home developments, which are equal to that found in other residential neighborhoods throughout the City. Excellence in design, development, and maintenance of manufactured home developments is the desired objective for residents of such developments as well as for the overall community.
 2. Furthermore, it is the intent and purpose of this subdivision to provide provisions and standards for manufactured home developments, including manufactured single-family dwelling units, office area that would be limited to the administration of the park, recreational buildings and structures, storm shelters, and other directly related complimentary uses as allowed by a Conditional Use Permit in those zoning districts as designated within this Ordinance.
- B. **Violations; Repair or Maintenance by the City.**
1. **Additional remedies.** In the event of a violation or a threatened violation of this Subdivision, the City Council, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.
 2. **Maintenance or repair by the City.**
 - a. If the owner or any successor owner shall at any time fail to maintain any of the recreational areas or streets or any of the common space areas within the manufactured home development in reasonable order and condition, the City may enter upon such areas pursuant to the easement agreement as required, to provide the necessary repairs or upkeep to maintain the manufactured home development in an attractive, well-kept condition.
 - b. Before the City shall make any repairs upon such areas, the City shall give written notice to the record owner shown upon the records of the County Auditor, making demand that specific repairs or maintenance shall be made by the owner immediately or; in the alternative, that the City shall make such repairs and thereafter assess the costs to the owner thereof.
 - c. If the owner fails to fully comply within thirty (30) days of such notice, the City may perform the repairs and maintenance, which shall be billed to the owner of the manufactured home development and/or the recorded property owner, and payment shall be made to the City by the owner to reimburse the City immediately thereafter.
 - d. If the owner of the manufactured home park fails to make payment to the City upon the City having so demanded payment for repairs and maintenance as set forth in this section, the City shall have the

right without further notice to assess such costs, including administrative costs of the City, and certify such assessments to the County Auditor as an assessment levied to be paid with taxes on the property, the taxable portion of all or any portion of the property on which the manufactured home development is located.

- e. For issues that pose a threat to the public health or safety of residents of the manufactured home development or the City; such issues must be resolved immediately. A written thirty (30) day notice will not be required. Failure to respond to threats to the public health or safety will result in immediate action taken by the City to correct such issues; and payment shall be made to the City by the owner to reimburse the City immediately thereafter.

C. Approval Procedures.

Prior to the development of a manufactured home development, the owners shall meet with applicable City staff to review all applicable ordinances, regulations, and plans in the area to be subdivided. A sketch plan must be presented in a simple form, but should include any zoning changes which may be required, and should show that consideration has been given to the relationship of the proposed development to existing community facilities that would serve it, to neighboring subdivisions and development, and to the topography of the site. The sketch plan shall be presented to the Planning Commission in an effort to facilitate comments on the proposed plan. Such comments are non-binding and do not guarantee approval of the proposed development. All lands to be used for a manufactured home development shall be platted or re-platted in accordance with all applicable subdivision regulations. The use type indicated within specific zoning districts as identified in this Ordinance shall identify the procedure required for zoning approval of a site for use as a manufactured home development.

D. Standards for Manufactured Home Developments.

1. Utilities.

- a. All manufactured home developments and lots shall be provided with and connected to the municipal sewer and water system.
- b. All utility lines shall be buried to a depth as specified by the City Engineer. There shall be no overhead wires within the development.
- c. All utility plans shall be approved by the City Engineer prior to construction.

2. Perimeter Requirement.

All lots and structures shall be setback a minimum of fifty (50) feet from the exterior property line of the development. This area shall be landscaped with appropriate grass, shrubbery, and trees around the entire perimeter of the development. Landscaping provided within the perimeter of the development shall be maintained along with any general landscaping required and provided within the development.

3. Development Signs.

A Manufactured Home Development shall be permitted a development sign(s), providing such signs meet the requirements of Section 16 of this Ordinance.

4. Common Open Space and Community Facilities.

- a. The developer of a manufactured home development shall provide a minimum of ten (10) percent of the gross area to be developed for recreational facilities and common open space. Any required perimeter area shall not be counted towards meeting the common open space requirement. Any recreation equipment installed within these areas shall be maintained in good repair and safe condition by the management of the development.
- b. One or more central community buildings shall be provided within the development, which are maintained in a safe, clean, and sanitary condition. Such buildings shall be adequately lighted during all hours of darkness and shall contain laundry facilities, public telephones, and public restroom facilities. Such restroom facilities shall comply with requirements of the State Department of Health. Such buildings shall meet the existing code and ordinance requirements of the City of Isanti.
- c. Emergency Shelters. Each manufactured home development shall have suitable storm and disaster facilities constructed below ground to accommodate residents of the manufactured home development.
- d. Exterior Clothes Drying Facilities. A suitable area to be used for exterior clothes drying shall be provided adjacent to community building(s). No exterior clothes drying shall be permitted within a lot or any other area of the manufactured home development.

5. Storage Areas.

No recreational vehicles, hauling trailers, or other equipment shall be stored upon the streets of the manufactured home development or upon patios or open spaces of any individual lot. All manufactured home developments shall have an area set aside for storage by occupants of the manufactured home development. The storage area shall be large enough to accommodate recreational vehicles and other similar items. The storage area shall be fully screened in accordance with Section 15 of this Ordinance.

6. Off-street parking.

In addition to the required off-street parking for each manufactured home lot, the manufactured home development shall provide and maintain a paved off-street parking lot for guests of occupants. One (1) guest space shall be provided per every four (4) manufactured housing units.

7. Prohibited structures and vehicles.

Campers, camping trailers, motor homes, tent trailers, dependent trailers, travel trailers, truck campers, or other similar vehicles shall not be located on any manufactured home lot, either temporarily or permanently.

8. Refuse Collection.

Refuse and trash receptacles shall be provided on-site in accordance with the provisions as provided within Section 14 of this Ordinance.

9. Curb and gutter. A concrete curb and gutter shall be constructed along all roadways and parking areas within the development. The curb and gutter shall be designed so as to meet City specifications.

10. Streets; access to lots.

a. No manufactured home lot shall have direct access to a public street.

b. Each manufactured home shall abut on and have access to a private street used by the residents of the development and built and maintained by the owner thereof. Private streets shall meet the standards as provided within the City's Subdivision Ordinance for developments located within the R-3 District.

c. Sidewalks meeting the standards provided in the City's Subdivision Ordinance shall be constructed in compliance with the provisions of the applicable Conditional Use Permit.

d. All private streets within the development shall be named for way finding and addressing purposes acceptable to the Public Works Department and any applicable City ordinances. Such private roadways shall be marked with street signs of design, appearance, and placement as acceptable to the Public Works Department.

11. A manufactured home development shall have grading, drainage, erosion control and stormwater management plans designed in conformance with the requirements of this Ordinance, Ordinance No. 254 and Ordinance No. 420 and any other applicable local, state, or federal regulations. Site development shall conform to all approved plans.

a. Changes to approved plans.

(1) Minor changes in location, placement, or height of buildings, or in grading or landscape plans may be authorized by the City Planner or his/her designee where unforeseen circumstances such as engineering or building requirements dictate such a change.

(2) Changes in the shape, size, and arrangements of lots and blocks, or in the allocation of open space, and all other substantial deviations from the final approved plans shall be referred to the Planning Commission for recommendation, after which the City Council shall decide to either approve or deny the changes to the final plans.

(3) If changes are authorized, the owners and/or developers shall submit a revised plan showing authorized changes, which shall be filed with the City Planner.

E. Standards for Manufactured Home Lot. A manufactured home located on a lot within a manufactured home development shall meet the following requirements.

1. Maximum Unit Density.

The maximum density for the site shall be eight (8) units per acre.

2. Minimum Lot Size.

The minimum lot size for a manufactured home lot is 6,000 square feet.

3. Minimum Lot Width / Depth.

Lot Width 60 feet

Lot Depth 100 feet

4. Maximum Lot Coverage.

The maximum area to be occupied by impervious surface shall not exceed fifty (50) percent of the manufactured

- home lot.
5. Setback requirements.
- | | |
|----------------------------|-------------------------|
| Front yard | 20 feet |
| Rear yard | 20 feet |
| Street side yard | 20 feet |
| Side yard | 15 feet, total combined |
| Building / Unit Separation | 15 feet |
| Perimeter setback | 50 feet |
6. Landscaping.
Each individual manufactured home lot shall have two (2) trees provided. Trees shall be of a species and size as required in Section 15 of this Ordinance for residential districts.
7. Parking.
Off-street parking for two (2) vehicles shall be provided on each manufactured home lot within the development. Additional parking areas for the overall development shall also be provided as stipulated within Subsection (D)(6) of this Subdivision. Driveways and off-street parking areas shall be setback five (5) feet from the property line. All driveways and off-street parking areas shall be constructed of concrete or bituminous.
8. Skirting and foundation screening.
Skirting and/or permanent foundation screening, shall be installed on all sides of a sited manufactured home between the ground and the underside of the manufactured home to visually screen the area, protect utility connections and control the harboring of pests and vermin below the lowest floor of the manufactured home and the manufactured home stand. The skirting must be made of a rigid weather-proof material installed and affixed to provide a solid visual barrier to the underside of the home, its stand and foundation or anchoring system. Rigid skirting must be of the same color and reflective finish as the exterior siding of the manufactured home. A solid skirting system of all-weather material may be used instead of rigid skirting siding material. Such a solid skirting system may be comprised of masonry block, stone or concrete retaining wall construction, exterior grade simulated block, stone or concrete retaining wall construction, exterior grade simulated brick, stone, stucco or permanent siding if of the same style and color of the exterior siding of the manufactured home. Such skirting must be so constructed that the underside and utility connections of the manufactured home can be reasonably subject to inspection, repair, and maintenance.
9. Manufactured homes within the development shall comply with the National Manufactured Housing Construction and Safety Act, as may be amended from time to time. No manufactured home may be moved onto any lot within the development which does not meet current National Manufactured Housing Construction and Safety Act standards.
10. No manufactured home may be inhabited by a greater number of occupants than that for which it was designed.
11. Every manufactured home shall be placed on a permanent foundation with wheels, tongues, and hitch removed.
12. Accessory structures.
Accessory structures are permitted in accordance with the regulations provided in Section 13, Article 4 of this Ordinance. Setbacks for the accessory structure shall meet the following:
- | | |
|--------------------------|---------|
| Rear yard setback | 5 feet |
| Side yard setback | 5 feet |
| Street side yard setback | 20 feet |
13. Additions.
Any building additions to the principle unit must be suitably anchored to the ground and either be commercially made for manufactured homes or meet the standards of the building code. All additions must be consistent and compatible to the design of the principle unit.
14. Permitted encroachments.
The following accessory and mechanical appurtenances may encroach into required setback areas as follows:
- Steps, stoops, and landings. Attached steps, uncovered stoops and landings may encroach up to five (5) feet into the setback area, provided that they do not exceed twenty (20) square feet in area. No step, stoop, or landing shall be located closer than ten (10) feet to another manufactured home or attachment thereto.
 - Air conditioners. An air conditioning unit may encroach up to five (5) feet into the setback area.
 - Eaves and overhangs. An eave or overhang may encroach up to one (1) foot into the setback

area.

F. Manufactured Home Development Management.

1. Owner or Manager Required. Every manufactured home development shall be in the charge of a responsible attendant or caretaker at all times whose duty it shall be to maintain the development, its facilities and equipment in a clean, orderly, and sanitary condition. The owner or manager shall be responsible to ensure that the owners and/or tenants maintain the manufactured homes on the lots in the development in good repair.
2. Office Required. A manufactured home development shall have an office for the use of the operator or manager of the development. This office shall be clearly identified and distinctly marked with a sign that is illuminated during all hours of darkness. A map of the manufactured home development identifying all lot locations and unit addresses shall be displayed at the park office and also be illuminated during hours of darkness.
3. Notification of City Ordinances. The owner or manager shall be responsible for notifying the development residents of all applicable provisions and regulations under this Ordinance; and inform them of their responsibilities under this Ordinance.
4. Resident Registry Required. A registry shall be maintained by the management in the office of the manufactured home development indicating the name and location of residence of each current, permanent resident of the manufactured home development and the date of beginning residence in the development. Each manufactured home lot shall be identified in the records by a unique number, letter or street address.
5. Building Permits Required.
 - a. Prior to a manufactured home being moved into a lot, the owner shall apply for and obtain a building permit for the foundation and a permit for connection of public sewer and water. The application for permits shall be accompanied by a site plan, drawn to scale, detailing the unit placement, location of accessory structures, and setbacks. The installation or construction of any structures or improvements within the development or upon an individual lot shall require a building permit. All plans for installation and construction shall meet City codes and ordinances.
 - b. No work shall be completed to, within, or with respect to any manufactured home or manufactured home development until a building permit has been issued by the City. Requests for building permits shall be submitted through the manufactured home development management. Permission from management must be provided prior to issuance of a building permit.
 - c. Building permit fees shall be required in accordance with current adopted fee schedules at the time of issuance.

G. Manufactured Home Development Closings.

In view of the unique nature and issues presented by the closure or conversion of manufactured home developments, the City Council finds that the public health, safety, and general welfare will be promoted by requiring relocation assistance and/or compensation to displaced homeowners and residents of such developments. The purpose subsection is to require development owners to pay displaced homeowners and residents reasonable relocation costs and purchasers of manufactured home developments to pay additional compensation, pursuant to the authority granted under Minnesota Statutes, Section 327C.095, as amended.

1. Relocation costs incurred. The reasonable cost actually incurred by a displaced resident of relocating a manufactured home for a manufactured home development within the City of Isanti that is being closed or converted to another use to another manufactured home development within a twenty-five (25) mile radius of the development, as follows:
 - a. Preparation for move. Reasonable costs incurred to prepare the eligible manufactured home for transportation to another site. This category includes crane services if needed, but not the cost of wheel axles, tire, frame welding or trailer hitches.
 - b. Transportation to another site. Reasonable costs incurred to transport the eligible manufactured home to another manufactured home development within a twenty-five (25) mile radius. This category also includes the cost of insuring the manufactured home while the home is in the process of being relocated, and the cost of obtaining moving permits. This category does not include the cost of moving personal property separate and distinct from the manufactured home and separate and distinct from the appliances and appurtenances of the manufactured home.

- c. Hook-up at new location. The reasonable cost of connecting the eligible manufactured home to utilities at the relocation site, including crane services if needed. The development owner shall not be required to upgrade the electrical or plumbing systems of the manufactured home.
 - d. Relocation costs do not include the cost of any repairs or modifications to the manufactured home needed to bring the home into compliance with state and federal manufactured home building standards for the year in which the home was constructed. Relocation costs also do not include the cost of any repairs or modifications to the home or appurtenances needed to bring the home into compliance with the rules and regulations of the manufactured home development to which the manufactured home is to be relocated, if these rules and regulations are no more stringent than the rules and regulations of the development in which the home is located.
- 2. Notice of closing. If a manufactured home development is to be closed, converted in whole or part to another use or terminated as a use of the property, the development owner shall, at least nine (9) months prior to the closure, conversion to another use, or termination of use, provide a copy of a closure statement to a resident of each manufactured home and to the City Planner, acting on behalf of the Planning Commission and to the Commissioners of Health and the Housing Finance Agency.
- 3. Notice of public hearing. The City Planner shall submit the closure statement to the City Council and request the City Council to schedule a public hearing. The City shall mail a notice at least ten (10) days prior to the public hearing to a resident of each manufactured home in the development and to the development owner stating the time, place, and purpose of the hearing. The development owner shall provide the City with a list of names and addresses of at least one resident of each manufactured home in the development at the time the closure statement is submitted to the City.
- 4. Public hearing. A public hearing shall be held before the City Council for the purpose of reviewing the closure statement and evaluating what impact the development closing may have on the displaced residents and the development owner. The development owner shall be present at such hearing. The City Council shall determine the adequacy of the closure statement and direct payment of relocation costs pursuant to this Subsection of this Ordinance.
- 5. Conditions of closing.
 - a. As a condition of closing of the manufactured home development, the development owner shall pay the relocation costs to displaced residents. If the development owner determines less than six (6) months prior to the date of closure of the development that the development will not be closed, the development owner may rescind the Notice of Closure and shall pay any actual relocation costs incurred by any of the development's manufactured home owners. If the development owner determines at six (6) months or more prior to the date of closure of the development that the development will not be closed, the development owner may rescind the notice of closure, and not be liable for any relocation costs.
 - b. The City shall not issue a building permit in conjunction with the reuse of the manufactured home development property unless the development owner has paid the relocation costs and/or the development purchaser has compensated displaced residents in accordance with the requirements of this Section. Approval of any application for a rezoning, platting, conditional use permit, planned unit development, interim use permit, or variance in conjunction with a development closing or conversion shall be conditioned on compliance with the requirements of this Subsection.
- 6. Displaced resident statement. Within ninety (90) days of receipt of a closure notice, the displaced resident shall provide the development owner with a written statement of relocation costs, or, in the alternative, a written statement that the resident cannot relocate his or her manufactured home to another manufactured home development within twenty-five (25) mile radius. If a resident determines not to relocate as defined within this subsection, the resident must state whether he or she elects to receive relocation costs under subsections 7 or 8 below.
- 7. Election to relocate.
 - a. If a manufactured home can be relocated to another manufactured home development within a twenty-five (25) mile radius, the owner of the development shall pay displaced residents' relocation costs as defined herein.
 - b. The development owner shall make relocation payments directly to contractors providing the relocation services, or shall reimburse the displaced resident directly after the resident submits to the development owner proof of payment or relocation costs. The development owner shall be entitled to receive documentation of relocation cost, including costs of

- proposals, invoices, estimates and contracts for relocation services.
- c. If a displaced resident cannot relocate the manufactured home within a twenty-five (25) mile radius of the development that is being closed or some other agreed upon distance, and the resident elected not to tender a title to the manufactured home, the resident is entitled to relocation costs based upon an average of relocation costs awarded to other residents of the development, or, if no other homes have been relocated, the reasonable costs of relocating the home within a twenty-five (25) mile radius.
 - d. A displaced resident compensated under this subsection shall retain title to the manufactured home and shall be responsible for its prompt removal from the manufactured home development. All rent due and owing the park owner, and all property taxes for the current and prior years shall be paid by the displaced resident prior to removing the manufactured home from the development.
8. Election to receive compensation. If a resident cannot relocate his or her manufactured home to another manufactured home development within a twenty-five (25) mile radius or some other agreed upon distance and tenders title to the manufactured home, the resident is entitled to compensation to be paid by the owner of the development in order to mitigate the adverse financial impact of the development closing. In such instance, the compensation shall be an amount equal to the estimated market value of the tax assessed value of the manufactured home, whichever is greater, as determined by a state licensed independent appraiser experienced in manufactured home appraisal and approved by the City Manager. The owner of the development shall pay the cost of the appraisal or shall reimburse the City for any advances it makes to such appraiser for such cost. The owner of the development shall pay such compensation into an escrow account, established by the owner of the development, for distribution upon transfer of title to the home. The amount otherwise due the displaced resident may be tendered on the date of transfer of title from the escrow account for payment on liens and encumbrances. The resident shall transfer title of the manufactured home to the owner of the development free and clear of all liens and encumbrances. All rent due the property owner and all property taxes for the current and prior years shall be paid by the displaced residents prior to distribution to the displaced resident from the escrow account.

In the event the owner is unable to locate the title to the manufactured home, the owner of the home shall sign an affidavit setting forth:

- a. The inability to locate the title;
- b. The homeowner's desire to transfer ownership of the home to the development owner for disposal purposes; and
- c. The homeowner's agreement to transfer ownership and releasing the development owner from any liability for the home's eventual disposal.

Compensation under this subsection shall be paid to the displaced resident no later than ninety (90) days prior to the earlier of closing of the development or its conversion to another use.

9. Limitation of relocation costs and compensation. The total amount of compensation paid to displaced residents shall not exceed the greater of twenty-five (25) percent of the County Assessor's estimated market value of the manufactured home development, as determined by the County Assessor for the year in which the development is scheduled to close, or twenty-five (25) percent of the purchase price of the development, whichever is greater.
10. Proof of residency. If any disputes arise regarding the right of an individual to receive compensation, the individual can prove a right to compensation by providing evidence of legal occupancy in the development. Such evidence includes, but is not limited to, legal title to the home, tax records indicating ownership of the home, records from the department of transportation showing ownership of the home, a copy of a signed lease agreement, or proof of payment of rent. Additionally, any resident on the list provided by the development owner to the City within the closure statement is presumed to be a legal resident.

Subdivision 6: Residential Conversions

Conversion of a Residential Dwelling Unit shall be permitted in those districts as identified within this Ordinance. All conversions are subject to the following requirements:

- A. All residential conversions shall meet building code requirements and shall submit all necessary documentation

for a building permit.

- B. All residential conversions shall meet the requirements of the zoning code, to include but not limited to; parking requirements, impervious surface requirements, setback and lot requirements.
- C. All residential conversions shall pay all City fees, as would be charged to any new dwelling unit, as outlined within the City Fee Ordinance. These fees include, but are not limited to: Park and Recreation Unit Charge, Signal Light Fee, SAC and WAC. All fees shall be paid at the time of building permit issuance. Any units that have previously paid, such fees will be deducted from the total fees paid to the City.

ARTICLE TWO: NON-RESIDENTIAL USE REGULATIONS

Subdivision 1: Adult Day Center (*Ord. No. 594*)

- A. Purpose.
The purpose of this section is to ensure the safety and wellbeing of the facilities clients.
- B. Safety and Security Measures. A plan shall be submitted as part of the permit review.
 - 1. Enclosure of outside areas may be required to provide protection from rail, traffic, water, machinery, or other environmental hazards.
 - 2. Secure or alarmed exits (in compliance with building and fire code). Examples include:
 - a. Mechanical or electronic restricted access systems. These types of systems are designed to prevent unauthorized people from gaining access to a center. All the doors leading into the center are locked from the inside. You may be asked to enter a code or password onto a key pad or identify yourself before the door is opened. Sometimes, you may be "buzzed" into the building after you have been identified. The system may be as simple as a door bell or as complex as security system that is electronically operated.
 - b. Main entrance unlocked, all other doors locked to prevent someone from coming into the building from the outside. This type of system requires that everyone enter the building through the same entrance unless you have a key to another door. Perhaps the director's office will be near the main entrance so that he or she can see who is coming into the building. The center controls the access to areas inside the building by monitoring who is entering.
 - c. Bell or alert device attached to an unlocked door. In this type of system, the main entrance to the building is unlocked, but equipped with a bell or buzzer so that every time the door opens, the bell or buzzer goes off. Access to the building is not controlled but because it alerts the occupants of the building that someone has come or gone it can monitor what is occurring.

Subdivision 2: Automobile Car Wash Establishments

- A. Stacking shall be provided in accordance with Section 17 of this Ordinance, with such areas designated to facilitate adequate on-site circulation.
- B. Water shall not drain across any sidewalk or into a public right-of-way, subject to the approval of the City Engineer.
- C. Vacuuming and drying facilities shall be located in an enclosed structure or located away for any residential use to minimize the impact of noise.
- D. All water disposal facilities including sludge, grit removal, and disposal equipment shall conform with all sections and codes regarding sewerage and health.

Subdivision 3: Day Care Center

- A. A fence a minimum of five (5) feet in height shall surround all outdoor play areas.
- B. All necessary permits and/or licenses shall be obtained from the State of Minnesota and any other applicable state agency prior to the opening of the facility.
- C. When a child care facility is proposed in a church or school building, the use shall be considered a permitted accessory use; and shall meet the stipulations outlined above.

Subdivision 4: Drive-Thru Facilities

Are permitted by a Conditional Use Permit only as an accessory use to a business or restaurant, as identified within this Ordinance, providing the following requirements are met:

- A. No drive-thru window shall be adjacent to a public street.
- B. Drive-thru facilities shall be limited to one (1) service window which is part of the principal structure and not more than two queuing lanes, unless approved along with additional landscaping, screening, or other pedestrian amenities such as fencing, seating, raised pedestrian crossings, etc.

- C. There shall not be any additional curb cuts on a public right-of-way exclusively for the use of drive-thru queuing or exit lanes. Drive-thru traffic shall enter and exit from internal circulation drives.
- D. Queuing space for at least four (4) cars or seventy (70) feet shall be provided per drive-thru service land as measured from but, not including the first drive-thru window or teller station.
- E. Queuing space shall not interfere with parking spaces or traffic circulation with the parking lot or upon the public right-of-way.
- F. Alcoholic beverages shall not be served.
- G. Exterior loud speakers shall be located a minimum of one hundred fifty (150) feet from any parcel containing a residential use and such speakers shall comply with the noise regulations as provided within Isanti City Code of Ordinances.
- H. A by-pass lane shall be provided, allowing autos to exit the drive-thru lane from the stacking lane.
- I. Screening of automobile headlights must be provided. Screening shall be at least three (3) feet in height and fully opaque. Screening shall consist of a wall, fence, dense vegetation, berm or grade change or similar screening as determined to be acceptable by the City Council.

Subdivision 5: Extended Home Occupations (Ord. No. 583)

- A. Purpose

The purpose of this section is to allow for the gradual transformation of the areas of the business districts that are primarily residential to convert to business and commercial type uses that are fitting to the districts and to provide a means through the establishment of specific standards and procedures by which extended home occupations can be conducted in business and mixed-use districts without jeopardizing the health, safety, and general welfare of surrounding properties. Each extended home occupation shall comply with the applicable standards so as to ensure that no adverse impact accrue to neighboring properties or infringe upon the rights of adjoining property owners.
- B. Regulations
 - 1. Permit Required. Extended Home Occupations shall be applied for and reviewed in accordance with the provisions as established within Section 21 Administration and Enforcement, Article 3 Interim Use Permits.
 - 2. Declaration of Conditions. The Planning Commission and City Council may impose such conditions on the granting of an extended home occupation permit as may be necessary to carry out the purpose and provisions of this Subdivision.
 - 3. It shall be determined by the Planning Commission and City Council whether the use and location are fitting and compatible with the surrounding neighborhood.
 - 4. Term of Permit; Renewal. A special or extended home occupation permit may be issued for a period of one year after which the permit may be re-issued for periods of up to three years each. Each application for permit renewal shall; however, be processed in accordance with the procedural requirements of the initial special or extended home occupation permit.
 - 5. Reconsideration. Whenever an application for an extended home occupation permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial.
 - 6. Extended Home Occupations are subject to review upon complaints from the neighborhood. If the complaints are considered substantial; and upon inspection there has been a change in the conditions associated with the extended home occupation or a breach of the provisions of this Subdivision or the conditions placed upon the approval of the extended home occupation are no longer being recognized, the process for revocation of the Interim Use Permit in accordance with the provisions of Section 21, Article 3 may be initiated.
- C. General and Specific Requirements. All home occupations shall comply with the following general requirements and according to the applicable definition, the additional requirements depending upon the

type of home occupation:

1. General Requirements.
 - a. The home occupation shall meet all applicable Fire and Building Codes.
 - b. All home occupations shall comply with the provisions of the City Nuisance Ordinance.
 - c. Home occupations may be allowed to accommodate their parking demand through utilization of on-street parking. In such cases where on-street parking facilities are necessary, however, the City Council shall maintain the right to establish the maximum number of on-street spaces permitted and increase or decrease the maximum number when and where changing conditions require additional review.
 - d. The home occupation shall not constitute a fire hazard to adjacent or nearby residences, or a nuisance to neighbors because of excessive traffic, light, glare, noise, odors, vibrations or other circumstances, as determined by the fire marshal or zoning administrator.
 - e. Signage shall comply with Section 16 of this Ordinance.
 - f. Exterior storage or display of equipment, materials, tools, supplies, products or by-products used or produced in conjunction with the home occupation is prohibited.
 - g. Any vehicle used in conjunction with the home occupation shall comply with the Section 17 of this Ordinance and Chapter 227 of the Isanti City Code.
 - h. The home occupation shall not include operations relating to internal sales, or any other objectionable uses as determined by the zoning administrator.
2. A contract between the refuse handler and the owner shall be provided for all other waste including but not limited to garbage, recyclable material, decayed wood, sawdust, shaving, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other substances not sewage or industrial waste which may pollute the waters of the state. The contract shall be provided prior to issuance of the interim use permit and shall cite the destruction of waste and shall be renewed annually on or before January 1st of each year.
3. Toxic, explosive, flammable, or other restricted materials used, sold, or stored on the site in conjunction with the home occupation must conform to the Isanti City Code and the Uniform Fire Code.
4. If the owner of an extended home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.

Subdivision 6: Farmer's Markets

- A. When more than twenty (20) vendors are anticipated, trash receptacles and screened dumpsters shall be provided on the site. Such dumpsters shall be picked up the day following the close of the market.
- B. The site shall be maintained and cleaned on a nightly basis to eliminate debris and rodent activity.
- C. The site shall be accessible via a collector or an arterial roadway.
- D. Sales hours will only be permitted from sunrise to sunset.
- E. A parking plan shall be submitted for City Council review and approval.
- F. When more than twenty (20) vendors are anticipated, restroom facilities shall be provided on or adjacent to the property. When provided on an adjacent property, written approval from the neighboring property owner, authorizing the use of restroom facilities from the neighboring property shall be filed with the City.

Subdivision 7: Gas Stations and/or Convenience Stores

- A. An automobile car wash facility shall be permitted as an accessory use and shall meet the standards as stipulated within this Article.
- B. A minimum of two (2) access points for vehicular traffic shall be provided, so as to avoid conflict with traffic movement on the property.
- C. Fuel pumps shall be installed on pump islands. Canopies covering pump islands shall meet the required setbacks as established within the zoning district in which the use is located.

- D. All design and site plans for a proposed gas station or an expansion of an existing station must be reviewed by the Planning Commission and approved by the City Council. The facilities appearance shall be designed to be compatible with the surrounding residential land uses, if any, and is subject to City Council approval.
- E. There shall be no exterior storage or sales of goods or equipment, except where specifically allowed elsewhere within this Ordinance.
- F. No vehicular sales or repair, other than the dispensing of motor fuel shall be permitted.
- G. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
- H. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.

Subdivision 8: Household Maintenance and Small Engine Repair Facility

- A. Required off-street parking and loading shall not be used for outdoor sales or storage areas and shall meet the requirements of Section 17 of this Ordinance.
- B. All items awaiting repair or pickup shall be stored on site within an enclosed building.
- C. Disposal of fluids and scrap parts shall comply with MPCA requirements.
- D. All areas of the property not devoted to building or parking areas shall be landscaped in accordance with Section 15 of this Ordinance.
- E. Venting of odors, gas, and fumes shall be directed away from adjacent residential uses.
- F. Sales and display of items associated with the business shall be done within an enclosed building.
- G. Additional conditions may be established to control noise during the operation of the facility, which may include but is not limited to the hours of operation.

Subdivision 9: Meat Processing Facilities

- A. Purpose and Intent
 - 1. Recognize that food, in its various forms, is essential to the health and well-being of the City of Isanti, and that the unregulated operation of meat processing facilities and / or slaughter houses may create health hazards, or otherwise jeopardize the public health and welfare of the residents of the City of Isanti.
 - 2. It is the intent of the City of Isanti to attempt to frame this Subdivision consistently with the definitions and regulations already in place in State Statute so as to provide for the consistent and convenient regulation of meat processing facilities and slaughter houses.
 - 3. It shall be unlawful for any person to operate a slaughter house, custom processing facility or meat processing facility for the butchering of animals within the City of Isanti except in conformance with this Subdivision.
- B. Regulations
 - 1. No person may, with respect to any animal or meat food product, slaughter any animal or prepare an article that is usable as human food, at any establishment or place of business within the City of Isanti except in accordance with this Subdivision. Additionally, no person may operate any slaughter house, custom processing activity, or meat processing facility except in compliance with this Subdivision.
 - 2. The operation of a meat processing facility or custom processing activity is allowed as a conditional use only as an accessory use to a meat market within the “B-1” Central Business District. All such uses must, however, be in strict conformance with all Federal and State laws for the operation of such facilities. The following are conditions to govern custom processing and meat processing facility activities within the City of Isanti.
 - a. Slaughter of animals shall take place inside a closed building in a confined area to

- b. prevent the transmission of sound associated with the slaughter to the outside. The transport of animals and animal by-products from the slaughter shall be pursuant to the conditions set forth in the Conditional Use Permit issued by the City of Isanti.
- c. Off-street parking and loading shall meet the requirement of Section 15 of this Ordinance.
- d. Disposal of waste shall be in accordance with all applicable laws and regulations. This is meant to include, but is not limited to, all sewage, processed and unprocessed animal parts, manure, entrails, blood, hides and bones.
- e. The facility must have all necessary federal, state and county licenses and approvals, and shall comply with all state and federal health and safety regulations.
- f. The maximum area (indoor, outdoor or combination thereof) for the keeping and slaughtering of animals shall not exceed the floor area of the meat market. The Conditional Use Permit will limit the size of the facility and the number of animals for keeping or slaughtering.
- g. The facility hours of operations shall be pursuant to those set forth in the Conditional Use Permit issued by the City of Isanti.
- h. Exterior storage areas, including animal storage areas, and vehicle and trailer storage, shall be prohibited within the Central Business District.
- i. Live animals may be held on site for no more than twenty-four (24) hours.
- j. Waste slaughter byproducts shall be disposed of in accordance with all applicable federal, state, and local regulations. At a minimum, waste shall be disposed of within forty-eight (48) hours of being produced. Waste shall be stored in airtight containers and shall be confined in fully enclosed structures. Manure from holding areas shall be removed from the site daily or stored in a manner to control odor as approved by the City of Isanti.
- k. The conditional use permit shall be subject to a facility management plan, waste handling plan, site plan, and noise and odor control plan as approved in writing by the City Council.
- l. All loading and unloading areas shall be screened from view from adjacent properties and public streets.

C. State and Federal Licenses or Permits.

No person shall operate a slaughterhouse, custom processing facility or meat processing facility unless that person has first obtained any required State or Federal licenses or permits.

Subdivision 10: Motor Vehicle Body Shops and Repair Facilities

- A. Required off-street parking and loading shall not be used for outdoor sales or storage and shall meet the requirements of Section 17.
- B. All vehicles awaiting repair or pickup shall be stored on site within an enclosed building or within defined parking spaces.
- C. No sales, storage, or display of used automobiles or other vehicles, to include but not limited to motorcycles, snowmobiles, or all-terrain vehicles will be permitted on the property.
- D. Disposal of vehicle fluids shall comply with MPCA regulations.
- E. All areas of the property not devoted to building or parking areas shall be landscaped in accordance with Section 15 of this Ordinance.
- F. Venting of odors, gas, and fumes shall be directed away from adjacent residential uses.
- G. Additional conditions may be established to control noise during the operation of the facility, which may include but is not limited to hours of operation.

Subdivision 11: Motor Vehicle Sales and Rental/Leasing Facilities

- A. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
- B. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with

Section 15 of this Ordinance.

- C. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.
- D. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.
- E. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
- F. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
- G. No outside speaker system shall be permitted without the approval from the City Council.
- H. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.

Subdivision 12: Open Sales Lots

- A. Open sales lots and parking shall be paved with concrete or bituminous before the operation begins and shall be maintained to control dust, drainage, and erosion.
- B. Interior concrete and asphalt curbs shall be constructed on the property to separate driving / parking surfaces from landscaped areas.
- C. A strip of not less than five (5) feet adjacent to the public right-of-way shall be landscaped or screened in accordance with the provisions as set forth in Section 15 of this Ordinance.
- D. Open sales area shall be set back a minimum of ten (10) feet from the property line.
- E. Required off-street parking and loading shall not be used for outdoor sales or storage and shall meet the requirements of Section 17.
- F. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.

Subdivision 13: Outdoor Patios and Decks.

Are permitted as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales, providing the following requirements are met:

- A. The patio or deck shall be contiguous to the principal structure and shall meet the setbacks of the primary structure.
- B. The patio or deck area shall conform to all zoning and building code requirements. If smoking is to be permitted on the patio or deck, such structures shall be in compliance with the Minnesota Freedom to Breathe Act of 2007.
- C. If service of food, alcohol, and non-alcoholic beverages is provided, the liquor liability insurance and

license shall stipulate this particular area as well.

- D. The primary access to the patio or deck shall be from the principal building. The area surrounding the patio or deck shall be fenced so as not to allow entrance from the outside and so as to prohibit the free passage of any person or substance from the area.
- E. Signs shall be posted in accordance with State Statute to advise persons of the existence of acceptable non-smoking and smoking permitted areas with the patio or deck area.
- F. An employee shall be assigned to supervise the area during all hours of operation.
- G. Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc., shall be provided.
- H. Amplified sound that would disturb the peace of the surrounding area is prohibited.
- I. Patios/Decks shall be a maximum of 800 square feet in area.
- J. The proprietor of an outdoor dining area/patio/deck or bar area of a restaurant may designate for smoking up to fifty (50) percent of the outdoor seating capacity of the restaurant provided this location is appropriately signed.

Subdivision 14: Outdoor Seating

Food service businesses, including, but not limited to, bakeries, delicatessens, coffee shops, and restaurants, may provide temporary outdoor seating as an accessory use for their patrons, provided the following requirements are met:

- A. An administrative permit shall be reviewed and approved by the City Planner or his/her designee. If the proposed outdoor seating area abuts a residential district, then a Conditional Use Permit is required.
- B. Seating and furniture shall enhance the appearance of the business.
- C. Seating areas shall be located in a controlled or cordoned area with at least one (1) opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted. Access to such area shall be through the principal building only. Signage shall be displayed that restricts the consumption of alcohol outside of the designated outdoor seating area.
- D. Seating shall be located and designed so as not to interfere with pedestrian and vehicular circulation.
- E. Seating areas shall be equipped with trash receptacles and shall be periodically reviewed for litter pick up.
- F. Seating areas shall not have loud speakers or audio equipment that is audible from adjacent property lines. All exterior sound equipment shall be shut off by ten (10) o'clock p.m.
- G. Lighting shall be permitted to the extent that it only illuminates the designated seating area.
- H. Seating areas shall not obstruct required accesses, entrances, and exits into the business establishment; but shall be located adjacent to the principal use.
- I. Seating shall not be located in such a manner as to obstruct parking spaces. No additional parking is required for thirty (30) seats or less. Any additional seating over thirty (30) seats shall provide required parking based on one (1) space per three (3) seats.
- J. Any proposed outdoor seating plan over fifty (50) seats shall be reviewed as a Conditional Use Permit.

Subdivision 15: Outdoor Storage

- A. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
- B. Outside storage area shall not be placed within required parking or loading areas, which are deemed necessary to meet code requirements.

- C. Outside storage areas shall be located within the rear yard; however, outdoor storage may be located within the side yard, providing the side yard is not adjacent to or across the street from any residentially zoned property.
- D. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.
- E. Cars, vans, and pickup trucks parked outside and used by employees and/or visitors in the normal course of business operation will not be construed as outdoor storage. Further, outside parked trucks and semi-trailers used in conjunction with normal business activities will not be construed to be outdoor storage provided (a) the total number of trucks and semi-trailers does not exceed the number of docks and/or bay doors; (b) such vehicles are currently licensed by the State of Minnesota and are in the process of delivering or picking up goods or materials, and (c) such use is not construed as an operation listed as a conditional use in the industrial zone. All other vehicles and/or equipment associated with the business shall meet the fencing and screening requirements as stipulated within this ordinance. (*Ord. No. 470*)

Subdivision 16: Recreational Vehicle Repair Facility

- A. Required off-street parking and loading areas shall not be used for outdoor sales or storage and shall meet the requirements of Section 17 of this Ordinance.
- B. All vehicles awaiting repair or pickup shall be stored within an enclosed building or within defined parking spaces.
- C. Disposal of vehicle fluids shall comply with MPCA requirements.
- D. All areas of the property not devoted to building or parking areas shall be landscaped in accordance with Section 15 of this Ordinance.
- E. Venting of odors, gas, or fumes shall be directed away from adjacent residential properties.
- F. Additional conditions may be established to control noise during operation of the facility, which may include but is not limited to hours of operation.
- G. Properties located within the “B-1” Central Business District shall be subject to the following additional standards, due to the unique nature and location of the zoning district:
 - 1. Vehicles awaiting repair or pickup, which is stored within defined parking spaces shall be effectively screened year-round, by a wall or fence in accordance with Section 15 of this Ordinance.
 - 2. No outside storage of damaged vehicles, parts, and equipment shall be permitted.
 - 3. Open sales lots are subject to the provisions as stipulated within this Section and Article of this Ordinance.
 - 4. The maximum number of vehicles either for sale, rent, or awaiting repair on the property shall be limited to four (4).

Subdivision 17: Smoking Shelters

Are permitted as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales; providing the following requirements are met:

- A. The structure shall be located on the subject property and shall conform to all zoning and building code requirements as well as state statutes.
- B. Smoking shelters shall be a detached accessory outdoor structure and shall be located within the buildable lot area in the rear or side yard. The structure shall meet the setback requirements of the primary structure.
- C. The structure may have a roof and/or partial walls, but must be less than fifty (50) percent enclosed as defined by state statute. All enclosures shall be constructed of materials, which are compatible with the overall architecture of the principal structure or development and shall have a permanent foundation.
- D. Smoking shelters shall not be located closer than twenty-five (25) feet from any entrances, exits, open windows and ventilation intakes of a public place.

- E. Smoking shelters shall not be more than four hundred (400) square feet in area.
- F. The smoking shelter shall be defined or constructed so as to prohibit the free passage of any person or substance from the area.
- G. An employee shall be assigned to supervise the area during all hours of operation.
- H. Amplified sound that would disturb the peace of the surrounding area is prohibited.
- I. Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc., shall be provided.
- J. Service of food and alcoholic and non-alcoholic beverages is prohibited in smoking shelters.

Subdivision 18: Telecommunication and Antenna Towers

- A. Purpose. The City desires placement of towers to allow for the best telecommunication abilities of its citizens and businesses, but also to limit the number of towers by supporting co-location of carriers on a telecommunications antenna or tower. The City desires that towers not be placed on environmentally sensitive areas.

In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary in order to:

- 1. Facilitate provision of wireless communications services to the residents and businesses of the city;
- 2. Minimize adverse visual effects of towers through careful design and siting standards;
- 3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- 4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community. This includes co-locating of telecommunication carriers.

- B. Zoning Districts: The City will allow telecommunication towers and antennas on City Land, areas zoned Industrial, Highway Commercial, and General Commercial with a Conditional Use Permit and a Site plan. Towers in these locations will be allowed in the back and side yards only.

In residential zoning classifications, as noted within this Ordinance, the city will only allow telecommunication towers with a Conditional Use Permit and site plan only if all other options are exhausted. No variance on setbacks is allowed in this zoning. Towers in these locations will be allowed in the back and side yards only. Towers supporting amateur radio antennas, in residential zoning, and conforming to all applicable provisions of this Code shall be allowed only in the rear yard; the fall zone must not overlay on any primary residential structure.

- C. Performance Standards: Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is between sixty (60) and ninety-nine point nine (99.9) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying height.

- D. Co-location Requirements: All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following requirements:

A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-mile search radius one half (1.5) mile for towers under one hundred twenty (120) feet in height of the proposed tower due to one or more of the following reasons:

- 1. The planned equipment would exceed the structural capacity of the existing or approved tower or

- building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
 4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- E. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- F. Area Wide Analysis / Proof of Need: The applicant shall demonstrate by providing a coverage / interference analysis and capacity analysis that the location of the antenna as proposed is necessary to meet the frequency reuse and spacing needs of the wireless telecommunication facilities and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district.
- G. Proof of Non-Interference: Each application for construction of a wireless telecommunication facility shall include either a preliminary or a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television, etc., service enjoyed by adjacent residential and nonresidential properties. In the event only a preliminary statement is submitted with the application, a final certified statement of non-interference will be provided and approved by the city prior to issuance of a building permit. An engineer licensed to practice in the State of Minnesota shall prepare the statement.
- H. Setbacks: Setbacks of the parcel shall be equivalent to the setbacks of a principal structure in that zoning district. Setbacks equal to the height of the tower shall be established on sites that are adjacent to churches, schools, gas stations, and residential use zoning. Accessory buildings must meet all zoning setbacks.
- I. Lighting: Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other federal or state authority. Light fixtures to illuminate a ballfield, parking lot, or similar area may be attached to the tower.
- J. Structural, Design, Height, Screening, Access, and Building Requirements
1. Antennas and towers must blend in with the surrounding environment, including locating antennas on roofs of buildings, on the walls of buildings, or on City property.
 2. Maximum height is limited to one hundred fifty (150) above the ground upon which the antenna is placed. The City Council may allow towers up to two hundred (200) high if the applicant can demonstrate that based upon the topography of the site and surrounding area, siting of the antenna, antenna design, surrounding tree cover and structures and / or through the use of screening, that off-site views of the tower will be minimized.
 3. Existing on-site vegetation shall be preserved to the maximum extent possible.
 4. The installation shall be designed compatible with the underlying site plan. The base of the tower and any accessory structures shall be landscaped. Accessory structures will be designed to be architecturally compatible with principal structures on the site.
 5. The tower shall be painted light blue or other color that is demonstrated to minimize visibility. No advertising or identification visible off-site shall be placed on the tower or antennas.
 6. All towers shall be provided with security fencing to prevent unauthorized entry.
- K. Obsolete or Unused Towers: The property owner shall remove all obsolete and unused towers and accompanying accessory facilities within twelve (12) months of cessation of use. The owner placing a new tower must submit and maintain a bond in such amount and for such term as deemed sufficient by the City to assure removal of the tower in case the owner of the tower refuses to comply.

Or

Abandoned or unused towers or portions of tower shall be removed as follows:

1. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless the City Planner approves a time extension. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
2. Unused portions of the tower above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

L. Effect of Ordinance on Existing Towers and Antennas: Antennas and towers in the City as of the publishing of this Ordinance which do not conform to or comply with this Ordinance are subject to the following provisions:

1. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Ordinance.

M. Additional Submittal Requirements

In addition to the information required elsewhere in this Code, development application for towers shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer which
 - a. Describes the tower height and design including a cross section and elevation;
 - b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - c. Describes the tower's capacity, including the number and type of antennas that it accommodates;
 - d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - e. Includes an engineer's stamp and registration number;
 - f. A site plan clearly indicating a fall-zone equal to the height of the tower / antenna; and,
 - g. Includes other information necessary to evaluate the request.
2. For all commercial wireless telecommunication service tower, a letter of intent committing to tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
3. Before the issuance of a building permit, the following supplemental information shall be submitted:
 - a. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and,
 - b. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.

Subdivision 19: Temporary Outdoor Sales / Transient Merchants (Ord. No. 480)

The purpose of the temporary outdoor sales and transient merchant sales regulations is to provide a method for merchants to have tent, sidewalk, and similar sales or promotional events for limited periods of time and provide a method for nonprofit organizations to raise funds. Temporary outdoor sales and transient merchant sales are considered an accessory use; however, they do require the approval and issuance of an Administrative Permit prior to their location on a particular parcel.

- A. In General. The following requirements apply to both temporary outdoor sales and transient merchant sales events:
1. Temporary outdoor sales are permitted four (4) times per calendar year, and shall not exceed ten (10) days for each event. No more than the number of permits identified shall be issued to the same business owner in any given calendar year. Transient merchants are permitted two (2) times per calendar year, and shall not exceed five (5) days for each event. No more than the number of permits identified for transient merchants shall be issued to a property in any given calendar year.
 2. Temporary outdoor sales are limited to those parcels in which the underlying zoning district

allows general retail sales as permitted, conditional, or interim uses. Transient merchant sales are limited to the “B-1” and “B-2” Districts.

3. Each tenant or business entity is permitted to have temporary outdoor sales; however, the event shall be clearly accessory to or promoting the permitted, conditional, or interim use approved for the site.
4. Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on the submitted site plan and provided that it is determined by the City that they will not impair parking, emergency access, or the safe and efficient movement of pedestrian/vehicular traffic on or off-site. Such temporary structures must comply with all applicable building codes and permit requirements.
5. The submitted plan shall demonstrate that off-street parking for the proposed event can and will be provided for the duration of the event. Parking may be provided on adjacent parcels with written consent of the property owner.
6. No portion of the sales area or any advertising for the event shall take place within any public right-of-way or vision sight triangle.
7. Any signage for the event shall comply with Section 16 of this Ordinance.
8. There shall be no more sales activities other than those specified within the Administrative Permit. The event or sale shall take place on the property as depicted within the approved plan and within the time permitted in the permit.
9. No buildings, equipment, or materials may be erected or displayed prior to the start date identified in the permit application and all structures, equipment, and displays must be removed by the end date identified on the permit.
10. Non-profit and civic organizations are permitted temporary outdoor sales, providing the requirements above are met.
11. Sales activities may be conducted within a required yard provided the activity does not interfere with parking, traffic circulation, or emergency vehicle access.

B. Transient Merchants. The following shall apply to transient merchants and are in addition to those items required in subsection (A) In General.

1. Transient merchants shall be in conformance with the requirements of Section 245 of the Isanti City Code of Ordinances.
2. Sales of fireworks shall also be regulated by Section 171 of the Isanti City Code of Ordinances.
3. The operator and/or owner of a transient merchant sales lot shall have written permission from the property owner on which the sale or event will be located.
4. Transient merchant locations must be maintained in an orderly and safe manner.
5. The use of any horn, bell, or any loud or unusual noise to call attention to a transient sale is prohibited.

Subdivision 20: Temporary Real Estate Offices

- A. The construction of a temporary real estate office(s) shall require an interim use permit and shall meet the additional requirements as herein stipulated.
- B. No temporary real estate office shall incorporate outside lighting which creates a nuisance due to glare or intensity to surrounding property owners.
- C. All temporary real estate office signage shall comply with the sign regulations as stipulated within Section 16 of this Ordinance.
- D. The interim use permit shall terminate three (3) years from its date of issuance or at such time as eighty-five (85%) of the development is completed, whichever occurs first; unless a different time line is approved by the City Council.
- E. No certificate of occupancy permit shall be issued for a temporary real estate office until such time as the structure has been converted to a residence. Such conversion shall include but not be limited to parking area restoration and the removal of any additional signs or lighting.
- F. Adequate parking areas shall be provided on the site for visitors. The overall design, drainage, and surfacing of any temporary parking facilities shall be subject to the approval of the Building Official and City Engineer.

- G. Additional conditions may be placed upon the interim use permit, in an effort to mitigate for any potential negative effects such a use may have upon the surrounding residential uses.

Subdivision 21: Wind Energy Conversion Systems (WECS) (Ord. No. 512)

- A. Purpose. This Subdivision is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within the City of Isanti, not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (MS 116C.51-116C.697).
- B. Interpretations, Conflict, and Separability.
1. Interpretation. In interpreting these regulations and their application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety, and general welfare. These regulations shall be constructed to broadly promote the purposes for which they are adopted.
 2. Conflict. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. No other provision of these regulations that impose restraints different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes higher standards shall control.
 3. Separability. If any part or provision of these regulations or the application of these regulations to any developer or circumstance is judged to be invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.
- C. Applicability. WECS may be allowed as an accessory use in the B-2, I-I, T1-B, and T1-I Districts as a Conditional Use, subject to the provisions and regulations established within this Subdivision. Small WECS may be allowed as an accessory use in the R1A, R-1, R-2, R-3A, and R-3B districts and shall not require a conditional use permit. (Ord. No. 756)
- D. Permit Required. It shall be unlawful to construct, erect, install, alter, or locate any wind energy conversion system within the City unless a Conditional Use Permit application has been reviewed and approved in accordance with the provisions as established within Section 21 of the Zoning Ordinance. The Conditional Use Permit may be revoked at any time the approved system does not comply with the rules set forth in this section and/or the conditions imposed by the City Council. The owner/operator of any WECS must also obtain necessary building permits as well as any other permits as required by other federal, state, and local agencies or departments prior to construction.
- E. Declaration of Conditions. City staff and / or the Planning Commission may recommend and the City Council may impose such conditions on the granting of a WECS Conditional Use Permit as may be necessary to carry out the purpose and provisions of this Subdivision.
- F. Submittal Requirements. All applications for a WECS Conditional Use Permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the information as specified in Section 21 of this Ordinance. Additional information shall be required, which includes but is not limited to the following:
1. Site Plan Drawing:
 - a. Lot lines and dimensions.
 - b. Location and height of all buildings, structures, above-ground utilities and trees on the lot, including both existing and proposed structures.
 - c. Existing and proposed setbacks of all structures located on the property in question.
 - d. Sketch elevation drawing on the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.
 2. Name of the project applicant.
 3. Name of project owner.
 4. The legal description and address of the project.
 5. A description of the project including: number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 6. Engineer's certification.

7. Documentation of land ownership or legal control of property.

G. Specific Standards for Small Wind Energy Conversion System (WECS).

1. Building Mounted Systems.
 - a. For all lots under two (2) acres in size, only building mounted systems are permitted, providing they are mounted on a monopole.
 - b. The height of a building mounted system shall be limited to fifteen (15) feet.
 - c. The building mounted system shall be safely and securely attached to the building in conformance with Building Code requirements. A written certification from a licensed structural engineer that the structure has the structural integrity to carry the weight and wind loads of the WECS and have minimal vibration impacts on the structure shall be submitted prior to construction.
2. Freestanding Monopole Towers.
 - a. Are permitted on lots exceeding two (2) acres in size.
 - b. The height of a freestanding WECS shall not exceed sixty (60) feet on lots between two (2) acres and five (5) acres; and one hundred (100) feet for lots over five (5) acres.
 - c. Electrical wires associated with a freestanding WECS shall be located within the tower and underground.
 - d. Setbacks. No part of a WECS shall be located within or above a required front, side or rear yard setback. WECS shall be setback from the closest property line one (1) foot for every one (1) foot of system height. WECS shall not be located within thirty (30) feet of an above ground utility line or drainage and utility easement. No part of any WECS shall extend across or over any part of a public right-of-way.
 - e. Tower Access. To prevent unauthorized climbing, WECS towers must comply with one of the following:
 - (1) Tower climbing apparatus shall not be located within twelve (12) feet of the ground; or
 - (2) A located anti-climb devices shall be installed on the tower.

H. Development Standards.

1. Number. No more than one (1) WECS is permitted per lot. Wind farms are not permitted.
2. Rotor safety. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds.
3. Lighting protection. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code adopted by the City.
4. Signs. WECS shall have one sign, not to exceed two (2) square feet posted at the base of the tower and said sign shall contain the following information:
 - (1) Warning high voltage.
 - (2) Manufacturer's name.
 - (3) Emergency phone number.
 - (4) Emergency shutdown procedures.
5. Lighting. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by FAA Regulations, as amended.
6. Electromagnetic interference. WECS shall be designed and constructed so as not to cause radio and television interference.
7. Noise emissions. Noises emanating from the operation of WECS shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, as amended.
8. Utility company interconnection. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with a utility company shall adhere to the National Electrical Code as adopted by the City. Verification of such approval shall be provided to the City of Isanti prior to connection.
9. Aesthetics. All WECS shall be maintained in good condition and shall be free from rust and damaged parts to the framework and other components. WECS shall be white or light gray. Other neutral colors may be allowed at the discretion of the City Council. The surface shall be matte or non-reflective. Blades may be black in order to facilitate de-icing.

I. Code Compliance.

1. Compliance with State Building Code. Standard drawings of the structural components of the wind energy conservation system and support structures, including base and footings shall be provided along with engineering data and calculations to demonstrate compliance with the

structural design provisions of the State Building Code. Drawings and engineering calculations shall be certified by a Minnesota licensed engineer.

2. Compliance with National Electrical Code. WECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the City.
- J. Manufacturing Warranty. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions similar to the conditions within Isanti. The WECS shall be warranted against any system failures reasonably expected in severe weather operation conditions.
- L. Ornamental Wind Devices and Windmills. Windmills used for agricultural pumping of water and ornamental wind devices that are less than thirty-five (35) feet in height shall be exempt from the provisions of this Section and shall conform to other applicable provisions of this Ordinance.
- M. Inspection. The City hereby reserves the right upon issuing any WECS Conditional Use Permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- N. Abandonment. Any WECS or tower which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner; unless the City Council grants an exemption or an extension.

ARTICLE THREE: USE REGULATIONS IN ALL ZONING DISTRICTS

Subdivision 1: Land Alterations

- A. City approval shall be required in all cases where excavation, grading, and filling of any land would result in a substantial alteration of existing ground contour or would change existing drainage or would cause flooding or erosion or would deprive an adjoining property owner of lateral support and would remove or destroy the present ground cover resulting in less beneficial cover for present and proposed development. Substantial alteration shall be defined as the extraction, grading or filling of land involving movement of earth and materials in excess of twenty-five (25) cubic yards. The Zoning Administrator or Building Official may exempt cubic yard restrictions for foundation excavation and grading for new residential units and for the landscaping requirements for residential units per City ordinance.
- B. The City Engineer shall review all cases in which more than twenty-five (25) cubic yards of land is altered. In matters of land alteration related to a preliminary plat, final plat or site plan review the Planning Commission will review and recommend to the City Council and the City Council will make a final determination on the grading within the entire development request. A grading permit will be issued upon the City Engineers review of the items detailed in B, C & D below and any other additional information that is requested to ensure that all City, State and other laws and regulations are met. The grading permit will be issued to the property owner after City Council approval of a preliminary plat, final plat or site plan review. The grading permit will be signed by the City Engineer and City Clerk.
- C. In all other requests to alter land in excess of twenty-five (25) cubic yards a conditional use permit shall be required. The application shall be submitted with the required items as detailed in B, C & D below for review along with any other requested additional information, including, but not limited to the requirements of a Conditional Use Permit section of ordinance. The required items are to ensure that all City, State and other laws and regulations are met. The Planning Commission will review and recommend to the City Council and City Council will make the final determination on the request. The signed Conditional Use Permit shall constitute the grading permit.
- D. Applications for a grading permit shall contain the following additional information:
1. Legal description of land to be altered.
 2. Nature of proposed alteration and future use of the property.
 3. Starting date and approximate completion date of the operation.
 4. The names of all owners of the land to be altered.
 5. The names and addresses of all owners and occupants of the adjoining land that may be affected by said land alterations.
 6. A construction plan showing existing and proposed elevations.
 7. The City Council may require adequate proof of bonding in the form of a performance bond, sufficient in value to cover the expense of the completion of the development plan or to bring such portion of the completed project to safe grade and elevation so as to be healthful and safe to the general public and to provide safe and adequate drainage to the site.
- E. If, during the land alteration work, it becomes necessary for the person altering the land to create a condition of grade or drainage not in the interest of health or safety, it shall become the person's duty to correct, immediately, the dangerous situation created, as well as fence or screen the area from the public upon order of the City Engineer.
- F. The person responsible for the proposed land alteration shall agree to replace cover that has been removed, by seeding or sodding, such cover to be replaced in accordance with the MPCA NPDES Phase 2 Permit requirements after completion of grading. The City will require an escrow or letter of credit to cover development related activities before a grading permit will be issued unless the escrow or letter of credited amount is covered within in a Development Agreement and its associated escrow or letter of credited amounts. Where construction of homes or buildings is being done over an extended period of time, the City may require replacement of ground cover on a portion of the area before the entire project is complete.

Subdivision 2: Community Gardens (Ord. No. 491)

- A. Zoning districts.
Community gardens are permitted in those zoning districts as designated, which include: R-1 Single Family

Residential District, R-2 Single Family Residential District, R-3A Low Density Multiple Family District, R-3B Medium Density Residential District, R-4 Multiple Dwelling District, B-1 Central Business District, B-2 General Business District, B-3 Neighborhood Business District, RC Recreational Commercial District, CBT Central Business Transitional District, T1-R Tier One Residential District, and T1-B Tier One Business District.

B. Operation standards.

1. Community gardeners shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities, funding plan, and garden design plan. The garden design plan shall identify the layout and dimensions of garden plots, location of water sources, parking and access locations to the garden, and locations of other buildings, fencing, and obstructions.
2. A garden coordinator to perform the coordinating role for the management of the community garden shall be identified. The name and contact information of the garden coordinator and a copy of the operating rules and other associated materials identified within (B)(1) shall be kept on file with the City of Isanti Parks and Recreation Department.
3. Community gardens are required to have a non-profit entity or neighborhood association group to act as the garden coordinator.
4. The City of Isanti is not responsible for the garden itself; or to anything pertaining to the garden. Each member of the community garden must sign a waiver of liability.
5. Should the community garden group decide to no longer maintain their space, the group is responsible for proposing a plan to restore the area to the satisfaction of the City.

C. Site standards.

1. Overhead lighting is prohibited.
2. A garden must be located within one hundred (100) feet of a functioning water source, to include the public water system or private sand point well. The use of fire hydrants or drinking fountains is not permitted.
3. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
4. Nets or other similar types of shade structures are not permitted within the garden area.
5. There shall be no retail sales on-site.

D. Signage.

All signs shall meet the requirements of the zoning district in which the sign is located and shall meet the requirements of Section 16 Signs of the Zoning Ordinance.

E. Accessory Buildings, Structures, and Fences.

No fence or building shall be constructed without review and approval by the City Council, so that best efforts can be taken to ensure that the fence and/or structure are compatible in appearance and placement with the character of surrounding properties.

1. Sheds for the storage of tools limited in size to one hundred seventy (170) square feet.
2. Greenhouses that consist of buildings made of glass, plastic, or fiberglass in which plants are cultivated shall not exceed five hundred eighty (580) square feet in floor area.
3. Benches, bike racks, raised/accessible planting beds, compost or waste bins, picnic tables, and rain barrels or water reservoir systems are permitted on-site.
4. Setbacks for accessory buildings and fencing as defined within this Ordinance are applicable.
5. Fences shall not exceed four (4) feet in height, shall have an opaqueness of no greater than 50%, and shall be constructed of wood or ornamental metal.

ARTICLE FOUR: ACCESSORY BUILDINGS, STRUCTURES, AND USES

Subdivision 1: Residential Districts

A. Accessory Buildings

1. Location.

- (a) Accessory structures or buildings shall not be located within any easement, wetland, or stormwater retention/detention ponds.
- (b) Detached accessory structures are prohibited within the front yard.
- (c) Detached accessory structures shall be located within the rear and side yard only.
- (d) Separation between the accessory building and the principal building (if detached) shall meet building code requirements.

2. Number, Size and Setback Requirements.

- (a) Two (2) sheds, not to exceed one hundred seventy (170) square feet in area each, may be permitted in addition to the allowed amount of detached accessory structures; providing all of the requirements of the Ordinance are met.
- (b) All accessory buildings shall meet the lot coverage, size restrictions, setback requirements, and height restrictions as stated within this Section of the Zoning Ordinance.
- (c) Detached accessory garages that will have access onto an alley shall be setback ten (10) feet from the property line adjacent to the alley.
- (d) All detached accessory structures shall comply with the following size and sidewall height requirements as provided below. Calculations are based upon the total useable lot area.

TABLE 3: Size Requirements for Accessory Structures

Size Requirements for Accessory Structures in All Residential Zoning Districts			
Parcel Size	Maximum Square Feet	Max Number of Detached Structures	Maximum Sidewall Height
Up to 1.0 acres	Up to 40% impervious surface area of site	3	14 feet
1.01 acres or more	Up to 40% impervious surface area of site	4	14 feet

3. Building Materials.

- (a) Accessory structures shall be compatible with the principal structure with respect to building materials, design, and character. Roof style and colors shall be similar to or compatible with the principal building.
- (b) Accessory buildings of pole type construction are allowed in all residential zoning districts.

4. Attached Structures.

- (a) An accessory structure shall be considered attached, and an integral part of the principal structure when it is connected by a common wall, an enclosed passageway, breezeway, or other similar roof structure. The accessory structure attached to the principal structure shall be made structurally a part of the principal building and shall comply with the requirements as established for the principal structure within this Section.
- (b) No additional roofs or appendages shall be permitted as additions to accessory buildings regardless of size.

5. Driveways for Accessory Structures.

- (a) No additional or separate driveway entrances are permitted for access to an accessory structure, unless the property is a corner lot or abuts an alley way where driveway entrances can be provided from each adjacent street or alley.
- (b) If the property does not have an attached garage, driveway access to the accessory garage shall be provided in accordance with the driveway requirements provided for within the particular zoning district in which the property is located.

B. Accessory Dwelling Units. (Ord. No. 789)

- 1. All ADU operators shall apply for and maintain a rental license with the City.
- 2. The owner(s) of the property on which the accessory dwelling unit is created must continue to occupy at least one (1) of the dwelling units as their primary residence, except for a bona fide temporary absence.
- 3. The size of an ADU shall be no larger than the finished floor area of the principal structure.
- 4. No more than four (4) persons shall occupy an ADU at one time.
- 5. No more than one (1) ADU shall be placed on a property.
- 6. Off-street parking spaces shall be provided for use by the owner-occupant(s) and tenant(s). Two (2) off-street parking spaces shall be required for the principal dwelling, and an additional two (2) off-street spaces shall be provided for the ADU.
- 7. In areas with public utilities, the ADU's water/sewer connection shall be connected to the existing home.
- 8. In rural areas, the septic must be sized to meet total bedroom count (principal structure plus ADU).
- 9. A deed restriction shall be created and recorded with Isanti County restricting the independent sale of an ADU and requiring adherence to size limitations and other requirements found in this Ordinance.
- 10. All ADUs shall meet the regulations found in the MN State Residential Code, including those regulations found in Appendix Q "Tiny Houses" within the MN State Residential Code.
- 11. The ADU shall meet location, size, setback and building material regulations for accessory structures found in Section 13 of the City's zoning ordinances.

C. Time of Construction.

No accessory building, structure or use shall be permitted or constructed on any lot prior to the time of construction of the principal building to which it is accessory.

D. Decks.

A deck shall be considered part of the principal structure and shall be subject to the setbacks of the principal structure.

E. Zoning Permits Required.

Unless a building permit is required, prior to construction and installation of any of the following a zoning permit is required:

- 1. Accessory structures at 200 square feet or less in floor area. (Ord. No. 609)
- 2. Residential patios and decks not attached to a structure, which are less than thirty (30) inches in height above grade.

Subdivision 2: Commercial and Industrial Districts

A. Accessory Buildings and Structures.

1. Location.

- (a) Accessory structures or buildings shall not be located within any easement, wetland, or stormwater retention/detention ponds.
- (b) Detached accessory structures are prohibited within the front yard.
- (c) Detached accessory structures shall be located within the rear and side yard only.
- (d) Separation between the accessory structure and the principal building (if detached) shall meet building code requirements.

2. Size and Setback Requirements.

- (a) All accessory buildings shall meet the setback requirements as established for the principal structure.
 - (b) The height of an accessory building shall not exceed the height of the principal building.
 - (c) Accessory buildings shall not exceed thirty (30) percent of the floor area of the principal building.
 - (d) Accessory buildings shall meet the lot coverage and open space (green space) requirements as established for the zoning district in which the parcel is located.
3. Building Materials.
- (a) Accessory structures shall be compatible with the principal structure with respect to building materials, design, and character. Roof style and colors shall be similar to or compatible with the principal building.
 - (b) Buildings of pole type construction are prohibited.
4. Attached Structures.
- (a) An accessory structure shall be considered attached, and an integral part of the principal structure when it is connected by a common wall, an enclosed passageway, breezeway, or other similar roof structure; and shall be subject to the following requirements:
 - (1) The accessory structure attached to the principal structure shall be made structurally a part of the principal building and shall comply with the requirements as established for the principal structure within this Section.
 - (b) No additional roofs or appendages shall be permitted as additions to accessory buildings regardless of size.

SECTION 14: PERFORMANCE STANDARDS

Subdivision 1	Intent
Subdivision 2	Performance Standards for All Uses in All Zoning Districts
Subdivision 3	Refuse and Trash Receptacle Enclosures
Subdivision 4	Mechanical Equipment
Subdivision 5	Outdoor Lighting Standards
Subdivision 6	Swimming Pools

Subdivision 1: Intent

The intent of this section of the Zoning Ordinance is to establish criteria to evaluate and control noise, odor, toxic or noxious matter, vibration, fire, explosive hazards, glare, heat, and other similar occurrences that may be generated by uses on land or in buildings within the City of Isanti. The development of performance standards ensures that uses are compatible and the health, safety, and general welfare of City residents and businesses are protected.

Subdivision 2: Performance Standards for All Uses in All Zoning Districts

All uses shall comply with all federal, state, and local pollution and nuisance laws and regulations, including but not limited to glare, smoke, dust, odors, and noise. The burden of proof for compliance with appropriate performance standards shall lie with the applicant. Properties and / or uses shall control for the following:

- A. Noise: Noise shall be so controlled as to not become a nuisance to adjacent uses. Noise shall be measured at the property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, shrillness, or intensity. Noise shall be subject to the regulations and provisions provided within the Isanti City Code of Ordinances.
- B. Odor: No activity or operation shall cause at any time the discharge of toxic, noxious, or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to or endanger the public health, welfare, comfort, or safety or cause injury to property.
- C. Glare: Whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall be visible beyond the origin of the property line.
- D. Exterior Lighting: Any lights used for exterior illuminations shall be directed away from adjacent properties.
- E. Smoke: Measurement shall be at the point of emission. The Ringelman Smoke Chart published by the United States Bureau of Mines shall be used for measurement of smoke. Smoke not darker or over opaque than Number 1 of said chart may be emitted for periods longer than four (4) minutes in any thirty (30) minute period. These provisions, applicable to gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent to opacity.
- F. Hazards: Every property, building, structure, or use shall be carried on in accordance with local Fire and Safety Codes.
- G. Water Supply: The design and construction of water supply facilities and water supply sources shall be in accordance with local and Minnesota State Department of Health standards and requirements.
- H. Waste: All sewage and industrial wastes shall be treated and disposed of in such a manner as to comply with Minnesota State Department of Health and Minnesota Pollution Control Agency standards and requirements as well as local codes. All solid waste material, debris, refuse, or garbage shall be kept within a completely enclosed building or properly contained in a closed container designed for such purpose. The dumping or storage above ground or under the surface of chemical waste and other hazardous waste products will not be permitted as potential hazards may affect public health, safety, and welfare.

- I. Dust and Dirt: Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) percent excess air.
- J. Vibration: No activity or operation shall at any time cause vibrations perceptible beyond the limits of the immediate site on which the operation is located.
- K. Tests: In order to assure compliance with the performance standards set for the above, the Planning Commission and/or City Council may require the owner or operator of any permitted use to make such investigations and tests as may be required to show adherence to the performance standards. Such investigation as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organization as may be elected by the Planning Commission or City Council after thirty (30) days notice. The cost incurred in having such investigations and test conducted shall be paid by the City, unless the investigation and test disclose non-compliance with the performance standards, in which event the entire investigation and testing shall be paid by the owner or operator. Any unpaid costs owed by the property owner shall be subject to assessment as defined within the nuisance abatement process. The procedures above stated shall not preclude the Planning Commission or City Council from making any tests and investigations if finds appropriate, to determine compliance with these performance standards.

Subdivision 3: Refuse and Trash Receptacle Enclosures

- A. Refuse. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property in the area.
- B. Trash Dumpsters and Garbage Receptacles Required: All new uses and buildings in all zoning districts, with the exception of the “R-1”, “R-2”, and “R-3A” Districts; shall have trash dumpsters or garbage receptacles provided on the parcel or lot and be adequately screened and enclosed. The location of trash dumpsters and garbage receptacles shall be approved during the site plan approval process.
- C. Standards for Trash Enclosures: Trash dumpsters and garbage receptacles shall be screened from all lot lines and public roadways, in accordance with the following provisions:
 - 1. The screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and shall meet the requirements as specified in Section 15 of this Ordinance.
 - 2. Trash enclosures shall be lit.
 - 3. Trash enclosures shall be of an adequate size to accommodate all refuse and recyclables.
- D. Enclosure and Receptacle Maintenance Required: Fencing and landscaping for trash dumpsters and garbage receptacles shall be maintained in good condition and shall be kept litter-free at all times.

Subdivision 4: Mechanical Equipment

Mechanical equipment shall be screened from the public right-of-way and from adjacent residential properties. Screening shall be compatible with the principal building and shall be provided in accordance with the regulations as provided within Section 15, Subdivision 3 of this Ordinance.

Subdivision 5: Outdoor Lighting Standards

- A. Prohibited Lighting: No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property with by any person or normal sensitivities, or otherwise as to create a public nuisance.
- B. Minimum Standards: All uses shall comply with the following standards except as otherwise provided in this section:
 - 1. Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall be subject to the following:
 - a. Maximum initial lumens generated by each fixture shall not exceed two

- thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- b. Mounting heights of such fixtures shall not exceed fifteen (15) feet.
2. Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions so as to create annoyance, discomfort, or decreased visual performance or visibility.
 3. Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) foot candle measured at the closest residential property line and five (5) foot-candles measured at the street curb line or non-residential property line nearest the light source.
 4. Lighting shall not create a hazard for vehicular or pedestrian traffic.
 5. Lighting of building facades or roofs shall be located, aimed, and shielded so that light is directed only onto the façade or roof.
 6. Lighting shall be maintained stationary and constant in intensity and color, and not be of a flashing, moving, or intermittent type.
 7. Business and industrial zoned property must light the trash enclosure areas for the safety of their employees.
- C. Exceptions: The uses listed below shall be exempt from the provisions of this section as follows:
1. Publicly controlled or maintained street lighting and warning and emergency or traffic signals.
 2. Athletic fields and outdoor recreation facilities serving or operated by an institutional or public use that otherwise meets all of the requirements of this ordinance shall be exempted from the requirements of the above Section B 1 thru 4 due to their unique requirements for nighttime visibility and limited hours of operation.
 3. Neon signs, theater marquee lights, and decorative lighting.

Subdivision 6: Swimming Pools (*Ord. No. 644*)

Any structure intended for swimming, recreational bathing or wading that contains water, over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

- A. Barrier requirements.
1. Storable swimming or wading pools shall be exempt from this section provided all means of access into the pool are removed and the pool is covered when it is not attended.
 2. A minimum 48-inch high barrier, which completely surrounds and restricts access to the swimming pool, shall be installed and maintained in a sound and safe condition around a swimming pool or around the tract of land where the pool is located. The barrier may consist of a security fence, freestanding wall, a building's wall, or combination thereof. When the swimming pool is an above ground swimming pool of which the wall(s) of the swimming pool are greater than 48 inches from the ground to the top of the pool wall(s) at every point around the pool, then no barrier is required, but the means of access into the swimming pool (e.g. ladder or steps), shall be secured, locked or removed to prevent access during any period of time that the pool is unattended or not in use. Spas or hot tubs with a locking safety cover which complies with ASTM Standard F 1346-91 shall be exempt from these barrier requirements, provided they are equipped with a safety locking cover which is locked at all times the spa or hot tub is not in use.
 3. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall not allow passage of a four-inch-diameter-sphere. Where the top of the pool structure is above grade, such as an above ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall not allow passage of a four-inch-diameter sphere.
 4. Openings in the barrier shall not allow passage of a four-inch-diameter sphere.
 5. To prevent a person from scaling a solid barrier, which does not have openings, such as a masonry or stone wall, such barrier wall shall not contain indentations or protrusions in excess of 1.25 square inches except for normal construction tolerances and tooled masonry joints.
 6. Where the barrier is composed of horizontal and vertical members and the distance between the tops of each of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.

7. Where the barrier is composed of horizontal and vertical members and the distance between the tops of each of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.
8. Maximum mesh size for chain link fences shall be a 2.25-inch square unless the fence is provided with slats fastened at the top or the bottom of which reduce the openings to not more than 1.75 inches.
9. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.
10. The Building Official shall approve the plans and specifications for the barrier prior to its installation. The barrier shall be equipped with doors or gates which are self-closing and self-latching with the latch to be located a minimum of 42 inches above ground level and equipped with a lock which shall be kept locked when the swimming pool is unattended.

B. Setbacks.

1. Swimming pools shall be set back a minimum of five feet from any side or rear lot line as measured from the nearest edge of the slope around the pool or perimeter walk.
2. Swimming pools shall not be located in an easement of record as measured from the nearest edge of the slope around the pool or perimeter walk.
3. Swimming pools shall be located in the rear yard only.

- C. Maintenance: It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition. Failure to maintain pool covers, fences, failure to have gates closed or failure to remove or retract the ladder access to the pool shall constitute a violation of the Zoning Ordinance and is subject to the penalties provided therefore.

- D. Permit required: No person shall construct, install or locate a swimming pool, as defined herein, without first obtaining a building permit from the city. Storable swimming or wading pools are not required to obtain a building permit unless they are in excess of 24 inches in depth and 5,000 gallons. The applicant for a swimming pool permit shall submit any information as the Building Official shall deem necessary.

SECTION 15: FENCING, SCREENING, AND LANDSCAPING

Subdivision 1	General Provisions
Subdivision 2	Residential Fences
Subdivision 3	Non-Residential Fences
Subdivision 4	Screening Fences and Planting Screens
Subdivision 5	Retaining Walls
Subdivision 6	Landscaping Requirements

Subdivision 1: General Provisions.

Except as otherwise provided herein, all fences and walls, referred to as structures, within the City shall be subject to the following general provisions:

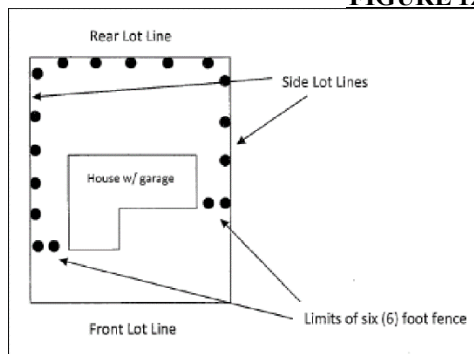
- A. Permit Required.
 1. Building Permit. Prior to the construction and/or installation of a fence and/or retaining wall over four (4) feet in height, an application for a building permit shall be obtained from the City and shall specify the intended location, character, and size of such fence or wall.
 2. Zoning Permit. For all other fences and retaining walls, not meeting the requirements for a building permit, a zoning permit must be obtained prior to construction on the property.
- B. Maintenance. All fences and retaining walls shall be properly maintained, so as not to become unsightly, hazardous, or constitute a nuisance. Damaged and destroyed fences and retaining walls shall be removed and replaced within thirty (30) days upon written notice from the Community Development Director or his/her designee. All structures shall be maintained at the property owner's expense. The persons, firms, corporations, or individuals constructing or causing the construction of such structures shall be responsible for maintaining that part of the property between the structure and the property line. (*Ord. No. 748*)
- C. Installation.
 1. The side of any fence or wall considered to be its "face" (finished side with no structural supports) shall face either the abutting property or the street right-of-way.
 2. Upon installation of the structure, no physical damage shall occur to the abutting property owner unless it has been permitted under written agreement with the adjacent property owner and submitted to the City.
- D. Property Owner Responsibility. Any structure located on the property line or within a drainage and utility easement shall be removed upon request of the City and at the expense of the property owner. The property owner shall incur all costs if fence is required to be moved.

Subdivision 2: Residential Fences

The following regulations shall apply to all residential properties located within the City.

- A. Maximum Height. Fences shall be no higher than three (3) feet when extended past the front corner of the home or garage of the principal structure. Fences shall be no higher than six (6) feet in the rear and side yards and shall not extend past the front corner of the principal structure. Fence height shall be measured from the finished grade level.

FIGURE 12: Fence Location

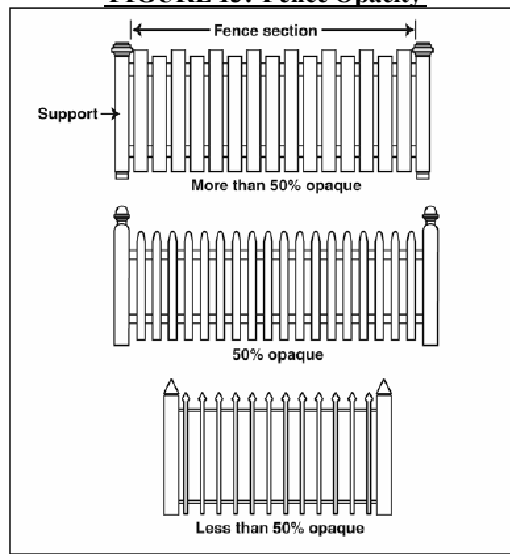


Note: Drawing has been provided to show the limitations on the location of a six (6) foot fence, in reference to the principal structure on an interior lot only. Corner lots must meet the requirements as provided within the text of this Ordinance.

B. Exceptions. The following exceptions apply to residential fences.

1. On corner lots, the street side setback may match the setback of the prevailing fence line of the corner lot immediately abutting such property. However, at no time shall the fence be within the right-of-way or the vision clearance triangle, as shown within Section 4 of this Ordinance. Such fence location shall be subject to approval by the Community Development Director or his / her designee. (*Ord. No. 623*)
2. On corner lots and through lots, a four (4) foot chain-link fence that is less than ten (10) percent opaque or ninety (90) percent transparent may be placed along the secondary street frontage. (*Ord. No. 567*)
3. Fences permitted past the front corner of the principal structure shall meet the height requirements as specified within this Section. Chain-link fences shall not be permitted within the front yard. A decorative fence is the only type of fence permitted past the front corner of the principal structure and shall have an opaqueness of no greater than 50%.
4. Screening fences, as required by Chapter 227, Article 2 of the City Code of the City of Isanti; for screening of stored recreational vehicles within the side or rear yard shall meet one of the following acceptable screening options: (*Ord. No. 608*)
 - a. A fencing screen per Subdivision 4(A) of this Section and shall obscure from view at ground level any neighboring property or public street by at least 80% of the area.
 - b. Installation of a planting screen. Where natural materials, such as trees or hedges are approved in lieu of required screening by means of walls or fences, density and species of planting shall be such to achieve 80% opaqueness year-round from view at ground level at any neighboring property or public street.
 - 1) Acceptable plantings include arborvitae, upright juniper, upright yew, fountain hemlock, or other species approved by the Community development Director or his/her designee.
 - 2) Plants shall be 4'-5' in height when purchased for installation.
 - 3) Plantings must be spaced within half the plants spread at maturity.
 - 4) Plant material centers shall not be located closer than three (3) feet from a side or rear property line or twelve (12) feet from a front property line and shall not be planted to conflict with public plantings, drainage and utility easements, sidewalks, trails, fences, parking areas, and driveways based on the judgement of the Zoning Administrator.
 - 5) All planting screens shall be reviewed and approved by the Community Development Director or his/her designee.
 - 6) Planting screens shall be maintained in a healthy condition. Dead material shall be removed and replaced within thirty (30) days upon written notice of the Community Development Director or his/her designee. (*Ord. No. 748*)

FIGURE 13: Fence Opacity



- C. Prohibited Materials. Fences shall not be constructed from chicken wire, welded wire, snow fence, branches, or materials originally intended for other purposes. Electric fencing and metal sheeting are also prohibited materials.
- D. Setbacks.
 - a. On corner lots or lots adjacent to railroad right-of-ways, streets or public roads, no fence shall be located in the vision clearance triangle, as shown within Section 4 of this Ordinance.
 - b. Privacy fences shall be setback a minimum of two (2) feet from any street right-of-way.
 - c. Fences shall be located on the property of the owner. All posts and framework shall be placed within the property lines of the fence owner.
 - d. No fence shall enclose a water shutoff valve to the interior. A 12-inch minimum separation between the fence and the water shutoff valve must be maintained.
 - e. Fences within a storm pond drainage easement must provide sufficient ground clearance for the free flow of water or be made of chain-link material.
 - f. Fences located within storm pond drainage easements shall be reviewed by Public Services Director and/or The City Engineer. (*Ord. No. 647*)

Subdivision 3: Non-Residential Fences

- A. Security Fences. Commercial properties located in the B-1, B-2, B-3, CBT-1, CBT-2 zoning districts may construct security fences up to six (6) feet in height. Fences in excess of six (6) feet shall require a conditional use permit. Properties located in the I-1 Industrial Park District may construct security fences up to ten (10) feet in height. Fences in excess of ten (10) feet shall require a conditional use permit.
- B. Barbed-wire fencing is permitted in Industrial Districts only. Barbed wire security arms shall be constructed at a minimum of six (6) feet in height. The security arm shall be angled in such a manner that it does not overhang any lot lines.
- C. Prohibited Materials. Fences shall not be constructed from chicken wire, welded wire, snow fence, branches, or materials originally intended for other purposes. Electric fencing and metal sheeting are also prohibited materials. Barbed-wire fencing is prohibited in all non-industrial districts.
- D. Setbacks.
 - a. On corner lots or lots adjacent to railroad right-of-ways, streets or public roads, no fence shall be located in the vision clearance triangle, as shown within Section 4 of this Ordinance.
 - b. Privacy fences shall be setback a minimum of two (2) feet from any sidewalk. (*Ord. No. 736*)
 - c. Fences shall be located on the property of the owner. All posts and framework shall be placed within the property lines of the fence owner.
 - d. No fence shall enclose a water shutoff valve to the interior. A 12-inch minimum separation between the fence and the water shutoff valve must be maintained.
 - e. Fences within a storm pond drainage easement must provide sufficient ground clearance for the free flow of water or be made of chain-link material.
 - f. Fences located within storm pond drainage easements shall be reviewed by Public Works and/or The City Engineer. (*Ord. No. 647*)

Subdivision 4: Non-Residential Screening Fences and Planting Screens

All commercial and industrial uses and transitional lot areas as stipulated within this Ordinance that are required to provide screening shall do so through the use of one of the following, subject to recommendation by the Planning Commission and approval by the City Council.

- A. Screening Fence and walls.
 - 1. Screening fences on properties located in the B-1, B-2, B-3, RC, CBT-1, and CBT-2 zoning districts shall be at maximum of six (6) feet in height with a minimum opaqueness of 80 percent. Screening height shall be measured from the finished grade level.
 - 2. Screening fences on properties located in the I-1 Industrial Park District shall be a maximum of ten (10) feet in height with a minimum opaqueness of 80 percent. Screening height shall be measured from the finished grade level.
 - 3. Screening fences shall be constructed of masonry, brick, wood, chain-link or steel and shall be compatible with the principal building on the site and with the surrounding properties.
 - 4. Screening fences or screening walls shall be setback five (5) feet from the property line.
 - 5. If the property is not adjacent to a street right of way, screening may be placed along the property line, providing mutual written consent has been granted by the abutting property owners and filed along with a copy of the certificate of survey to the City prior to construction.
 - 6. A combination of coniferous and deciduous trees may be planted to soften the appearance of the fence or

wall from adjacent properties or the public street.

B. Planting Screens.

1. Planting screens shall consist of a row of alternating evergreen and deciduous trees and shrubs. The species and size shall be in accordance with Subdivision 6, of this Section.
2. The trees shall be placed in such proximity as to form a screen.
3. Planting screens shall be maintained in a healthy condition. Dead material shall be removed and replaced within thirty (30) days upon written notice of the Community Development Director or his/her designee. (*Ord. No. 748*)

Subdivision 5: Retaining Walls.

Retaining walls exceeding four (4) feet in height, including staged walls which cumulatively exceed four (4) feet in height, must be constructed in accordance with plans prepared by a registered engineer or landscape architect. Building permits for construction of a retaining wall over four (4) feet are required. Construction of retaining walls under four (4) feet in height require a zoning permit. All retaining walls must be installed according to manufacturer's specifications

A. Setbacks.

1. Retaining walls shall be setback a minimum of five (5) feet from any street right-of-way.
2. Retaining walls shall be located on the property of the owner.
3. No retaining wall shall enclose a water shutoff valve to the interior. A 12-inch minimum separation between the landscaping structure and the water shutoff valve must be maintained.
4. No retaining walls shall be permitted within a stormwater flow path or within storm pond drainage easements.

Subdivision 6: Landscaping Requirements

- A. Purpose. The purpose of this Subdivision is to provide specifications, that will guide landscaping within residential, commercial, mixed-use, and industrial districts; will provide buffering between different and more intense land uses; will ensure that native trees and vegetation are preserved and replenished ; will aid in the stabilization of the environment's ecological balance by reducing stormwater runoff and improving surface water quality; and will enhance the overall beauty and appearance of the City.
- B. General Requirements.
1. City Tree lists. The following trees may be used to meet planting and landscaping requirements. If other tree varieties are desired; they shall be approved by City Staff.

TABLE 4: Primary and Secondary Deciduous Tree List

Primary Deciduous Trees	Common Names
Acer freemanii	Autumn Blaze (Red Maple x Silver Maple)
Acer platanoides (various species)	Norway Maples - Cleveland, Columnar, Crimson King, Emerald Lustre, Emerald Queen, Schwedler, etc.
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple or Hard Maple
Betula nigra	River Birch
Carya ovate	Shagbark Hickory
Celtis occidentalis	Hackberry
Quercus alba	Oak, White
Quercus coceinea	Scarlet Oak
Quercus macrocarpa	Oak, Bur
Tilia Americana	American Linden (aka – Basswood)
Tilia cordata	Littleleaf Linden or Greenspire Linden
Secondary Deciduous Trees	Common Names
Acer pseudoplatanus	Sycamore Maple
Aesculus hippocastanum	Horse Chestnut
Aesculus octandra	Yellow Buckeye

<i>Aralia elata</i>	Japanese Angelica Tree
<i>Betula alleghanie</i>	Yellow Birch
<i>Betula lenta</i>	Sweet or Black Birch
<i>Carpinus betula</i>	European Hornbeam
<i>Carya cordiformis</i>	Bitternut Hickory
<i>Corylus colurna</i>	Turkish Filbert
<i>Catalpa speciosa</i>	Northern Catalpa
<i>Fagus</i>	Beech (both North American and European)
<i>Ginkgo biloba</i>	Ginkgo (only male trees permitted)
<i>Gleditsia triacanthos inermis</i>	Honeylocust, thornless or 'Imperial' or 'Skyline'
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree
<i>Juglans nigra</i>	Black Walnut
<i>Liriodendron tulipifera</i>	Tuliptree (best grown w/ sprinkler system)
<i>Phellodendron amurense</i>	Amur Corktree
<i>Quercus rubra</i>	Red Oak
<i>Quercus palustris</i>	Pin Oak
<i>Tilia x euchlora</i>	'Redmond' Linden
<i>Tilia platyphyllos</i>	Bigleaf Linden

TABLE 5: Ornamental Tree List

Ornamentals	Common Names
<i>Acer ginnala</i>	Maple, Amur
<i>Acer tataricum</i>	Tatarian Maple (similar to Amur Maple)
<i>Amelanchier</i>	Serviceberry or Juneberry
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Cornus alternifolia</i>	Pagoda Dogwood
<i>Crataegus spp.</i>	Hawthorne 'Winter King' or 'Washington'
<i>Maackia amurensis</i>	Amur Maackia
<i>Malus baccata columnaris</i>	Crabapple, Columnar Siberian
<i>Malus</i> (various species)	Crabapple, flowering – Varieties; Dolgo, Flame, Radiant, Red, Silver, Red Splendor
<i>Ostrya virginiana</i>	Ironwood (aka – American Hophornbeam)
<i>Prunus cerasifera</i>	'Newport' Plum, Newport
<i>Prunus maackii</i>	Amur Chokecherry
<i>Prunus triloba</i>	Plum, flowering or Rose Tree of China
<i>Prunus virginiana</i>	'Schubert' Chokecherry, Schubert's
<i>Syringa reticulata</i>	Japanese Tree Lilac

TABLE 6: Coniferous Tree List

Conifers	Common Names
<i>Abies balsamea</i>	Fir, Balsam
<i>Abies concolor</i>	Fir, Concolor
<i>Larix laricina</i>	Tamarack
<i>Picea abies</i>	Spruce, Norway
<i>Picea glauca</i>	Spruce, White
<i>Picea glauca densata</i>	Spruce, Black Hills
<i>Picea pungens</i>	Spruce, Colorado Green
<i>Picea pungens</i>	'Glaucous' Spruce, Colorado Blue
<i>Pinus nigra</i>	Pine, Austrian
<i>Pinus ponderosa</i>	Pine, Ponderosa (may not be hardy)
<i>Pinus resinosa</i>	Pine, Norway (aka – Red Pine)
<i>Pinus strobus</i>	Pine, White
<i>Pinus sylvestris</i>	Pine, Scotch

Pseudotsuga menziesii	Fir, Douglas
Thuja occidentalis	Arborvitae
Thuja occidentalis	'Techny' Techny Arborvitae

TABLE 7: Permitted Trees Not Meeting Landscaping Requirements

Allowed – but not used to meet requirements	
Acer saccharinum	'Silver Queen' Maple, (still weak limbs/large roots)
Aesculus glabra	Ohio Buckeye (questionable – mildew, blight, leaf scorch all of which may disfigure)
Betula papyrifera	Birch, Paper (questionable – birch borer – understory)
Elaeagnus angustifolia	Russian Olive
Morus (Rubra and Alba)	Red and White Mulberry
Populus tremuloides	Quaking Aspen
Quercus bicolor	Oak, Bicolor (recategorized because it prefers clay soil)
Robinia pseudoacacia	Black Locust
Salix	Willow
Ulmus Americana	American Elm (recategorized – Dutch Elm Disease)
Rhus	Sumac

TABLE 8: Prohibited Trees

Not allowed to be planted within the City	
Acer negundo	Boxelder
Betula pendula	'Dalecarlica' Birch (aka – cut leaf weeping)
Rhamnus	Buckthorn
Ulmus pumila	Siberian Elm
Populus	Poplar
Populus deltoids	Cottonwood

1. Underground sprinkler systems.
 - a. Sprinkler systems shall be provided as part of each new development for all landscaped areas, except those areas on the property that will be preserved in their natural state.
 - b. Single-family and two-family dwellings as well as additions to existing structures, in which the addition will not exceed the floor area of the existing structure, are exempt from this provision.
 - c. On all lots, the City may permit alternative landscaping options, which may not require an irrigation system. Such alternative options shall be reviewed by the Planning Commission. Alternative landscape options include, but are not limited to, rock gardens, natural prairie grass, and rain gardens.
 2. Tree Preservation Requirements.
 - d. A reasonable attempt shall be made to preserve as many existing trees as practicable on a property.
 - e. Existing trees identified to be preserved shall be protected by orange snow fencing. The fencing shall be installed at the dripline and shall remain in place throughout the construction process, from excavation to the completion of the landscaping.
 - f. No construction materials or equipment shall be located within the fenced area. Grade changes within the fenced area are prohibited. Soil compaction in the critical root zone or damage to trunks or limbs shall be avoided.
- C. Should the property owner, developer, or homeowner fail to install or maintain tree protection fencing; existing trees located on the property shall not be counted towards the landscaping requirements. Residential Requirements. In addition to the general requirements noted, properties located within residential districts, shall be subject to the following regulations.
1. Soil Requirements. A minimum of four (4) inches of topsoil shall be provided upon all lots.

2. Turf Requirements. All areas disturbed by new construction or not covered by established lawn or turf shall be sodded. Those areas to be maintained as natural areas as provided for within a developer's agreement or any wetlands that may be located on the property are exempt from this provision.
 3. Tree Requirements. The following quantity and type of trees are required, unless otherwise set forth in the development agreement or conditions thereof for the coinciding Planned Unit Development.
 - a. All residential properties shall provide a minimum of two (2) trees.
 - b. Trees shall be of varying species and shall be in accordance with the City Tree Lists, as presented within the Section. Other types of trees not listed on the City Tree Lists may be permitted at the discretion of City Staff.
 - c. Deciduous trees shall be two and one half (2.5) inches in diameter at the trunk and Coniferous/Evergreen trees shall be six (6) feet in height above the root ball at the time of installation.
 4. Tree Location.
 - a. Each tree shall be planted a minimum of five (5) feet from the public right-of-way.
 - b. Trees should be planted in the front of the primary structure. If more than two trees are planted the majority of trees shall be planted in front of the primary structure. For corner lots, trees may be planted along the secondary street frontage. (*Ord. No. 775*)
 5. Maintenance of Landscaping.
 - a. The owner or tenant shall be responsible for the maintenance of landscaping provided on the parcel(s) in a condition presenting a healthy, neat, and orderly appearance; free from refuse and debris.
 - b. Trees and ground cover that are required by this Ordinance or by an approved site or landscape plan and which have died or have been removed shall be replaced within three (3) months from receipt of notification by the City. The time for compliance may be extended to nine (9) months, due to seasonal weather conditions.
 6. Decorative Landscaping. This includes flower beds, rock gardens and any planting(s) or structures other than established turf.
 - a. Any planting or decorative items placed in any right of way and/or easement is the reasonability of the property owner to maintain.
 - b. The City will not be held liable for any damage to any planting or decorative items placed in any right of way and/or easement, all costs associated with any damage or loss of such decorative landscaping shall be the responsibility of the property owner.
 - c. The City may require resident to move landscaping due to unforeseen circumstances, If City must remove the property owner will incur all associated costs.
 - d. Natural prairie grass must follow the recommendations listed on the MN Board of Water and Soil Resources website for Pollinator Lawns and must be approved by City staff prior to planting. (*Ord. No. 775*)
- D. Non-Residential Requirements. In addition to the general requirements noted, properties located within non-residential districts, shall be subject to the following regulations.
1. Minimum Landscaping Requirements. All open areas of a lot which are not used or improved for required building areas, parking areas, building expansion areas, drives, sidewalks, storage, or similar hard surface materials shall be landscaped with a combination of sod, professional hydro-seeding, overstory trees, understory trees, shrubs, flowers, ground cover materials and/or other similar site design features or materials in a quantity acceptable to the City.
 2. Parking Lot Landscaping.
 - a. All parking lots containing over fifty (50) stalls shall be designed to incorporate unpaved, landscaped islands in number and dimension as required by the City.
 - b. Islands, which are necessary to promote the safe and efficient flow of traffic shall be in addition to those required for parking lots with over fifty (50) stalls and shall be required by the City when warranted.
 - c. Parking lot landscape areas, including landscape islands, shall be reasonably distributed throughout the parking lot area so as to break-up expanses of paved areas.
 - d. Parking lot landscape areas shall be provided with deciduous shade trees, ornamental trees, evergreen trees, ground cover, mulch and/or shrubbery as determined appropriate by the City Council. Parking lot landscaping shall be contained in planting beds bordered by raised concrete curbs. Alternative landscape options may include, but are not limited

- to natural prairie grass or rain gardens.
3. Maintenance of Landscaping. The owner, tenant, and their respective agents shall be responsible for the maintenance of all landscaping provided on the parcel(s) in a condition presenting a healthy, neat, and orderly appearance; free from refuse and debris. Plants and ground cover that are required by an approved site or landscape plan and which have died shall be replaced within three (3) months from receipt of notification by the City. The time for compliance may be extended to nine (9) months, due to seasonal weather conditions.
 4. Soil Requirements. A minimum of four (4) inches of topsoil shall be provided upon all lots.
 5. Turf Requirements. All areas disturbed by new construction or not covered by established lawn or turf shall be sodded. Those areas to be maintained as natural areas as provided for within a developer's agreement or any wetlands that may be located on the property are exempt from this provision.
 6. Tree Requirements.
 - a. Landscaping shall provide for an appropriate mix of plantings around the exterior footprint of all buildings. Landscaping shall improve the appearance of the structure and break up large unadorned building elevations. Plantings are not intended to obscure views of the building or accessory signage.
 - b. Where undeveloped or open areas of a site are located adjacent to a public right-of-way, the plan shall provide for deciduous trees. A minimum of one (1) tree per fifty (50) feet of street frontage is required. The City may approve an alternative if such alternative appears to meet the intent of this article.
 - c. In addition to deciduous and coniferous trees; shrubs, ornamental trees, perennials and annual flowers and bulbs as well as ornamental grasses and ground cover shall be used to compliment the landscape plan.
 - d. Deciduous trees shall be two and one half (2.5) inches in diameter at the trunk and Coniferous/Evergreen trees shall be six (6) feet in height above the root ball at the time of installation.
 - e. Trees shall be of varying species and shall be in accordance with the City Tree Lists, as presented within the Section. If four (4) or more trees are used, the trees shall be of at least three (3) different species. If seven (7) or more trees are planted, trees shall be of at least four (4) different species. Other types of trees not listed on the City Tree Lists may be permitted at the discretion of City Staff.
- E. Escrow Requirements.
1. The City of Isanti requires all required landscaping as defined in this ordinance to be completed prior to the issuance of a Certificate of Occupancy. If a Certificate of Occupancy is requested prior to completion of required landscaping, a landscape escrow in the amount adopted per the City fee schedule is required.
 2. The City will deposit the money into an escrow account and hold until such time that work is completed, or 12 months, whichever comes first.
 3. The escrow account is established through a receipt of escrow in which the aforementioned terms are stated and acknowledged by the payee.
 4. Upon completion of the required work, the payee is required to contact the City to schedule required inspections. Once the City has approved the topsoil and the trees/yard inspections, the Finance Department is notified to release the escrow back to the party that posted it originally.
 5. Upon failure to comply to landscape requirements within 6 months of receipt of the escrow payment, the City will complete landscaping as required using escrow funds. Any expenses incurred to complete the required topsoil, trees, and turf over and above the withheld escrow will be the responsibility of the escrow account holder and billed accordingly. (*Ord. No. 775*)

SECTION 16: SIGNS

Subdivision 1	Purpose and Findings
Subdivision 2	Measurement Standards
Subdivision 3	Establishment of Sign Overlay Districts
Subdivision 4	Permitted Signs
Subdivision 5	Development Standards
Subdivision 6	Dynamic and Changeable Copy Signs
Subdivision 7	Temporary Signs
Subdivision 8	Special Use Signs
Subdivision 9	Exempt Signs
Subdivision 10	Prohibited Signs
Subdivision 11	Non-Conforming Signs
Subdivision 12	Sign Review Procedures
Subdivision 13	Signage Master Plans
Subdivision 14	Supplemental Information
Subdivision 15	Maintenance and Removal of Signs
Subdivision 16	Violations
Subdivision 17	Definitions – This is incorporated into Section 2 of the Zoning Ordinance
Subdivision 18	Sign Diagrams

Subdivision 1: Purpose and Findings (*Ord No. 574*)

- A. Purpose.
1. It is the purpose of this Section to: (1) regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare of the community; (2) maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter; (3) improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and (4) provide for fair and consistent enforcement of sign regulations set forth herein under the zoning authority of the City.
 2. It is not the purpose of this Section to regulate the message displayed on any sign; nor is it the purpose of this Section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building.
- B. Findings. The City Council hereby finds it necessary for the promotion and preservation of the public health, safety, and general welfare as well as the aesthetics of the community that the construction, location, size, and maintenance of signs be controlled. Further, the City finds that:
1. Permanent and temporary signs have a direct impact on and relationship to the image of the community;
 2. The manner of installation, location, and maintenance of signs affects the public health, safety, and general welfare as well as the aesthetics of the community;
 3. An opportunity for visible identification of community businesses and institutions must be established;
 4. The safety of motorists, cyclists, pedestrians, and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
 5. Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
 6. Uncontrolled and unlimited signs, particularly temporary signs which are located within or adjacent to the public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstructions of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information; and
 7. The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location, and number of signs.

Subdivision 2: Measurement Standards (*Ord No. 574*)

- A. Sign Area and Dimensions.

1. Wall Signs.
 - a. For signs that are framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within the frame or background.
 - b. For signs comprised of individual letters, figures, or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, triangle, square, circle, etc.) or a combination of regular geometric shapes, which approximate, the perimeter of all elements of the sign, the frame and any applied background that is not part of the building architecture. Minor appendages to a particular regular shape, as determined by the Zoning Administrator or their designee shall not be included in the total sign area.
 2. Freestanding Signs. The sign area shall include the face of the sign panel and the sign frame, if any, but shall not include: (1) a pole or other structural support unless the pole or structural support is internally illuminated or otherwise so design to constitute a display device, or a part of the display device and (2) architectural features that are either part of the building or part of a freestanding structure and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general. (*Ord No. 714*)
 3. All Other Signs. The area in square feet of all faces of a sign panel, including the frame shall be used to calculate the square footage.
- B. Sign Height. The height of the sign shall be calculated as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.
- C. Sign Setback. Signs shall be setback a minimum of ten (10) feet from the property line. Signs should not be in locations that would interfere with safe vehicular and pedestrian circulation or public safety signals. Signs shall meet the provisions of Section 4, Subdivision 3 with regards to the Vision Clearance Triangle.
- D. Building Frontage Determination. (*Ord No. 808*)
1. The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel or nearly parallel to such frontage. The Zoning Administrator or their designee shall determine it such wall meets the criteria to be considered frontage.
 2. For buildings that are identified as having two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
 3. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

Subdivision 3: Establishment of Sign Overlay Districts (*Ord No. 574*)

- A. Findings.
The City has determined that property zoned “B-2” General Business District have frontage along the Heritage Boulevard and Trunk Highway 65 corridors; each of which present a unique set of conditions that may be distinguished from all other similarly zoned property within the City because of increased roadway capacity in terms of design, size, and traffic volume and speed. As a result, the City finds that it is in the public interest to create a Heritage Boulevard Sign Overlay District and a TH 65 Sign Overlay District; in order to provide for special regulations that allow appropriate sign dimensions and types as well as to encourage economic development that fits the character of the roadway and protects the overall character of the community.
- B. Establishment of the Heritage Boulevard Sign Overlay District.
The Heritage Boulevard Sign Overlay District is hereby established and consists of those parcels or lots that are located within the “B-2” General Business District of the City, as shown on the Zoning Map, as amended, which have frontage on Heritage Boulevard also known as County Road 5.
- C. Establishment of the Trunk Highway 65 Sign Overlay District.
The Trunk Highway 65 Overlay District is hereby established and consists of those parcels or lots that are located within the “B-2” General Business District and “T1-R” Tier One Business District of the City, as shown on the Zoning Map, as amended, which have frontage on Trunk Highway 65.
- D. For those properties having frontage along both Trunk Highway 65 and Heritage Blvd; the more restrictive requirements will take effect.
- E. For properties having no frontage on either corridor (Heritage Blvd or TH 65), the standard requirements provided for the “B-2” General Business District shall be met.

Subdivision 4: Permitted and Conditional Signs (Ord No. 574)

	R	B-1	B-2			B-3	I-1	RC	CBT	POS
			Standard	Heritage	TH 65					
Awning/Canopy		P	P	P	P	P	P	P	P	
Billboard					C					
Changeable Copy		P	P	P	P	P	P	P	P	P
Dynamic	C		P	C	P		P	C		C
Exempt	P	P	P	P	P	P	P	P	P	P
Freestanding	P		P	P	P	P	P	P		
Ground	P	P	P	P	P	P	P	P	P	P
Monument	P		P	P	P	P	P	P	P	P
Off-Premise			P	P	P		P			
Projecting		P	P	P	P	P		P	P	
Pylon			P		P		P			
Temporary	P	P	P	P	P	P	P	P	P	P
Wall		P	P	P	P	P	P	P	P	
Mural		C								

**The sign would be generally permitted within the zoning district designation as provided. In multiple tenant centers, each business is not entitled to its own freestanding sign. In those instances, the freestanding sign would identify the entire center or development.

Subdivision 5: Development Standards (Ord No. 808)

A. Wall signs.

1. Wall signs shall be located a minimum of one (1) foot from the side of the building or unit line.
2. The minimum sign area for each building or tenant shall be not less than twenty-five (25) square feet.
3. The maximum wall sign area is to be no greater than three hundred (300) square feet per business or unit regardless of wall size.
4. One (1) wall sign per building or unit is permitted on the primary frontage. Additional wall signage may be permitted on the secondary frontage.
5. Wall signs shall not exceed the number of square feet for every lineal frontage of building or unit wall in which the sign is to be located, for the district in which it is located, as provided:

Zoning District	Square feet of Sign Area
B-1	1 x 1 Lineal Foot of Frontage
CBT, B-3, RC, POS	1.5 x 1 Lineal Foot of Frontage
Heritage Blvd Overlay, I-1	1.75 x 1 Lineal Foot of Frontage
B-2	2 x 1 Lineal Foot of Frontage
TH 65 Overlay	2.5 x 1 Lineal Foot of Frontage

6. Wall signs shall not project more than eighteen (18) inches from the façade of the building.
7. Illumination. The light source shall be either internal or shielded external to minimize glare and light spilling unto neighboring properties. The illumination of signs shall not interfere with surrounding uses.

B. Projecting Signs.

1. The maximum area of a projecting sign is twelve (12) square feet.
2. The sign shall not project more than four (4) feet from the wall or 2/3 the width of the sidewalk, whichever is greater.
3. The minimum spacing between projecting signs is twenty (20) feet.
4. A minimum eight (8) foot clearance must be between the sidewalk and the bottom of the sign.

C. Freestanding Signs.

1. Two (2) freestanding signs are permitted. One (1) freestanding sign per one hundred fifty (150) feet of zoning lot frontage may be located not less than one hundred fifty (150) feet from any other freestanding sign for the same center.
2. The maximum area and height of a freestanding sign are shown below for the zoning district in which the sign is located.

Zoning District	Square feet of Sign Area	Height
R-1, R-2, R-3A, R-3B	8	4
R-4	24	4
B-2	120	35
TH 65 Overlay	200	45
B-3, RC	100	12
I-1	100	25
Heritage Overlay	110	30

3. No part of a freestanding sign shall be within ten (10) feet of the property line.
- D. Pylon Signs. Pylon signs must meet the requirements as defined for freestanding signs for the district in which the sign will be located. (*Ord. No. 595*)
- E. Awnings. When permitted within the zoning district, awnings shall meet the following requirements:
1. An awning may project over a public sidewalk provided that it is at least eight (8) feet above grade and does not project more than two-thirds (2/3) the width of the public sidewalk as measured from the building.
 2. Awnings and canopies should be made of high-quality materials that complement the overall design, colors, and materials of the building. Brightly colored awnings shall be compatible with the colors used on the main building.
 3. Awnings must be constructed of a durable, water-repellent material such as canvas or metal. Plastic or fiberglass awnings are not permitted.
 4. Retractable or fixed awnings may be used.
 5. Awnings shall not extend across multiple storefronts and/or multiple buildings. Long expanses of awnings should be broken into segments that reflect the door or window openings located beneath.
 6. Awnings and canopies deteriorate over time; regular maintenance and replacement is required.
 7. Signage on awnings is permitted. Lettering size shall be proportional to the space available and shall meet the requirements as provided for wall signs.
 8. Color renderings showing the location, size, color, and any proposed signage shall be submitted for review by the Planning Commission. Awnings that encroach within or above the public right-of-way shall receive approval by the City Council prior to construction of the awning.
- F. Ground sign (sandwich board signs). A sign mounted at ground level, the face of which is no more than thirty-six (36) inches wide. Ground signs must be brought inside each evening at the completion of business hours. Ground signs may not be located in such a way to impede pedestrian traffic. If business owner desires ground sign to be located on a sidewalk or trail, approval must be given by City Council prior to the sign being erected.
- G. Billboards. Off-premise signs which are generally for hire. Billboards shall meet the following conditions:
1. Billboard shall only be allowed in the commercial and industrial zones, provided that they are adjacent to the right-of-way of Highway 65 or a Highway 65 frontage road. No billboard shall be allowed within a "B-1" district.
 2. The applicant must provide written permission from the property owner where the billboard is proposed to be located, at the time of making application for a conditional use permit.
 3. The applicant must provide proof of having obtained a permit from the Minnesota Department of Transportation, prior to being issued a conditional use permit.
 4. Billboards located a minimum of 100 ft. from the nearest advertising device as outlined in Minnesota State Statute Chapter 173 and shall follow all requirements set forth.
 5. Billboards along HWY 65 require additional permitting from the Minnesota Department of Transportation.
- H. Off-Premise Signs. The signs shall meet the requirements for the property and district in which the sign is located. The permit must be accompanied by written documentation from the owner of the property on which the sign is located.
- I. Monument Sign. When permitted within the zoning district, the following requirements shall be met:
1. Signs constructed in commercial, industrial, mixed use and overlay areas shall not exceed the square feet of sign area and height requirements as shown for freestanding signs.
 2. Signs intended to permanently identify a single-family residential development or a multi-family residential development shall be permitted with the following conditions:
 - a) Signs shall not exceed one hundred (100) square feet in sign face area and shall not exceed 8 feet in height as measured from natural grade.
 - b) Signs shall be either single-faced or double-faced.
 - c) The total number of signs permitted shall be subject to review by city staff depending upon the number of entryways into the development.
 - d) The location of the sign shall not interfere with the safe movement and visibility of traffic or street maintenance operations. Signs shall be setback a minimum of five (5) feet from all property lines. Size, location, and

- configuration of the sign may result in a greater setback requirement.
- e) The City shall not be responsible for the maintenance of the sign. An entity shall be established to the satisfaction of the City such as a homeowner's association or a dedicated permanent easement with a homeowner's association shall be identified as responsible for perpetual maintenance of the sign.
- f) Signs may be externally illuminated.

- J. Murals. When permitted within the zoning district, murals shall meet the following requirements:
- a) Murals are solely permitted by conditional use permit within the "B-1" Central Business District
 - b) Color renderings showing the location, size, and color shall be submitted for review by the Planning Commission.

Subdivision 6: Dynamic and Changeable Copy Signs (Ord No. 808)

- A. Dynamic Signs. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method of technology that allows a sign face to present a series of images or displays.
1. Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes. Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character. The City finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.
 2. Permitted sign type and locations. Dynamic displays are solely permitted as freestanding signs and only within the "T1-B" Tier One Business District, "B-2" General Business District, "B-3" Neighborhood Business District, "RC" Recreational Commercial District, "T1-I" Tier One Industrial Park District, and "I-1" Industrial Park District.
 3. Duration of Image. A dynamic display image, or any portion thereof, may not change more than once every twenty (20) seconds, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. A display of time, date, or temperature must remain for at least twenty (20) seconds before changing to a different display, but the time, date, or temperature information itself may change not more often than once every three (3) seconds.
 4. Transition. If a dynamic display's image or any portion thereof changes, the change sequence must be instantaneous without any special effects.
 5. Prohibition on Video Display. No portion of a dynamic display may change any part of its sign face by a method of display characterized by motion or pictorial imagery, or depict action or a special effect to imitate movement, or display pictorials or graphics in a progression of frames that gives the illusion of motion of any kind.
 6. Prohibition of fluctuating or flashing illumination. No portion of a dynamic display image may fluctuate in light intensity or use intermittent, strobe or moving light, or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or any other manner that creates the illusion of movement.
 7. Audio. Dynamic displays shall not be equipped with audio speakers.
 8. Malfunctions. Dynamic displays must be designed and equipped to freeze the sign face in one position if a malfunction occurs. Dynamic displays must be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner or operator must immediately turn off the display when notified by the City that it is not complying with the standards of this Ordinance.
 9. Brightness. All dynamic displays shall meet the following brightness standards:
 - a) No dynamic display may exceed a maximum illumination of 5,000 nits (candelas per square meter) during the daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
 - b) All dynamic displays having illumination by means other than natural light must be equipped with a dimmer control or other mechanism that automatically controls the sign's brightness to comply with the requirements of this Section.
 - c) No dynamic displays may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
 - d) The owner or controller of the dynamic display must adjust the sign to meet these brightness standards in

accordance with the City's instructions. The adjustment must be made immediately upon notice of non-compliance from the City.

- e) A written certification from the sign manufacturer that light intensity has been preset to conform to the brightness levels established by code and that the preset level is protected from end user manipulation by password protected software or other method. This would offer the advantage of ensuring that electronic signs at a minimum cannot exceed the standards.

- B. Changeable Copy Signs. Changeable copy signs must meet the requirements as defined for wall or freestanding signs for the district in which the sign will be located.

Subdivision 7: Temporary Signs (Ord No. 808)

The following signs require a temporary sign permit in all zoning districts and shall meet the requirements as provided within this Section.

- A. Public interest signs publicizing a charitable or non-profit event of general public interest for more than a one (1) day event. Such signs may be erected only on private property with the consent of the owner. Such signs shall be limited to thirty-two (32) square feet. Public interest signs shall be permitted only fourteen (14) days before and must be removed seven (7) days after the event to which it pertains.
- B. Banners, portable signs, and inflatable figures:
 - 1. No more than one (1) banner or one (1) inflatable figure not to exceed ten (10) feet in width or depth shall be permitted in a commercial or industrial district for a special event sponsored and/or run by a commercial enterprise in connection with a seasonal sale or other special offer.
 - 2. Banners and inflatable figures for these types of events are permitted, provided they may be allowed for a maximum of thirty (30) consecutive days.
 - 3. In a shopping center or multi-tenant building, no more than two (2) temporary signs can be displayed at any one time upon the property.
 - 4. Portable letter board signs shall be allowed in the commercial or industrial zoning districts.
 - 5. Portable Dynamic Signs shall be allowed in the commercial or industrial zoning districts for up to thirty (30) days, temporary dynamic signs in place for longer than thirty (30) days require a conditional use permit and must meet all requirements for dynamic signs within this ordinance.

Subdivision 8: Special Use Signs (Ord No. 574)

- A. Gas/Service Stations.

For gas/service stations, only the following signs are permitted in addition to the permitted signs for the district in which the use is located. All other signs are subject to the other requirements of this Section.

 - 1. Other non-illuminated permanent and temporary signs, customarily incidental to a gas/service station use, are allowed but the signs must not exceed a combined area of 100 square feet for the premises.
 - 2. Signs identifying the gas station brand on the gas pumps shall not count against the sign area allowance for the property.
 - 3. Sign island canopy may contain the color, logo, and brand name around the perimeter of the canopy. The height of the combined elements shall not exceed twenty-four (24) inches.
- B. Drive-Thru Signs.

A use necessitating a drive-thru function will be permitted to have wall signs or freestanding signs as regulated under this section depending upon the zoning district. The property will be permitted to have additional signage related to the function of the drive thru, which meet the following requirements:

 - 1. Menu boards shall be limited to two (2) signs per property (not including the speaker if unattached).
 - 2. Menu boards are limited to sixty (60) square feet in size and can be internally or externally illuminated.
- C. Dynamic Signs.

Dynamic signs may be permitted through the issuance of a conditional use permit for governmental buildings, recreational centers, convention centers, hotels, theaters, and schools. This type of signage may only be part of a freestanding sign and must comply with the regulations for this type of signage as stipulated within this Section.

Subdivision 9: Exempt Signs (Ord No. 574)

The following signs are exempt from permit requirements in all zoning districts.

- A. Real estate signs and construction/development signs.
 - 1. One (1) temporary real estate sign is permitted for the sale or lease of an existing building or vacant lot for each street frontage of the parcel and must be located on the premises. Such sign shall not exceed twelve (12) square feet in a residential district or thirty-two (32) square feet in all other districts. No more than two directional signs not exceeding six (6) square feet shall be permitted along a public right-of-way leading directly to such building or lot.
 - 2. One temporary development real estate sign not exceeding thirty-two (32) square feet in area and located on the property shall be permitted on each public street frontage of a commercial, industrial, or residential development with five (5) or more units or lots for rent, sale, or lease. No more than two directional signs not exceeding sixteen

(16) square feet in area shall be permitted on a collector or arterial street leading directly to such development.

- B. Window signs.
 - 1. Information Generally Permitted. The application upon a window or the glass surface of a door that includes lettering or decals giving the address, hours of operation, entrance or exit information, professional or security affiliations or members, the acceptance of credit cards or other similar information, shall not be considered as the display of signs for the purpose of this Section.
- C. Political signs. Political signs of any size may be posted in any number from forty-six (46) days before the primary election until ten (10) days following the general or special election.
- D. Holiday signs. Holiday signs shall be allowed for a period of not more than sixty (60) days before and fifteen (15) days after said holiday.
- E. Garage sale signs. Garage sale signs shall be allowed provided they are legible and do not violate any of the items as provided within Subdivision 2 of this Section. Signs shall be removed twenty- four (24) hours after the last day of the sale or will be removed by City staff. A phone number and address shall be placed on the sign.
- F. Names plates. A name plate sign identifying the owners or occupants of a building or dwelling unit, provided such sign does not exceed two (2) square feet. (*Ord. No. 595*)
- G. Directional signs. Directional signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, sanitariums, clubs, libraries, business districts, special events, or other similar uses provided that such use shall be limited to one such sign per thoroughfare approach. Such signs shall not be illuminated and all shall comply with all applicable regulations of the road authorities.
- H. Government or public signs. Such signs include, traffic signs, railroad crossing signs, legal notices, location of underground utilities, traffic lights and signals, and other similar signs as well as directional signs in any parking area where such signs are necessary for the orderly movement of traffic.
- I. Any sign located inside a building, not attached to a window or door, which is not able to be read by pedestrians or vehicles passing on abutting streets.
- J. No trespassing, no soliciting, or no dumping signs.
- K. Ground Signs, so long as they are not located on a sidewalk or trail and are brought inside every night at the completion of business hours. (*Ord. No. 595*)

Subdivision 10: Prohibited Signs (*Ord No. 808*)

The following signs are prohibited and shall not be erected or maintained:

- A. Any sign which purports to be or resembles an official traffic control device, sign, or signal, or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign, or signal, or railroad sign or signal, or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic for a distance not to exceed five hundred (500) feet.
- B. Any sign which prominently displays the word "stop" or "danger" for commercial purposes.
- C. Any sign which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency on any right-of-way of any highway, except as otherwise provided by law or allowed by the Commissioner of the Minnesota Department of Transportation.
- D. Any sign on private land without the written consent of the owner thereof.
- E. Any sign on trees, shrubs, or which are painted or drawn upon rocks or natural features, or on any public utility poles.
- F. Any sign which has distracting flashing or moving lights so designed as to be a traffic hazard.
- G. Any sign to which access can be obtained only from an interstate main traveled way but excluding frontage roads adjacent thereto.
- H. Any signs which are structurally unsafe, in disrepair, or are abandoned.
- I. Any signs which are attached to trees or utility poles, other than those posted by the City.
- J. In commercial, mixed-use, and industrial zoning districts, temporary signs cannot be used for a business's permanent sign. This includes, but is not limited to, banners, sandwich boards, and changeable copy signs either mounted on the building or freestanding.
- K. Off-premise business and/or advertising signs in residential districts (except those permitted in Subdivision 7 Temporary Signs). (*Ord. No. 595*)

Subdivision 11: Non-Conforming Signs (Ord No. 574)

- A. Signs which do not conform to the provisions of this Section or do not conform with any other provision of this Ordinance applicable thereto shall be a legal nonconforming use and structure, subject to the provisions of Section 19 of this Ordinance.
- B. A sign has legal non-conforming status if it was lawfully erected prior to the regulations set forth in this section. A sign will lose its legal non-conforming status and shall be removed if:
 - 1. The sign is altered in any way in structure or copy, except for copy on changeable copy signs and normal maintenance;
 - 2. The sign is relocated or moved;
 - 3. The sign is replaced; or
 - 4. The sign is enlarged or expanded in any manner, to include but is not limited to an increase in weight, depth, height, area, intensity, technological advancements, etc.

Subdivision 12: Sign Review Procedures (Ord No. 574)

- A. Permits. It is unlawful to erect, move, or change a sign without obtaining a sign permit from the City and written consent of the property owner. Every sign permit will become null and void if construction does not commence and final approval has not been granted by the City within one hundred eighty (180) days from the date of permit issuance. The following activities shall not require a permit unless otherwise noted:
 - 1. Changing a tenant panel, marquee copy, or any message that is specifically designed for the use of changeable copy.
 - 2. Painting, repairing, cleaning or other normal maintenance of a sign or sign structure for which a permit has been previously issued so long as the aesthetic concept of the sign is not modified or changed in any way.
 - 3. Changes in window displays or window signs.
 - 4. Exempt signs in all districts.
- B. Application for Permits. Temporary and Permanent sign application shall be made to City staff. Sign permits shall be reviewed by the Building Department and, if necessary, the construction and installation regulated by the International Building Code (IBC). The permit shall be submitted with the following information:
 - 1. Name and address of the premises where the sign is to be located.
 - 2. Name and address of all parties involved in the sign erection (sign company, electrical contractor, owner, property manager, landscape company, etc.). Names listed on the permit are legally responsible for each respective area.
 - 3. When appropriate, a completed building permit application with drawings showing dimensions, construction supports, electrical wiring and components, materials of the sign, and any additional items as requested by the Building Official.
 - 4. Site plan showing the location of the sign on the parcel as well as dimensions from property lines, landscaping areas, etc.
 - 5. Clear and legible drawings with a description of the colors, construction materials, sign dimensions, location of the sign and building elevations.
 - 6. Written authorization from the property owner for the sign to be located on the property.
 - 7. Any additional information as required by City staff to review the proposal.
 - 8. Sign permit fee as approved by the City Council within the fee schedule.
- C. Inspection of Signs. Every sign that requires a permit must be inspected by the City of Isanti to verify that the location, size, and construction of the sign conform to approved drawings and code requirements. The contractor installing or altering the sign shall provide the City of Isanti with access to the sign and all sign components so that a proper inspection of the sign can be performed. The construction and installation of the sign shall conform to the submitted drawings showing the dimensions, supports, sizes, and electrical components. Any substantial deviation from the approved drawing may result in revocation of the sign permit.

Subdivision 13: Signage Master Plans (Ord. No. 808)

- A. Purpose. The purpose of a signage master plan is to establish a fair and equitable process for complex signage situations that accommodate the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification.
- B. Entities subject to this section are as outlined below:
 - 1. Sports/Recreation Facilities. To include, soccer fields, sports arenas, baseball fields, and other similar uses.
 - a) Additional signage may be permitted with the submittal of a signage master plan, recommendation by the Parks and Recreation, Board, and approval by the City Council.
 - b) Special events must submit an application for temporary signage as part of the Special Event Permitting process.
 - c) No advertisements for products or services detrimental or inappropriate to the health or welfare of children including, but not limited to, alcoholic beverages, tobacco products, adult entertainment, gambling, or questionable content will be permitted.
 - 2. Hospitals.

3. Businesses with campus-like settings.
 4. Colleges
 5. Strip malls or office complexes, with two (2) or more tenants, constructed after December 2014.
 6. Other similar facilities.
- C. Review. Master sign plans shall follow the Application for Permit process as outlined in Subdivision 12(B), in addition to a recommendation for approval by the appropriate committee and approval by the City Council. Parks and recreation facility sign plans shall be reviewed by the Parks and Recreation Board, all other facilities shall be reviewed by the Planning Commission prior to City Council approval.

Subdivision 14: Supplemental Information (Ord No. 574)

- A. Façade Repair and Winter Sign Installation.
1. Prior to the issuance of any sign permit for a renovated or new wall sign, the building façade or wall shall be repaired and returned to a condition similar to the remainder of the building.
 2. For sign permits that are issued during winter months, the applicant may request permission to complete façade repairs or provide landscaping at a later date. The request shall be made to the Zoning Administrator and include a date by which the required repairs or landscaping will be complete. The request shall be accompanied by an acceptable surety in the amount set by the City Council. The request shall also be accompanied by a guarantee of right of entry which would allow the City to complete the required work if the applicant fails to do so. Should the request be granted, holes in the façade shall be filled to provide adequate protection against the weather.

Subdivision 15: Maintenance and Removal of Signs (Ord No. 574)

- A. Any sign now or hereafter existing which no longer advertises or identifies a bonafide business conducted, service rendered or a product sold, shall be taken down and removed by the owner, agent, or other person having the beneficial use of the building or structure upon which the sign may be found, within ten (10) days after written notice from the Zoning Administrator.
- B. All signs shall be maintained so as not to be unsightly to adjoining areas or create hazards to the public health, safety or general welfare. The term unsightly shall mean a condition where the sign has deteriorated to the point that one-fourth (1/4) or more of the surface of the name, identification, description or other symbol is no longer clearly recognizable to the human eye at a distance of forty (40) feet. In the case of painted signs, unsightly shall mean that the paint is peeling away from the structure surface or is faded so that it is not clearly recognizable to the human eye at a distance of forty (40) feet. All signs, together with their supports, braces, guys, anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. The City Council may order the removal of any sign that is not properly maintained. Upon proper presentation of credentials, the Zoning Administrator or his authorized representatives may enter at reasonable times any building, land, or structure in the City to inspect or re-inspect any sign.
- C. Business identification must be removed or professionally covered and properly secured within thirty (30) days of a business closing or moving from the location. A fine of \$50 per day will be charged each day the sign is not removed.

Subdivision 16: Violations (Ord No. 574)

The violation of, or failure to comply with any of the provisions of this Section, or the erection, use or display of any sign not in compliance with all the provisions of this Section shall be and is declared to be unlawful.

- A. Injunction and Abatement. The City, through its authorized agents, may initiate an injunction or abatement proceeding or other appropriate action in a court of competent jurisdiction against any person who violates or fails to comply with the provisions of this Section or the erector, owner, or user of an unlawful sign or owner of property on which an unlawful sign is located, to prevent, enjoin, abate, or terminate violations of this Section.
- B. Penalties. Any person who violates or fails to comply with any of the provisions of this code or the erector, owner, or user of an unlawful sign or the owner of property on which an unlawful sign is located shall be subject to the penalties as specified within Section 23 of this Ordinance.

Subdivision 17: Definitions (Ord No. 574)

The following definitions shall have the following meaning within this Section.

Banner

A temporary sign constructed of cloth, paper, plastic, or other material upon which copy is written and supported either between poles or posts or fastened to a building or structure.

Commercial Speech

Speech advertising a business, profession, commodity, service or entertainment.

Dynamic Display

Any characteristic of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.

Expansion

An increase in the area, size, shape, volume, height, weight, or intensity of the use. Expansion can also be determined by: (1) the extent to which the current use reflects the nature and purpose of the original use; (2) any difference in character, nature, and kind of use involved; and (3) any substantial difference in affect upon the neighborhood resulting from differences in activities conducted on the property.

Non-Commercial Speech

Dissemination of messages not classified as commercial speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off Premise Sign

A sign whose message advertises a product, service, business, event or activity which is not offered for sale, rent or does not take place on the premises in which the sign is located. The term off premise sign shall also include a billboard sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

On Premise Sign

A sign whose message advertises a product, service, business, event or activity which is offered for sale, rent or does take place on the premises in which the sign is located.

Primary Sign Frontage

The portion of any frontage containing the primary public entrance to a building or building unit.

Secondary Sign Frontage

The frontage containing secondary public entrances to a building or building unit as well as building walls facing a public street or primary parking area.

Sign, Billboard

A large sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at another location other than the premises on which the sign is located.

Sign, Changeable Copy

A sign in which the display or message must be changed manually rather than by electronic means.

Sign Face

The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign, Freestanding

Any sign supported by structures or supports that are placed on or anchored in the ground, and that are independent from any building or other structure.

Sign, Mural

A sign applied to the wall of a building that covers all or substantially all of a wall and depicts a scene or event.

Sign, Projecting

Any sign which is affixed to the building or wall in such a manner as the sign face extends perpendicular to the building or wall face.

Sign, Pylon

A freestanding sign permanently affixed to the ground by supports, but not having the appearance of a solid base.

Sign, Temporary

A sign designed to be displayed for a limited amount of time that is not permanently affixed to the land or a structure. Temporary signs may be constructed of or include paper, cloth, canvas, inflatable objects, pennants or other light non-durable material.

Sign, Wall

A sign mounted or attached parallel to a wall or painted on the wall surface which displays one sign surface.

Unified Business Center

A group of two (2) or more buildings, planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings, units, or uses are located on the same lot or parcel.

Window

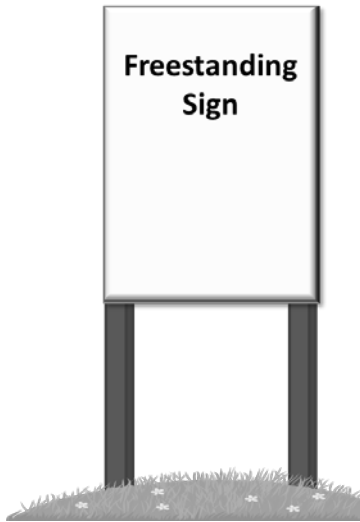
The area of the building façade which is occupied by transparent or translucent glass or other similar material.

Window Sign

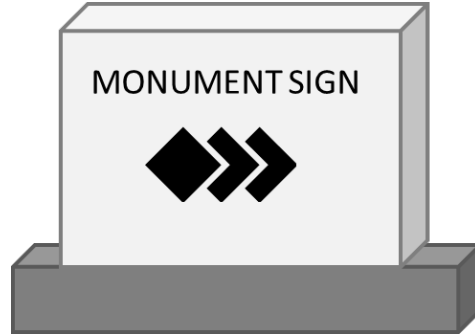
Any sign, picture, symbol, or combination thereof, placed inside a window or upon the window that can be viewed through the window by the public.

Subdivision 18: Sign Diagrams (Ord No. 595)

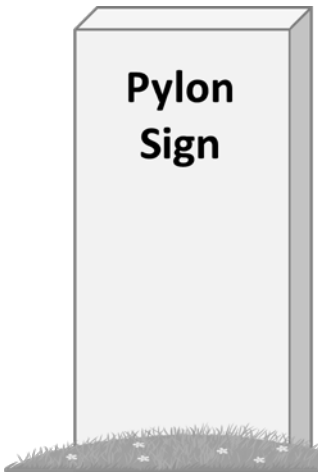
Freestanding Sign:



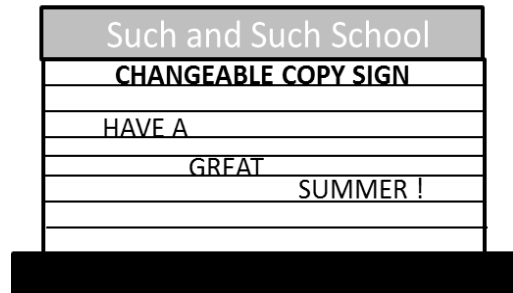
Monument Sign:



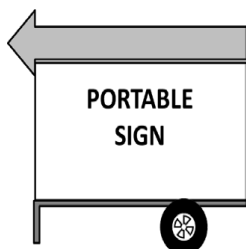
Pylon Sign:



Changeable Copy Sign:



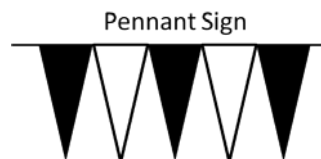
Portable Sign:



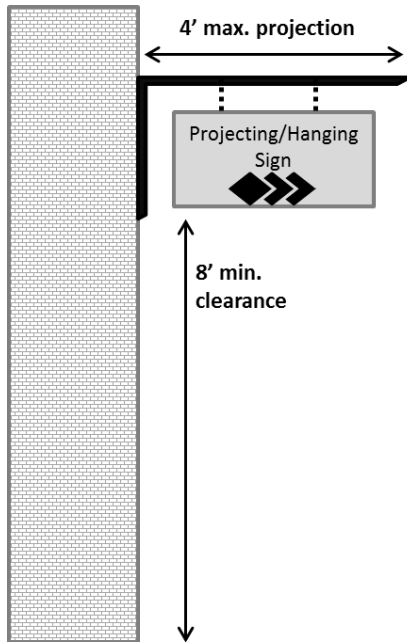
Ground Sign:



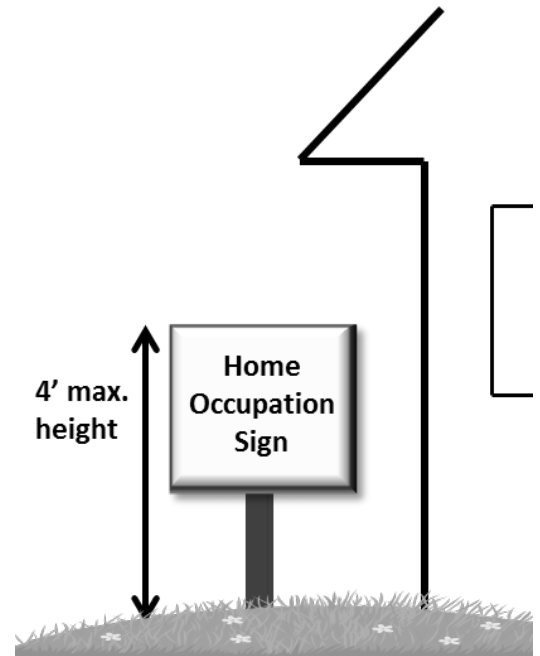
Pennant Sign:



Projecting Sign:



Home Occupation Sign:



SECTION 17: OFF-STREET PARKING AND LOADING

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Subdivision 1: Purpose

It is the purpose of this section to provide for the regulation of and design standards for off-street parking facilities within the City, to minimize congestion on the public right-of-ways, and to maximize the safety and general welfare of the public.

Subdivision 2: Scope of Regulations

The off-street parking requirements and off-street loading requirements of this Section shall apply within all zoning districts, unless specifically exempted or restricted within a particular zoning district as provided for within this Ordinance.

Subdivision 3: Calculating Space

- A. Where calculations result in requiring a fractional space, and fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one space.
- B. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the gross floor area dimensions of the building structure or use.
- C. Should a building or structure contain two (2) or more types of uses, each shall be calculated separately for determining the total off-street parking spaces required.
- D. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Zoning Administrator.

Subdivision 4: Site Plan

All Site Plans submitted must meet Site Plan criteria outlined in Section 19.

Subdivision 5: Site Plan Parking Area Design Criteria

Upon review by the Planning Commission and approval by the City Council, the plan for off-street parking shall meet the following site design standards:

- A. Surfacing. All areas devoted for parking space and driveways shall be surfaced with asphalt, concrete, or other surface materials, as approved by the City Engineer, suitable to control dust and drainage. All parking areas

- shall be designed to control surface runoff to adjacent properties either with curbing or grading techniques.
- B. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from abutting property and public right-of-way. Lighting shall be provided in accordance with the regulations as provided in Section 14 of this Ordinance.
 - C. Visibility. No sign shall be so located as to restrict the sight, orderly operation, and traffic movement within any parking area.
 - D. Curbing. Except for single-family dwellings, two-family dwellings, and townhouses, all parking areas located in the R-1, R-2, R-3, and R-4 as well as B-1, B-2, B-3, CBT, RC, I-1, or S-1 zoning districts must have curb and gutter around the perimeter of the parking lot.
 - E. Striping. All parking stalls shall be marked with either yellow or white painted lines not less than four (4) wide.

Subdivision 6: Reduction and Use of Parking and Loading Space

- A. Off-street parking and loading facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. No change of use or occupancy of land, or of use or occupancy of any building shall be made until there is furnished sufficient parking and loading spaces as required by this Section. In such case where reconstruction enlarges bulk or floor area or other such measurable unit prescribed in this Ordinance, parking and loading facilities shall be provided for that measurable unit beyond the original use of the structure.
- B. Landbanked Parking. The city may permit a reduction in the number of required parking stalls for commercial, industrial, or institutional uses when approved as a conditional use permit. Approval to permit a reduction in the number of parking stalls shall be at the discretion of the Planning Commission and City Council. If such a reduction is permitted, the Planning Commission and City Council shall require that sufficient area on the property be held in reserve for potential future development of off-street parking area. Application for landbanked parking is subject to the following:
 - 1. The application for reduction shall be accompanied by supporting data demonstrating that the parking requirements of the proposed use will be less than the parking required under Subd. 11, Number of Required Parking Spaces, during the peak demand period.
 - 2. Additional factors to be considered when reviewing the proposed parking demand shall include, but are not limited to:
 - a. Size of building;
 - b. Type and use of building;
 - c. Number of employees;
 - d. Projected volume and turnover of employee and/or customer traffic;
 - e. Project frequency and volume of delivery and/or service vehicles;
 - f. Number of company owned vehicles; and
 - g. Number of vehicles stored on site
 - 3. In no case, shall the amount of parking provided on the site be less than one-half (1/2) of the amount of parking required by ordinance.
 - 4. The property owner and/or petitioner shall demonstrate that the site has sufficient property under the same ownership to accommodate the expansion of parking facilities to meet the minimum requirements of this section if parking demand exceeds supply in the future. The location of future parking areas shall be shown on the site plan. Landscaping, engineering, and photometric plans shall also be labeled and submitted for the proposed landbanked parking area.
 - 5. A landbanked parking agreement or a developer's agreement shall be entered into by the applicant and the City and recorded against the subject property. Such agreement shall stipulate that upon written notice by the City Planner or Community Development Director, the owner of the property shall construct the required parking spaces should additional parking stalls be necessary to accommodate the use.
 - 6. A change of use will necessitate compliance with the applicable zoning ordinance standards for parking.
 - 7. Landbanked parking areas shall not count towards the minimum landscaped area or green space required on the site.
 - 8. On-site parking shall be located in areas designed and constructed for parking areas in accordance

with this section. Landbanked parking areas shall be maintained as green space and shall be seeded or sodded. No permanent buildings shall be located within the landbanked parking area.

Subdivision 7: Maintenance

It shall be the joint responsibility of the lessee and/or owner of the principal use or building to maintain in a neat and adequate manner, the parking area, striping, landscaping, parking signage, and screening.

Subdivision 8: Stall, Aisle and Driveway Design

- A. Except in the case of single family dwellings, two-family dwellings, and townhouses, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley, and such design does not require backing into the public street.
- B. Except in the case of single family and two-family dwellings, and townhouses, parking areas shall comply with the following standards:

TABLE 9: Parking Lot and Parking Stall Dimensions

Angle of Parking	Stall Width	Curb Length Per Car	Stall Length	Aisle Width One Way	Aisle Width Two Way
90 degrees	9 feet	9 feet	19 feet	26 feet	26 feet
75 degrees	9 feet	9 feet	20 feet	23 feet	24 feet
60 degrees	9 feet	10 feet	22 feet	18 feet	24 feet
45 degrees	9 feet	12 feet	25 feet	13 feet	24 feet
0 degrees	9 feet	22 feet	19 feet	12 feet	24 feet

- C. All parking spaces shall be served by access aisle or driveway connections to a public right-of-way.

Subdivision 9: Handicapped Parking Requirements

The number of handicapped parking stalls required shall be in accordance with the following table:

TABLE 10: Required Number of Handicapped Parking Spaces

Total Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
More than 1,000	20 plus 1 for each 100 spaces over 1,000

Source: 2000 International Building Code

- A. Each designated handicapped space shall be eight (8) feet in width with an adjacent five (5) foot wide access aisle. Total space width of thirteen (13) feet.
- B. A designated van accessible space shall be eight (8) feet in width with an adjacent access aisle totaling eight (8) feet in width. Total space width of sixteen (16) feet.
- C. Designated handicapped spaces shall be provided along an accessible route located as near as possible to an accessible

entrance.

- D. Each space shall contain signage with the international symbol of accessibility. Indicating that a permit is required and notifying of a two hundred (200) dollar maximum fine for violation.

Subdivision 10: Number of Required Parking Spaces

The following minimum number of off-street parking and loading spaces shall be provided and maintained:

TABLE 11: Required Number of Parking Spaces by Use

Residential Uses

Single-family residential	2 car attached garage
Two-family residential	2 car attached garage per dwelling unit
Senior housing	2 spaces per dwelling unit, 1 enclosed space
Multiple-family residential	2 car attached garage per dwelling unit
Multiple-family residential (apartments)	2 spaces per dwelling unit, 1 enclosed space and .25 guest spaces per unit
Multiple-family residential - CBD	1 space for a 1-bedroom/studio and 2 spaces for a 2-bedroom or greater

Institutional Uses

Auditorium, stadium, gymnasium, community centers, and religious institutions	1 space for each 4 permanent sets in the largest place of assembly plus 1 space for each 250 sq/ft of gross office area
Hospitals, rest homes, nursing homes, etc.	1 for each 4 beds plus one space per 2 employees on the major shift
Schools	Elementary and Middle School: 1 space for each classroom and 1 space per 20 students. High School: 1 space per classroom and 1 space per 7 students. (<i>Ord. No. 578</i>)

Commercial Uses

Automobile car wash	5 spaces plus 5 additional spaces for each wash lane
Animal hospitals and kennels	6 spaces plus 1 space for each 200 sq/ft of gross floor area over 1,000 sq/ft
Archery range, golf driving range	1 space for each driving tee or target lane
Automobile service station	3 for each service stall and 1 for each attendant on the peak shift
Bowling alleys	5 spaces for each lane or alley
Carry-out restaurants	5 spaces for carry-out service only
Drive-thru facility	Four (4) stacking spaces per drive-thru lane.
Fast food, drive-thru restaurants	1 space for every 3 seats and 1 space for every employee on the peak shift, plus stacking space for 6 vehicles per service lane
Funeral home	1 space per 50 sq/ft of gross floor area
Garden supply, building supply, landscaping center	4 spaces per 1,000 sq/ft of indoor sales/service area, plus 1 space per 1,000 sq/ft of greenhouse or outdoor display area, plus 1 space for each employee on the major shift
Golf course	3 spaces per hole, plus any spaces required for other uses which are a part of the facility
Marine, automobile, and recreational vehicle sales	1 space for each 400 sq/ft of floor area for the first 25,000 sq/ft and 1 space for each 600 sq/ft thereafter
Miniature golf	1.5 spaces per hole

Motel, hotel	1 space per sleeping unit, plus 1 additional space for every 10 sleeping units, and 1 space per employee on the peak shift
Office building, professional office, banks	1 space for each 250 sq/ft of gross floor area, plus stacking space for 4 vehicles for bank teller lanes
Open sales lot	1 space for every 1,000 square feet of outdoor sales area
Retail establishments	1 space for each 250 sq/ft of gross floor area
Sit-down restaurants	1 space for every 3 seats and 1 space for each employee on the peak shift
Skating rink, dance hall	1 space for each 200 sq/ft of gross floor area
Theater	1 space per 4 seats

Industrial Uses

Manufacturing, assembly, processing, research, experimental or testing stations	1.25 spaces for each employee on the major shift or 1 space for each 500 sq/ft whichever is greater (<i>Ord. No. 617</i>)
Wholesale business establishments	1.25 spaces for each employee on the major shift plus 1 space for each company vehicle
Warehouse / Storage	1 space per 1,500 square feet of floor area (<i>Ord. No. 617</i>)

Subdivision 11: Shared Parking Facilities

- A. Purpose. The purpose of this subdivision is to:
1. Allow for a reduction in the total number of parking spaces required for certain properties in such cases where a mix of adjacent land uses have varying peak periods of parking demand;
 2. To reduce the overall amount of impervious surfaces, specifically the amount of land devoted to surface parking; and
 3. To support the goals and objectives for the “D-1” Downtown Overlay District, to include:
 - a. Encouraging compact, coordinated development that makes efficient use of the limited land area within the district;
 - b. Promote and protect pedestrian movements within the area; and
 - c. Improve accessibility and mobility to common destinations for all uses of various modes of transportation.
- B. Applicability. For any change in use, the applicant may evaluate the feasibility of shared parking arrangements as part of an application where:
1. The proposed use is located within the following zoning districts:
 - a. “D-1” Downtown Overlay District;
 - b. “B-2” General Business District (GBD);
 - c. “B-3” Neighborhood Business District (NBD); or
 - d. “PUD” Planned Unit Development District.
 2. Where the number of parking spaces proposed by the applicant that will be sharing spaces, is more than ten (10) percent of or more than ten (10) parking spaces greater than the minimum number of parking spaces required by this Section, whichever is greater.
- C. General Provisions.
1. Upon recommendation of the Planning Commission and approval by the City Council, shared parking is permitted between two or more uses to satisfy all or a portion of the minimum off-street parking requirements.
 2. Shared parking is permitted between different categories of uses or uses with different hours of operation.
 3. A use for which an application is being made for shared parking shall be located within four hundred (400) feet of such parking facility.
 4. The reductions to the parking permitted through shared use of parking shall be determined as a percentage of the minimum parking requirement as modified by the reductions permitted in the Schedule of Shared Parking Calculations.
 5. If the Zoning Administrator determines that one or all of the land uses proposing to make use of shared parking facilities do not conform to one of the general land use classifications in the

Schedule of Shared Parking Calculations, then the petitioner shall submit sufficient data to indicate that there is not substantial conflict in the principal or peak operating hours of the uses.

6. An agreement providing for the shared use of parking, executed by the parties involved, shall be filed with the City and approved by the City Attorney. Shared parking privileges shall continue in effect as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force; parking shall be provided as otherwise required by this Section. Such parking agreement shall be recorded by the property owner with the County Recorder's Office, and a copy of such filing shall be provided to the Zoning Administrator.

D. Calculation of Parking Requirements for Shared Parking between different categories of uses or uses with different hours of operation.

1. Shared parking between different categories of uses or Uses with different hours of operation may share parking as follows:

TABLE 12: Schedule of Shared Parking Calculations

Land Use Classification	Weekdays			Weekend		
	12 a.m. to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to 12:00 a.m.	12 a.m. to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to 12:00 a.m.
Commercial / Retail	5%	80%	90%	5%	100%	60%
Day Care Centers	5%	100%	10%	0%	20%	5%
Entertainment / Recreation	10%	40%	100%	65%	80%	100%
Hotel	100%	65%	100%	100%	65%	100%
Office / Industrial	5%	100%	5%	0%	10%	5%
Restaurant	10%	50%	100%	50%	65%	100%

2. Multiply the minimum parking required for each individual use, as provided within Subdivision 10 of this Section, by the appropriate percentage indicated in the above Table for each of the six (6) designated time periods; then add the resulting sums for each of the six (6) columns. The minimum shared parking requirement shall be the highest sum among the six (6) columns resulting from the calculations above.

E. Shared Parking for Uses of the Same Type.

1. The City Council may authorize shared parking arrangements between two (2) or more uses having the same or overlapping operating hours, allowing reductions in the total minimum number of required parking spaces as follows:
 - a. Up to twenty (20) percent reduction in the total number of required parking spaces for four (4) or more separate establishments;
 - b. A fifteen (15) percent reduction in the total number of required spaces for three (3) establishments; and
 - c. A ten (10) percent reduction in the total minimum number of required spaces for two (2) establishments.
2. No reductions to the parking requirement shall be made if the proposed business establishments have previously received a reduction through the provisions for shared parking under item D as presented above.
3. The establishments for which the application is being made for shared parking shall be located within four hundred (400) feet of the parking facility. The parking facility shall be located in one of the zoning districts as designated in Item B of this Subdivision.
4. The reductions to parking quantities allowed through shared parking shall be determined as a percentage of the minimum parking requirements as provided within this Section.
5. New business establishments seeking to meet parking requirements by becoming part of an existing shared parking arrangement shall provide the Zoning Administrator with an amendment to the agreement stating their inclusion in the shared parking facility or area.

F. Written Agreement between Property Owners to Share Parking.

1. Where an application for an interim use permit for which shared parking is proposed includes two (2) or more separately owned properties and the Zoning Administrator has made a determination of the minimum number of required parking spaces for each of the applicable properties and uses,

the City shall require that the owners of the properties enter into a legal agreement guaranteeing access to, use of, and management of designated shared parking spaces. The agreement shall be in a form approved by the City Attorney, included as a condition of the Interim Use Permit, and enforceable by the City of Isanti.

2. Where an application for an interim use permit for which shared parking is proposed includes two (2) or more properties owned by the same property owner and the Zoning Administrator has made a determination of the minimum number of required parking spaces for the applicable properties and uses, the Zoning Administrator shall require that the owner of the properties enter into a legal agreement with the City of Isanti guaranteeing access to, use of, and management of designated shared parking spaces. The agreement shall be in a form approved by the City Attorney, included as a condition of the Interim Use Permit, and enforceable by the City of Isanti.

G. Shared Parking Plan.

1. The Zoning Administrator may require an applicant for an interim use permit that incorporates shared parking to submit a shared parking plan. Such plan shall be included as an addendum to a site plan and shall be drawn to the same scale. A shared parking plan includes one or more of the following:
 - a. A site plan showing parking spaces intended for shared parking and their proximity to the uses they shall serve.
 - b. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses, if such distinctions can be made.
 - c. A pedestrian circulation plan that shows connections and walkways between parking area and the land uses that they serve.
2. The shared parking plan shall satisfy the following standards, as applicable:
 - a. Shared spaces shall be located within four hundred (400) feet of the entrances they serve.
 - b. Clearly delineated and direct pedestrian connections must be provided from the shared parking area(s) to the building entrances.
 - c. Pedestrians shall not be required to cross an arterial or collector street to access shared parking facilities except at a signalized intersection along a clearly defined pedestrian pathway.

Subdivision 12: Off-Street Loading Facilities

Loading space required under this Section shall be at least seventy (70) feet long and ten (10) feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least ten thousand (10,000) square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least thirty thousand (30,000) square feet, shall be provided with an off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds one hundred thousand (100,000) square feet. For those uses identified in Subd. 10, the requirements set forth in that subdivision shall apply.

- A. Auditorium, stadium, gymnasium, community centers and religious institutions. One (1) for each structure over 100,000 square feet of gross floor area.
- B. Hospitals, rest homes, nursing homes, etc. One (1) space for every 100,000 square feet of gross floor area.
- C. Commercial uses, to included, sales and retail, supply and landscape center. One (1) space for the first 10,000 square feet of gross floor area and one (1) space for each 50,000 square feet of gross floor area.
- D. Bowling alleys. One (1) space for each structure over 20,000 square feet in gross floor area.
- E. Furniture, automobile, marine, and appliance sales. One (1) space plus one (1) additional space for each 25,000 square feet of gross floor area.
- F. Office buildings, professional offices, banks. One (1) space for buildings between 30,000 square feet and 100,000 square feet of gross floor area and one (1) space for each additional 100,000 square feet of gross floor area.

- G. Restaurants and other food dispensing establishments (except drive-ins). One (1) space for each structure over 10,000 square feet of gross floor area.
- H. Industrial uses. One (1) space for each structure over 100,000 square feet of gross floor area and two (2) spaces for each structure over 100,000 square feet of gross floor area.

Subdivision 13: Central Loading

Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

- A. Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
- B. Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Total area of uses may be summed before computing number of loading berths.)
- C. No zoning lot served shall be more than 500 feet removed from the central loading zone area.
- D. The tunnel or ramp connecting the central loading area with the zoning lot served shall not be less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Subdivision 14: Bicycle Parking Requirements

The objectives for the provision of bicycle parking are to encourage the use of bicycles for personal transportation as an alternative to motor vehicle use as well as to provide convenient bicycle access to employment centers, commercial and business areas, and other travel destinations.

- A. Location of Bicycle Racks
 - 1. For proposed new developments and/or changes in use for existing structures located within commercial and high density residential zoning districts, bicycle parking facilities shall be required.
 - 2. Bicycle parking facilities shall be located in a safe and convenient location. The facility shall be clearly designated. The design and location of the bicycle parking area shall be harmonious with the surrounding environment and shall be at least as convenient as the auto parking spaces provided. Whenever possible, bicycle parking facilities shall be located within fifty feet (50') of a building entrance. If there is no feasible location within fifty feet (50'), then an alternate location maybe be utilized upon approval of the Community Development Director or designee.
- B. Size
The size of each bicycle parking space shall be at least two feet (2') by six feet (6') long with an access aisle of five feet (5') and a vertical clearance of at least six feet (6').
- C. Types permitted
A two-point support is required. Structures shall be designed to accommodate a U-shaped locking device. All lockers or racks shall be securely anchored to the ground or the building structure to prevent the removal of racks and/or lockers from the location. Such facilities shall be designed and maintained to be mud and dust free. Racks must fully support the bike and shall be free of any sharp edges of features that may be hazardous to pedestrians.
- D. Required number of bicycle parking spaces
 - 1. Bicycle parking shall be required for all new construction or upon a change in use that results in the requirement of additional off-street motor vehicle parking spaces. For expansions or changes in use, required parking shall be based upon the extra amount needed by the addition or change, not for the entire development.
 - 2. The number of required parking spaces shall be determined according to the following standards:

TABLE 13: Required Bike Parking Spaces

Required Car Parking	Required Bike Parking
< or = to 20	1
21-40	2
41-60	3

61-80
81-100
101+

4
5
5 + 5% of amount over 100

Subdivision 15: Residential Parking Requirements

A. Permit Requirements.

Unless having been issued a building permit for new residential home construction, all new driveway construction, re-construction or alteration, driveway extensions or parking area construction for vehicles and equipment stored outside must file and receive zoning permit approval by the Zoning Administrator or their designee.

B. Driveway Requirements.

1. All driveways shall be surfaced with concrete, bituminous, asphalt, or driveway paver systems with a minimum thickness of 60 mm 2 3/8 inch with gaps not to exceed ¼ of an inch.
2. Driveways shall not be installed over curb stops or other utility service lines unless a written agreement authorizing such installation is entered into by the property owner and the City of Isanti. (*Ord. No. 601*)
3. Driveways shall be installed within one (1) year of building permit issuance, if due to climate weather conditions this is not feasible; an escrow amount is required to differ installation.
4. Maximum driveway width at the ROW 30 feet
On cul-de-sacs 50% of the lot frontage or 30 feet, whichever is less
Driveway and Parking Area Setback Five (5) feet from the side lot line in the absence of a drainage and utility easement

Subdivision 16: Exemptions

Properties located within the “D-1” Downtown Overlay District are subject to the parking requirements as provided for within Section 11 of this Ordinance, unless otherwise specified.

SECTION 18: SITE PLAN REVIEW

Subdivision 1	Purpose
Subdivision 2	Approval Required
Subdivision 3	Exceptions
Subdivision 4	Application
Subdivision 5	Multiple Applications
Subdivision 6	Procedures
Subdivision 7	Standards
Subdivision 8	Architectural Standards
Subdivision 9	Landscape Plan Requirements
Subdivision 10	Photometric Plan
Subdivision 11	Conditions
Subdivision 12	Plan Agreements
Subdivision 13	Plan Modifications
Subdivision 14	Building Code
Subdivision 15	Term of Approval
Subdivision 16	Performance Bond

Subdivision 1: Purpose

It is the intent of this section to serve the public interest by promoting a high standard of development within the City. Through a comprehensive review of both functional and aesthetic aspects of new or intensified development, the City seeks to accomplish the following:

- A. Implement the comprehensive plan.
- B. Maintain and improve the City's tax base to a reasonable extent.
- C. Mitigate to the extent feasible adverse impacts of one land use upon another.
- D. Promote the orderly and safe flow of vehicular and pedestrian traffic.
- E. Preserve and enhance the natural and built environment.

Subdivision 2: Approval Required

Without first obtaining site and building plan approval it shall be unlawful to do any of the following:

- A. Construct a building.
- B. Move a building to any lot within the City.
- C. Expand or change the use of a building or parcel of land or modify a building, accessory structure or site or land feature in any manner which results in a different intensity of use, including the requirement for additional parking.

Subdivision 3: Exceptions

Notwithstanding the provisions of subdivision 2 of this section, the following shall not require site plan approval:

- A. Construction or alteration of a single-family, two-family, and three-family residential structures or accessory structures.
- B. Enlargement of a building by less than ten (10) percent of its gross floor area, provided that there is no variance involved.

- C. Changes in the leasable space of a multi-tenant building where the change does not intensify the use, require additional parking, or result in an inability to maintain required performance standards as specified in this ordinance.

Subdivision 4: Application

Application for a site and building plan review shall be made to the City on forms provided by the City and shall be accompanied by the following:

- A. A survey drawing of the property by a registered land surveyor showing existing conditions.
- B. An accurately dimensioned site plan signed by a registered architect, civil engineer, registered surveyor, landscape architect, or other appropriate design professional indicating the following:
 - 1. Existing and proposed structure setback from property lines.
 - 2. Parking layout including access provisions.
 - 3. Public streets and rights-of-way on and adjacent to the property.
 - 4. Lighting provisions.
 - 5. Ground elevations on the property and on the adjacent properties
 - 6. Easements of record, indicating location, width and purpose.
 - 7. Existing vegetation and proposed landscaping.
 - 8. Other physical conditions, including but not limited to: water courses, ponds and streams, historic features.
 - 9. Grading, drainage, and erosion control plan including existing and proposed contours.
 - 10. Architectural rendering. Including façade and the proposed materials, floor plans, and elevations.
 - 11. Location of sidewalks and trails, in accordance with City requirements, used to connect the proposed use or parcel to the City's sidewalk and trail system.
 - 12. Utility plan which shows:
 - a. Existing and proposed water mains, fire hydrants, valves, storm sewers sanitary sewers, invert elevations, top of casting elevations, manhole elevation, catch basin elevation.
 - b. All existing and proposed utility lines must show, as applicable: pipe size and type, invert elevations, top of casting elevation, manhole elevation, catch basin elevation.

Three (3) full size copies of the above plans shall be submitted, one (1) 11" x 17" reproducible copy of the above plans, and an electronic copy of all plans (pdf version) shall be submitted.

- C. Evidence of ownership or an interest in the property.
- D. The application fee and escrow required by City resolution.
- E. Such other information as may be required by the City.

Subdivision 5: Multiple Applications

Any site and building plan application which is accompanied by a request for a conditional use permit or for a zoning map amendment to this ordinance shall be contingent on approval of the conditional use permit or rezoning application.

Subdivision 6: Procedures

The process for filing a site plan is as follows:

- A. Requests for a Site Plan Review shall be filed with the Zoning Administrator on an official application form together with the required exhibits and the non-refundable filing fee as established by City Council resolution. Within ten (10) business days of the application submittal, the Zoning Administrator or his/her designee will issue a letter identifying any incomplete items that would be required in order to process the application. The formal review shall not commence until such time as the application is deemed complete.
- B. Following receipt of a complete application, the Zoning Administrator shall provide copies of the proposal to appropriate City staff, consultants, and affected surrounding jurisdictions responsible for review of the amendment. The Zoning Administrator shall also instruct appropriate staff persons to prepare technical reports when appropriate, and provide general assistance in preparing a recommendation to the Planning Commission and City Council.

- C. Following receipt of a complete application, the Zoning Administrator or his/her designee will set a public hearing date following proper public hearing notification regulations. Notice of such hearing shall be published in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the boundary of the property in question. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Article.
- D. The Planning Commission shall hold a public hearing on the proposed Site Plan.
- E. The applicant or representative of the applicant shall appear before the Planning Commission and City Council in order to present the case for the applicant and to answer questions concerning the proposal. Failure to appear at either the Planning Commission or City Council meeting, in which the proposal is considered, shall constitute grounds for tabling or denial of the application.
- F. The Planning Commission shall make a recommendation to the City Council. Such recommendations shall be accompanied by the report and recommendation of the City staff. The City Council shall not act upon a site plan until they have received a report and recommendation from the Planning Commission and the City staff.
- H. Upon receiving the report and recommendation of the Planning Commission and appropriate City staff members, City staff shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- I. Upon receiving the report and recommendation of the Planning Commission, the City Council shall make a recorded finding of fact and may impose any conditions they consider necessary to protect the public health, safety, and welfare. If the City Council finds that specific inconsistencies exist in the review process and thus the final recommendations of the City Council will differ from that of the Planning Commission, the City Council may, before taking action, refer the matter back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action. If the City Council approves the request or approves the request with conditions, approval of a request shall require passage by a majority vote of the entire City Council.
- J. Denial of applications shall be accompanied by written findings of fact of the City Council and any supporting data setting forth the reasons for the denial. No application which has been denied wholly or in part shall be resubmitted for consideration by the Planning Commission or City Council for at least six (6) months from the date of its denial.

Subdivision 7: Standards

In evaluating a site and building plan, Staff and City Council shall consider its compliance with the following:

- A. Consistency with the elements and objectives of the City's development guides, including the comprehensive plan.
- B. Consistency with City Codes.
- C. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas.
- D. The amount and location of open space and landscaping.
- E. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
- F. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light, and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

- G. Consistency with the City's Engineering Design standards as adopted by Resolution of the City Council.

Subdivision 8: Architectural Standards

- A. Architectural plans shall be prepared by an architect or other qualified person acceptable to the City and shall show the following:
1. Elevations of all sides of the building.
 2. Type and color of exterior building materials.
 3. A typical floor plan.
 4. Dimensions of all structures.
 5. The location of trash containers and of heating, ventilation, and air conditioning equipment.
- B. All rooftop or ground mounted mechanical equipment and exterior trash storage areas shall be enclosed with materials compatible with the principal structure. Low profile, self-contained mechanical units which blend in with the building architecture are exempt from the screening requirement.
- C. Underground utilities shall be provided for all new and substantially renovated structures.

Subdivision 9: Landscape Plan Requirements

Landscape plans shall be prepared by a landscape architect or other qualified person acceptable to the City, drawn to a scale of not less than one inch equals fifty (50) feet. Landscaping shall meet the requirements as stipulated within Section 16 of this Ordinance. Landscaping plans shall include the following information:

- A. Boundary lines of the property with accurate dimensions.
- B. Locations of existing and proposed buildings, parking lots, roads, and any other improvements to the property.
- C. A planting schedule containing symbols, quantities, common and botanical names, size of plant materials, root condition, and special planting instructions.
- D. Planting details illustrating proposed locations of all new plant material.
- E. Locations and details of other landscape features including berms, fences, and planter boxes.
- F. Details of restoration of disturbed areas including areas to be sodded.
- G. Location and details of irrigation systems. Such systems are to be designed by a landscape designer or other qualified individual and approved by the Building Official.
- H. Details and cross sections of all required screening.

Subdivision 10: Photometric Plan

Lighting and photometric plans shall be provided and prepared in accordance with the provisions provided within Section 15, Subdivision 5 of this Ordinance.

Subdivision 11: Conditions

The City Council may impose conditions in granting approval to site and building plans to promote the intent of this section or to protect adjacent properties. No occupancy permit shall be issued until all conditions of approval imposed by the City Council have been satisfied.

Subdivision 12: Plan Agreements

Site and building plans shall be valid only for the project in which approval was granted. Construction of all site elements shall be in substantial compliance with the plans and specifications approved by the City Council. Changes, modifications, or alterations shall be submitted to the Zoning Administrator for review and referral to the City Council.

Subdivision 13: Plan Modifications

An amended site plan involving major changes, as determined by the City Council, shall be re-applied for and administered in the same manner as required for a new site plan.

Subdivision 14: Building Code

The review and approval of all site improvements pursuant to the requirements of the City adopted building and fire codes shall be in addition to the site plan review process established within this Section. The site plan and building review approval process does not imply compliance with the requirements of the building or fire codes.

Subdivision 15: Term of Approval

Site Plan approval shall be good for one (1) year from the date of the approval. An extension of up to one (1) year may be granted. Such extension must be requested in writing and filed with the City at least thirty (30) days before the expiration of the original approval. There shall be no charge for the filing of such extension. The request for extension shall be presented to the City Council for a decision. Only one extension can be granted.

Subdivision 16: Performance Bond

Upon approval of a site plan/building appearance the City may require a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the site plan/building appearance approval and the ordinances of the City. An amount equal to 125% of the estimated costs of labor and materials for the proposed improvements or development shall be collected. Said project can be handled in stages at in the discretion of the City Council. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the site plan/building appearance approval and codes of the City has been issued by the Building Official. Failure to comply with the conditions of the site plan/building appearance approval and/or the codes of the City shall result in forfeiture of the security. (*Ord. No. 558*)

SECTION 19: NON-CONFORMING BUILDINGS, STRUCTURES AND USES

Subdivision 1	Purpose
Subdivision 2	Existing Use, Building, or Lot
Subdivision 3	Non-conforming Uses
Subdivision 4	Non-conforming Structures
Subdivision 5	Non-conforming Lots of Record

Subdivision 1: Purpose

Within the zoning districts established by this Ordinance, or amendments that may later be adopted, situations may occur where, as a result of the requirements contained within this Ordinance, an existing lot, structure, or use does not conform to one (1) or more of the requirements of this Ordinance. It is the general policy of the City to allow uses, structures, and lots that came into existence legally in conformance with then-applicable requirements to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible. It is the intent of this Section to regulate such non-conforming situations to accomplish the following:

- A. Recognize the existence of lots, structures, or uses that were lawful when established before the effective date of this Ordinance, but which no longer meet all of the Ordinance requirements.
- B. Regulate the enlargement, expansion, intensification, or extension of any non-conformity or any increase in the impact of a non-conformity on adjacent properties.
- C. Place reasonable limits on the expansion of non-conformities that have the potential to adversely impact surrounding properties and the City as a whole.

Subdivision 2: Existing Use, Building, or Lot

- A. Any established use, building or lot legally existing which is herein classified in this Ordinance as requiring a conditional use or interim use permit may be continued in like fashion and activity and shall automatically be considered as having received the necessary permit approvals. Any change to such use, building, or lot shall however require a new conditional use or interim use permit be processed in accordance with Section 21 of this Ordinance.
- B. No nonconforming building, structure, or use shall be moved to another lot or to any other part of the parcel, or lot upon which the same was constructed or was conducted at the time of this Ordinance adoption, unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance.
- C. If any non-conforming use or structure ceases for any reason during a period of one (1) year or more, any subsequent use of such land or structure shall conform to the regulations specified within this Ordinance for the Zoning District in which the parcel or structure is located.

Subdivision 3: Non-conforming Uses

- A. A building or structure used by a non-conforming use may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 - 1. The non-conforming use is discontinued for a period of more than one (1) year; or
 - 2. Any non-conforming use destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and not building permit has been applied for within 180 days of when the property is damaged.
- B. A non-conforming use shall not be changed to another non-conforming use. When any non-conforming use has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
- C. A non-conforming use may be changed to lessen the non-conformity of the use. Thereafter the use may not be so altered as to increase the non-conformity.
- D. A non-conforming use shall not be re-established, if discontinued for a continuous one-year period.

Subdivision 4: Non-conforming Structures

Any structure existing on the effective date of this Chapter which is not in conformity with the regulations contained in this Ordinance, shall be allowed to continue subject to the following regulations:

- A. Any residential structure which is a non-conforming use as of the effective date of this Ordinance, and which is damaged by fire, windstorm or other casualty loss may be repaired and restored to its

former extent provided restoration is started within a period of one hundred and eighty days (180) days. This time limit may be waived by the Zoning Administrator should practical difficulties be evident. Any decision by the Zoning Administrator may be appealed to the City Council.

- B. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administrator or Building Inspector.
- C. Alterations may be made to a building or other lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units of the building.
- D. Normal maintenance of a building and repairs are permitted, including incidental alterations which do not physically extend or intensify the nonconforming use.
- E. Any non-conforming building or structure may be continued, including through repair, replacement, restoration, maintenance or improvement, but not expansion, unless:
 - 1. The non-conforming use is discontinued for a period of more than one (1) year; or
 - 2. Any non-conforming use destroyed by fire or other peril to the extent of greater than fifty (50) percent of its market value, and not building permit has been applied for within one hundred eighty (180) days of when the property is damaged.
- F. Any proposed structure which will, under this Ordinance, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance or any Amendment may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of this Ordinance. Such structure and use shall thereafter be a legally nonconforming structure and use.

Subdivision 5: Non-conforming Lots of Record

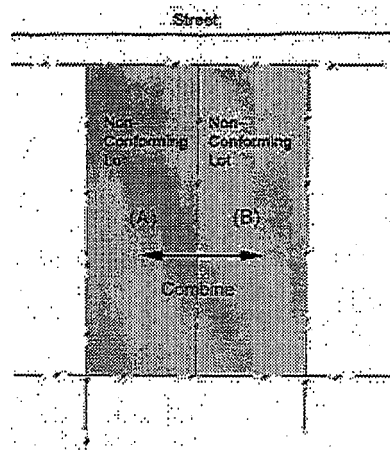
Any separate lot or parcel that was legally created and is of record with the Isanti County Recorder's Office, but became non-conforming as a result of the adoption of this Ordinance, may be used for the legal use for which it is zoned subject to the following regulations:

- A. In General.

Non-conforming lots may be combined for tax purposes with a contiguous lot or lots, but may not be re-subdivided into a non-conforming lot even if the division is consistent with the original lot configuration.
- B. Vacant lots or parcels.
 - I. The lot or parcel shall have frontage on an improved public street or on a private road approved by the City Council. The City Council must, by resolution, specify that the private road is capable of supporting emergency vehicles and specify that there are provisions for the ongoing maintenance of the private road.
 - b. A vacant lot or parcel served by public water and sewer may be used for a permitted use by the provision of the zoning district in which it is located providing that all setback and lot coverage requirements can be met.
 - c. A vacant lot or parcel not served by public sewer can be used for a permitted use provided it can be demonstrated that a safe and adequate sewage treatment system can be installed to serve such use and meet required setback and lot coverage requirements.
 - d. If in the case of two (2) or more contiguous lots or parcels of land under single ownership, said individual lot or parcel does not meet the minimum requirements of this ordinance, such individual lot or parcel shall not be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots so the combination of lots will equal one (1) or more parcels of land meeting the full requirements of this section or the provisions of the zoning district in which the property is located, whichever is more restrictive. In no circumstance

will there be approval of any proposal for multiple lot developments based upon lots of record that do not conform to the provisions of the existing zoning district.

FIGURE 14: Non-conforming Contiguous Parcels



4. A conforming lot shall not be reduced in size so that it becomes non-conforming in any respect under the conditions of this Ordinance. A non-conforming lot may be reduced in size but only if it is combined with other adjacent existing lots of record.
- C. Developed Non-conforming Lots.
1. Additions to principal or accessory buildings or structures located on non-conforming lots may be permitted provided that any such addition meets all minimum setback and lot coverage requirements of the zoning district in which it is located.
 2. Non-conforming lots containing a principle structure may add a permitted accessory structure provided that the accessory structure will meet all minimum setback and lot coverage requirements of the zoning district in which is it located.

SECTION 20: REVIEW AND DECISION-MAKING BODIES

Subdivision 1	Administrating Officer
Subdivision 2	Duties of the Zoning Administrator
Subdivision 3	Duties of the Building Official
Subdivision 4	Building Permit Required
Subdivision 5	Certificate of Occupancy
Subdivision 6	Enforcement
Subdivision 7	Penalties
Subdivision 8	Duties of the Planning Commission
Subdivision 9	Duties of the City Council
Subdivision 10	Fees

Subdivision 1: Administrating Officer

This Ordinance shall be administered and enforced by the Zoning Administrator and / or his or her designee.

Subdivision 2: Duties of the Zoning Administrator

The Zoning Administrator, with the assistance of the Building Official, shall enforce the provisions of this Ordinance. The Zoning Administrator may institute in the name of the City of Isanti any appropriate actions and/or proceedings against a violator as provided by state statutes or city ordinances. The Zoning Administrator's duties shall include, but are not limited to, the following:

- A. Oversee and maintain permanent and current records of the Zoning Ordinance, to include but is not limited to, all maps, amendments, conditional use permits, vacations, variances, appeals, interim use permits, administrative permits, and site plans/building reviews as required by this Ordinance.
- B. Receive and forward all applications to the Board of Adjustment and Appeals, Planning Commission, or City Council for amendments (text or map), conditional use permits, vacations, variances, appeals, interim use permits, administrative permits and site plans as required by this Ordinance.
- C. Consider all applications pertaining to the use of land, buildings, or structures, and approve such applications when the application conforms to the provisions of this Ordinance.
- D. Notify the Code Enforcement Officer(s) of appropriate actions or proceedings against a violator as provided by law and City Ordinances.
- E. Interpret the application and provisions of this Ordinance, which may be appealed to the Planning Commission and City Council pursuant to the processes as identified within this Ordinance.
- F. Serve as the liaison to the Planning Commission as well as prepare applications for zoning related matters, prepare and submit public hearing notices to the official newspaper, prepare reports and other information for Planning Commission and City Council meetings, and enforce all zoning regulations, provisions, and conditions pertaining to the approval of application by the Planning Commission and City Council.
- G. Provide technical assistance to the Planning Commission and City Council when necessary.

Subdivision 3: Duties of the Building Official

The Building Official shall enforce the provisions of this Ordinance as provided herein; in addition to the duties and powers of the Building Official under this Ordinance; express or implied the Building Official shall have the duty and power to:

- A. Issue Certificates of Occupancy for any use, building, or structure; which meets the provisions of the Building Code and City Ordinances.
- B. Make inspections; to interpret and enforce the provisions of this Ordinance; to supervise the construction, demolition or moving of all structures; and to report to the City Council as required on permit issued and on all matters pertaining to the construction of buildings. In regards to performance standards, the Building Official may retain the services of a testing laboratory to determine compliance. The cost of such services will be paid by the owner of the building or property.
- C. Maintain current files for all permits, certificate of occupancies, and all copies of notices of violations, discontinuances or removal for such time as necessary to insure continuous compliance with the provisions of this Ordinance, and upon request, to provide information to any person having a proprietary or tenancy interest on any specific property.
- D. Issue stop work orders of any and all site improvement activities or construction when and where a violation of the provisions of this Ordinance has been documented.
- E. Issue and receive escrow deposits for site improvements that are required by this Ordinance or as a condition of approval, which may need to be completed at a future date.

Subdivision 4: Building Permit Required

- A. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, alteration, repair, enlargement, demolition, or removal of any building or part thereof without first obtaining a building permit.
- B. Requests for a building permit shall be made to the Building Official on an application in accordance with adopted policies. 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 size 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 the chapter. The fee for a building permit shall be based upon City Council Resolution.
- C. The Building Official shall issue the building permit only after the Zoning Administrator approves the application and after determining that the building plans, together with the application, comply with the terms of this Ordinance and any other ordinances, resolutions, or conditions.

Subdivision 5: Certificate of Occupancy

No building or structure shall be erected, altered, or moved and shall not be occupied or used in whole or in part for any purpose until a certificate of occupancy has been issued by the Building Official stating that the building or structure complies with all of the provisions of this Ordinance and the City adopted Building Code. The process for obtaining a certificate of occupancy shall be as follows:

- A. New and existing structures. Application for a certificate of occupancy for a new building, or for any existing building which has been altered shall be made to the Building Inspector as part of the application for a building permit for such building as required in this chapter. The certificate shall be issued within ten (10) days after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter.
- B. Temporary Certificate of Occupancy. Pending the issuance of such a certificate, the Building Inspector may issue a temporary certificate of occupancy for a period of the erection or alteration of such building. The temporary certificate shall not be construed in any way altering the respective rights, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.
- C. New Use of Land. Application for a certificate of occupancy for a new use of land or for a change in the character of the use of land as provided herein shall be made to the Zoning Administrator in writing before such land shall be so occupied or used. Such a certificate of occupancy shall be issued within ten (10) working days after the application has been made if the proposed use is in conformity with the provisions of this chapter.
- D. Documentation. Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and of this chapter. A record of all certificates of occupancy shall be kept on file in the office of the Building Official and copies shall be furnished on request to any person having a propriety or tenancy in the building or land affected. No fee shall be charged for a certificate of occupancy.

Subdivision 6: Enforcement

The Zoning Administrator or Building Official or his/her designee shall in the name of the City of Isanti take any appropriate action or proceeding to enforce this Ordinance. These actions may include, but shall not be limited to:

- A. Conduct periodic inspections of buildings, structures, and use of land to determine compliance with the terms and requirements of this Ordinance.
- B. Notify, in writing, any person responsible for violating a provision of this Ordinance, indicating the nature of the violation and ordering the action necessary to correct it and the time for compliance.

- C. Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions or alterations; order the discontinuance of illegal work being done; or take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions from occurring; including cooperation with the City Attorney in the prosecution of complaints.

Subdivision 7: Penalties

The Zoning Administrator or his/her designee shall institute in the name of the City of Isanti any appropriate legal actions or proceedings against a violator of this Ordinance, with the assistance and cooperation of the Code Enforcement Official and the City Attorney.

- A. Any person, individual, or corporation, who violates, fails to comply with or assists, directs or permits the violation of any provision of this Ordinance or who knowingly makes or submits false statements or documentation in connection with any application or procedure required by this Ordinance, shall, upon conviction, be fined not more than the maximum penalty for a misdemeanor prescribed under state law.
- B. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. Any person who violates, fails to comply with or assists, directs or permits the violation of any performance standard of this Ordinance shall reimburse the City for the actual cost of the tests, measurements, or any other procedures as necessary to demonstrate such offense.
- D. No section of part of this Ordinance designating the duties of any official, employee, or appointee of the City shall be construed to make such official, employee, or appointee liable for the penalty provided by the City Code for violation of this Ordinance.

Subdivision 8: Duties of the Planning Commission

- A. The Planning Commission shall act in a purely advisory manner, making recommendations to the City Council in all zoning issues and applications, except for those applications (administrative permits) expressly excepted by this Ordinance.
- B. All zoning applications shall first be presented to the Planning Commission, with the appropriate comments and/or recommendations from City staff. The Planning Commission shall make recommendations to the City Council regarding Comprehensive Plan amendments, amendments to the zoning ordinance (text and map changes), annexation, appeals, Conditional Use Permits, Interim Use Permits, Home Occupations (when identified as such within this ordinance), Planned Unit Developments, and variances.
- C. The Planning Commission may recommend conditions to the zoning applications, as it deems necessary to assure compliance with the purpose and intent of this Ordinance and the Comprehensive Plan. The Planning Commission shall forward its recommendation with or without conditions to the City Council in writing within sixty (60) days of the receipt date of a complete application.

Subdivision 9: Duties of the City Council

- A. The City Council, acting as the Board of Adjustment and Appeals shall make the decisions within the legislative and executive framework of the City on all Zoning applications, except for those applications (administrative permits) that the City Council has expressly authorized in this Ordinance.
- B. Upon receiving the recommendation from the Planning Commission, the City Council shall make findings of fact and impose any conditions upon the approval that it considers necessary to protect the public health, safety, and welfare; and shall make its decision as to the application.

Subdivision 10: Fees

The costs to the City for the processing of permits and zoning requests (i.e. rezoning, variances, interim use permits, conditional use permits, amendments to the Comprehensive Plan and Zoning Ordinance, vacations, site plan/building review, annexation, etc.) are considered unique to the applicant requesting such consideration, and it is the intent of this Subdivision to provide that all costs to the City associated with such requests shall be the financial responsibility of the applicant.

- A. Basic Zoning Application Fee. A basic zoning application fee, per application, shall be paid by all applicants, in accordance with a fee schedule adopted by resolution by the City Council. The basic zoning application fees are non-refundable. This fee is intended to reimburse the City for its normal costs associated in similar, uncomplicated matters. If this fee proves to be insufficient to cover all of the costs associated with the processing of such permits and zoning requests, such additional costs will be charged back to the applicant or may be charged as part of an escrow deposit. Statements will be mailed to the applicant requesting payment. If payment is not made within thirty (30) days of mailing, all processing of the request will be halted until said payment is received.
- B. Escrow Deposit. If an escrow deposit is received; all actual costs including, but not limited to, planning, engineering, public notification, and legal costs, incurred by the City in the processing of a permit or application shall be paid from or reimbursed to the City from the escrow deposit. Actual costs not fully paid or reimbursed from the basic zoning application fee shall be paid or reimbursed from this escrow deposit. In the event that the escrow deposit is exceeded, a statement will be mailed to the applicant requesting payment. If payment is not made within thirty (30) days of mailing, all processing of the request will be halted until said payment is received. It shall be the responsibility of the applicant to contact the City in writing requesting the return of any unused portion of the escrow deposit.
- C. Applicants are hereby notified by signing the appropriate application forms and payment of the non-refundable basic zoning application fee, escrow amount (if necessary), and out of pocket expenses do not infer payment in full.

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ARTICLE 1: AMENDMENTS (TEXT AND MAP)

Subdivision 1: Purpose

The purpose of this Article is to establish regulations and procedures for the processing of zoning applications requesting amendments to the text and/or maps for the Comprehensive Plan and Zoning Ordinance.

Subdivision 2: Initiation of Amendments

- A. The City Council or Planning Commission may initiate a request to amend the text or district boundaries of this Ordinance as well as may initiate an amendment to the text or maps associated with the Comprehensive Plan. The procedural requirements of this Article shall not apply to such proposed amendments initiated by the Planning Commission or City Council; except to the extent required by Minnesota State Statutes.
- B. Any person owning real estate within the City may petition to initiate a request to amend the district boundaries or land use category or text of this Ordinance; or land use classification as shown in the Comprehensive Plan, so as to affect the real estate owned by that individual or group.

Subdivision 3: Application Submittal Requirements

The following information shall be required for all amendment applications:

- A. Completed application form signed by the fee owner of the subject property (in the case of a map amendment), or applicant (in the case of a text amendment).
- B. Payment of non-refundable basic zoning application fee and escrow fee (if required). If the basic zoning application fee proves to be insufficient to cover all of the costs associated with the processing of said application, such additional costs will be charged back to the applicant.
- C. Written narrative of the proposed amendment describing the purpose of the change; explaining how the proposed amendment is in the best interest of the City; describing how the amendment is related to the Comprehensive Plan, Zoning Ordinance and other policies of the City.
- D. A certificate of survey and complete legal description of the subject site. A boundary survey or area survey including the property in question plus three hundred fifty feet (350) beyond showing lot boundaries, streets, buildings, existing vegetation, topography, and soil tests may be required, if deemed appropriate by City staff.
- E. Certification of taxes paid. Prior to approving an application for an amendment, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rezoning application relates.
- F. Any additional documents or information as requested by City staff, which may be needed to explain the request.

Subdivision 4: Procedure

Pursuant to Minnesota State Statutes, an application for an amendment shall be approved or denied within sixty (60) days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant. City staff is authorized to extend the sixty (60) day time limit by a time period not to exceed sixty (60) additional days; provided written notice of such extension is provided to the applicant before the end of the initial sixty (60) day period. The procedure for amending the Comprehensive Plan or Zoning Ordinance (text and maps) is outlined as follows:

- A. Requests for zoning (text or map) amendments or for amendments to the Comprehensive Plan shall be filed with the Zoning Administrator on an official application form together with the required exhibits and the non-refundable filing fee as established by City Council resolution. Within ten (10) business days of the application submittal, the Zoning Administrator or his/her designee will issue a letter identifying any incomplete items that would be required in order to process the application. The formal review shall not commence until such time as the application is deemed complete.
- B. Following receipt of a complete application, the Zoning Administrator shall provide copies of the proposal to appropriate City staff, consultants, and affected surrounding jurisdictions responsible for review of the amendment. The Zoning Administrator shall also instruct appropriate staff persons to prepare technical

reports when appropriate, and provide general assistance in preparing a recommendation to the Planning Commission and City Council.

- C. Following receipt of a complete application, the Zoning Administrator or his/her designee will set a public hearing date following proper public hearing notification regulations. Notice of such hearing shall be published in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350') feet of the boundary of the property in question. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Article.
- D. The Planning Commission shall conduct a public hearing, and report its findings and make recommendations to the City Council. The Planning Commission shall consider possible adverse effects of the proposed amendment. The judgment of the Planning Commission with regard to the application shall be based upon, but is not limited to, the following factors:
 - 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.
 - 2. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
 - 3. There is adequate infrastructure available to service the proposed action.
 - 4. There is an adequate buffer or transition provided between potentially incompatible districts.
- E. The Planning Commission and City staff shall have the authority to request the applicant provide additional information concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant, said information is to be declared necessary in order to establish performance conditions in relation to all pertinent Sections of this Ordinance. Failure on the part of the applicant to supply all necessary support information may be grounds for denial of the request.
- F. The applicant or representative of the applicant shall appear before the Planning Commission and City Council in order to present the case for the applicant and to answer questions concerning the proposal. Failure to appear at either the Planning Commission or City Council meeting, in which the proposal is considered, shall constitute grounds for tabling or denial of the application.
- G. The Planning Commission shall make a recommendation to the City Council. Such recommendations shall be accompanied by the report and recommendation of the City staff. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- H. Upon receiving the report and recommendation of the Planning Commission and appropriate City staff members, City staff shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- I. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary. If upon receiving said reports and recommendations from the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendations of the City Council may differ from that of the Planning Commission, the City Council may before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
- J. The City Council shall approve, deny, or conditionally approve the amendment within sixty (60) days of receipt of the complete application, unless an extension has been provided pursuant to Minnesota State Statutes or a later date has been agreed to in writing by the applicant.
- K. For any application which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial, such approval shall require passage by two-thirds (2/3) vote

of the full City Council. Approval of any other type of proposed amendment shall require passage by a majority vote of the full City Council.

- L. The amendment shall not become effective until such time as the City Council approves a Resolution (in the case of a Comprehensive Plan amendment) or an Ordinance (in the case of the Zoning Ordinance), and such approval is published within the official newspaper.
- M. Denial of applications shall be accompanied by written findings of fact of the City Council and any supporting data setting forth the reasons for the denial. No application which has been denied wholly or in part shall be resubmitted for consideration by the Planning Commission or City Council for at least six (6) months from the date of its denial.

ARTICLE 2: CONDITIONAL USE PERMITS

Subdivision 1: Purpose

The purpose of the Conditional Use Permit is to provide the City with a reasonable degree of discretion when determining the suitability of certain designated uses upon the general welfare, public health and safety. The Conditional Use Permit authorizes and regulates uses that may be considered beneficial in specific instances to the general health, safety, and welfare of the City; yet ensures that such uses are not detrimental to surrounding property and are consistent with the stated purpose of the zoning district in which such uses are located. The City may consider conditions regarding operation, location, arrangement, construction and other factors when determining the effects of a proposed conditional use.

Subdivision 2: Application Submittal Requirements

The following information shall be required for all Conditional Use Permit applications:

- A. Completed application form signed by the applicant. If the applicant is not the fee owner of the subject property, the fee owner's signature shall be provided on the application form as well.
- B. Payment of non-refundable basic zoning application fee and escrow fee (if required). If the basic zoning application fee proves to be insufficient to cover all of the costs associated with the processing of said application, such additional costs will be charged back to the applicant.
- C. Written narrative and graphic materials fully describing and explaining the proposed change, development, or use.
- D. A certificate of survey and complete legal description of the subject site. A boundary survey or area survey including the property in question plus three hundred fifty feet (350) beyond showing lot boundaries, streets, buildings, existing vegetation, topography, and soil tests may be required, if deemed appropriate by City staff.
- E. Certification of taxes paid. Prior to approving an application for a conditional use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rezoning application relates.
- F. Any additional documents or information as requested by City staff, which may be needed to explain the request.

Subdivision 3: Procedures

Pursuant to Minnesota State Statutes, an application for a Conditional Use Permit shall be approved or denied within sixty (60) days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant. City staff is authorized to extend the sixty (60) day time limit by a time period not to exceed sixty (60) additional days; provided written notice of such extension is provided to the applicant before the end of the initial sixty (60) day period. Additional City requirements are as follows:

- A. Requests for a Conditional Use Permit shall be filed with the Zoning Administrator on an official application form together with the required exhibits and the non-refundable filing fee as established by City Council resolution. Within ten (10) business days of the application submittal, the Zoning Administrator or his/her designee will issue a letter identifying any incomplete items that would be required in order to process the application. The formal review shall not commence until such time as the application is deemed complete.
- B. Following receipt of a complete application, the Zoning Administrator shall provide copies of the proposal to appropriate City staff, consultants, and affected surrounding jurisdictions responsible for review of the amendment. The Zoning Administrator shall also instruct appropriate staff persons to prepare technical reports when appropriate, and provide general assistance in preparing a recommendation to the Planning Commission and City Council.
- C. Following receipt of a complete application, the Zoning Administrator or his/her designee will set a public hearing date following proper public hearing notification regulations. Notice of such hearing shall be published in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three

hundred fifty (350') feet of the boundary of the property in question. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Article.

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
 7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 8. The conditional use complies with the general and specific performance standards as specified by within this Article.
- E. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
- F. The applicant or representative of the applicant shall appear before the Planning Commission and City Council in order to present the case for the applicant and to answer questions concerning the proposal. Failure to appear at either the Planning Commission or City Council meeting, in which the proposal is considered, shall constitute grounds for tabling or denial of the application.
- G. The Planning Commission shall make a recommendation to the City Council. Such recommendations shall be accompanied by the report and recommendation of the City staff. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- H. Upon receiving the report and recommendation of the Planning Commission and appropriate City staff members, City staff shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- I. Upon receiving the report and recommendation of the Planning Commission, the City Council shall make a recorded finding of fact and may impose any conditions they consider necessary to protect the public health, safety, and welfare. If the City Council finds that specific inconsistencies exist in the review process and thus the final recommendations of the City Council will differ from that of the Planning Commission, the City Council may, before taking action, refer the matter back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action. If the City Council approves the request or approves the request with conditions, approval of a request shall require passage by a majority vote of the entire City Council.
- J. Denial of applications shall be accompanied by written findings of fact of the City Council and any supporting data setting forth the reasons for the denial. No application which has been denied wholly or in part shall be resubmitted for consideration by the Planning Commission or City Council for at least six (6) months from the date of its denial.

Subdivision 4: General Performance Standards

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria (Additional specific standards and criteria may be cited for respective conditional uses, as noted within each particular zoning district. A request shall be evaluated based upon those additional standards and criteria when provided):

- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
- D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
- E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.
- F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
- G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.
- H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformities shall be eliminated.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.

Subdivision 5: Amendments to a Conditional Use Permit

Holders of a Conditional Use Permit may propose modifications to the permit at any time. No changes in the approved plans or scope of the conditional use shall, however, be undertaken without prior approval of those changes by the City. Any proposed change in the authorizing resolution, or conditions, and site plan alterations that involve building size or integral changes to the design and location of proposed site elements, shall constitute a request for an amendment to the Conditional Use Permit. These changes shall be submitted to the Planning Commission, following the procedures for hearing and review set forth in this article, and shall make findings of fact and recommendations which shall be transmitted to the City Council for their approval. Modifications, not meeting the requirements as stipulated above, shall be reviewed and approved by the City Council.

Subdivision 6: Revocation

The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this Ordinance, City Codes, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the Zoning Administrator shall notify the responsible person that they have an opportunity to show good cause why the permit should not be revoked. The application shall be processed and considered pursuant to the procedure set forth within this Article for the processing of conditional use permits. The Zoning Administrator shall provide the affected property owner a copy of the proceedings and finding of the Planning Commission and City Council. (*Ord. No. 535*)

Subdivision 7: Expiration

- A. Unless the City Council approves a different time period for the request when action was first taken, if, within one year after a conditional use permit has been granted, the permitted work has not been completed, then such permit shall become null and void without further action by the Planning Commission and City Council, unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. A request for extension of one (1) year or any extension of time longer than one (1) year shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.
- B. A Conditional Use Permit authorizes only the use specified in the permit. If the authorized use ceases to exist for a continuous period of one (1) year or more, the City may proceed with revocation of the conditional use permit, if it is determined that continuation of the Conditional Use Permit is no longer consistent with the public interest, following the process as outlined within Section 21, Article 2, Subdivision 6 of this Ordinance. (*Ord. No. 535*)

Subdivision 8: Performance Bond

Upon approval of a conditional use permit the City may require a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City. An amount equal to 125% of the estimated costs of labor and materials for the proposed improvements or development shall be collected. Said project can be handled in stages at in the discretion of the City Council. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and codes of the City has been issued by the Building Official. Failure to comply with the conditions of the conditional use permit and/or the codes of the City shall result in forfeiture of the security.

ARTICLE 3: INTERIM USES

Subdivision 1: Purpose

The purpose of the interim use permit is to allow a temporary use that is not designated as a permitted or conditionally permitted but is acceptable for a limited period of time subject to conditions set forth in this Article.

Subdivision 2: Permit Required

No use designated as an "Interim Use" in any zoning district shall be established unless and until an Interim Use Permit has been granted by the City Council.

Subdivision 3: Application Submittal Requirements

- A. Application shall be made by the fee owner, authorized representative of the fee owner of the property, or tenant/lessee with written proof of authorization from the fee owner or representative of the fee owner verifying approval of the application as proposed for the property upon which the interim use is to be located.
- B. Applications shall include, but are not limited to, the following:
 - 1. A completed application form signed by the fee owner of the property or authorized representative of the fee owner;
 - 2. All necessary information to fully describe the nature of the request and the use, its operation and intensity, location on the site, affect on abutting and adjacent properties and site improvements necessary to conduct the use at that location;
 - 3. A letter from the applicant stating the date or event that the use will terminate;
 - 4. A signed consent agreement, provided by the City of Isanti, agreeing to the following:
 - a. That the applicant, owner, operator, tenant and/or user have no entitlement to future re-approval of the Interim Use Permit;
 - b. That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
 - c. That the applicant, owner, operator, tenant and/or user will abide by the conditions of the approval that the City Council applies to the Interim Use Permit.
 - 5. Certification of taxes paid. Prior to approving an application for an Interim Use Permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the Interim Use application relates.
 - 6. Any other information that may be required by the City of Isanti to evaluate the application, relative to the criteria to be considered, as set forth in Subdivision 5 of this Article.

Subdivision 4: Procedure.

Pursuant to Minnesota State Statutes, an application for an Interim Use Permit shall be approved or denied within sixty (60) days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant. City staff is authorized to extend the sixty (60) day time limit by a time period not to exceed sixty (60) additional days; provided written notice of such extension is provided to the applicant before the end of the initial sixty (60) day period. Additional City requirements are as follows:

- A. Requests for an Interim Use Permit shall be filed with the Zoning Administrator on an official application form together with the required exhibits and the non-refundable filing fee as established by City Council resolution. Within ten (10) business days of the application submittal, the Zoning Administrator or his/her designee will issue a letter identifying any incomplete items that would be required in order to process the application. The formal review shall not commence until such time as the application is deemed complete.
- B. Following receipt of a complete application, the Zoning Administrator shall provide copies of the proposal to appropriate City staff, consultants, and affected surrounding jurisdictions responsible for review of the amendment. The Zoning Administrator shall also instruct appropriate staff persons to prepare technical reports when appropriate, and provide general assistance in preparing a recommendation to the Planning Commission and City Council.
- C. Following receipt of a complete application, the Zoning Administrator or his/her designee will set a public hearing date following proper public hearing notification regulations. Notice of such hearing shall be published in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three

hundred fifty (350') feet of the boundary of the property in question. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Article.

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Interim Use. The judgment of the Planning Commission shall be based upon, but is not limited to the Criteria for Granting an Interim Use Permit as provided within Subdivision 5 of this Article.
- E. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
- F. The applicant or representative of the applicant shall appear before the Planning Commission and City Council in order to present the case for the applicant and to answer questions concerning the proposal. Failure to appear at either the Planning Commission or City Council meeting, in which the proposal is considered, shall constitute grounds for tabling or denial of the application.
- G. The Planning Commission shall make a recommendation to the City Council. Such recommendations shall be accompanied by the report and recommendation of the City staff. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- H. Upon receiving the report and recommendation of the Planning Commission and appropriate City staff members, City staff shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- I. Upon receiving the report and recommendation of the Planning Commission, the City Council shall make a recorded finding of fact and may impose any conditions they consider necessary to protect the public health, safety, and welfare. If the City Council finds that specific inconsistencies exist in the review process and thus the final recommendations of the City Council will differ from that of the Planning Commission, the City Council may, before taking action, refer the matter back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action. If the City Council approves the request or approves the request with conditions, approval of a request shall require passage by a majority vote of the entire City Council.
- J. Denial of applications shall be accompanied by written findings of fact of the City Council and any supporting data setting forth the reasons for the denial. No application which has been denied wholly or in part shall be resubmitted for consideration by the Planning Commission or City Council for at least six (6) months from the date of its denial.

Subdivision 5: Criteria for Granting an Interim Use Permit

The Planning Commission and City Council shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding properties. The Planning Commission and City Council shall consider and make findings regarding the following factors:

- A. The proposed use shall meet the applicable zoning regulations; and
- B. The proposed use will not adversely impact implementation of the Comprehensive Plan; and
- C. The proposed use will terminate upon a date or event that can be identified with certainty; and
- D. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- E. The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the Interim Use Permit; and
- F. The proposed use will be subjected to, by agreement with the property owner, any conditions that the City Council deems appropriate for permission of the proposed interim use, including a condition that the owner may

be required to provide an appropriate surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use.

Subdivision 6: Conditions of Approval

In permitting a new interim use permit or amending an existing interim use permit, the Planning Commission may recommend and the City Council may impose, in addition to the standards and requirements expressly specified by this section, additional conditions which the Planning Commission and/or City Council consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimensions;
- B. Limiting the height, size, or location of buildings;
- C. Controlling the location and number of vehicles access points;
- D. Increasing the street width;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- H. Designation of open space;
- I. Obtaining the necessary licenses as required by the City of Isanti, Isanti County or State of Minnesota;
- J. Restrictions on the hours of operation;
- K. Exterior lighting is limited to protect adjacent or nearby property;
- L. Controlling architectural appearance and functional design of the building or site;
- M. Applicable performance standards of the zoning district in which such use is located are met and non-conformities are eliminated;
- N. Annual review, if deemed appropriate by the City Council.
- O. Any additional stipulations, pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public, health, safety, and welfare, can be served as well or better by modifying or expanding upon the conditions set forth herein.

Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the interim use permit shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator or their designee shall maintain a record of all interim use permits including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.

Subdivision 7: Inspection

The City hereby reserves the right, upon approval of an interim use, to inspect the premises in which an interim use is being conducted to ensure compliance with the provisions of this section or any additional conditions imposed.

Subdivision 8: Termination

An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:

- A. The date or event stated in the permit or established by City Council at the time of approval;
- B. The use has been discontinued for one year;
- C. Upon an amendment to the City Code that no longer allows the interim use; or

- D. There is a change in ownership of the property for which the interim use permit was issued.

Subdivision 9: Revocation and Suspension

- A. The City Council may suspend or revoke an Interim Use Permit upon the failure of the interim use, or the interim use's permittee, owner, operator, tenant, or user to comply with the provisions of the Code, the laws of the State of Minnesota, the approved plans, conditions of approval, or by finding that the activities allowed under the permit adversely affect the public health, safety, and welfare.
- B. The City Council may suspend or revoke an Interim Use Permit, if access to the property for the purpose of making an inspection is refused to the Zoning Administrator or their designee.
- C. A suspension or revocation of an Interim Use Permit shall be preceded by written notice to the permittee and a hearing. The notice shall provide at least ten (10) days notice of the time and place of the hearing and shall state the nature of the violations. The notice shall be mailed to the permittee at the most recent address listed on the application. The hearing of a contested case may be before the City Council or in accordance with Minn. Stats. Section 14.57 to 14.60, but informal disposition of a contested case by stipulation, pursuant to Minn. Stats. Section 14.59, may provide an adequate basis for imposition of sanctions.

Subdivision 10: Cancellation of Interim Use Permits

- A. Where applicable, granted interim use permits shall become null and void if the applicant does not proceed substantially on the work within one (1) year. To proceed substantially means to make visible improvements to the property. One or more extensions for not more than six (6) months each may be granted by the City Council for good cause.
- B. Should the use operating under a valid interim use permit cease its operation for a continuous period of one (1) year, the interim use permit shall be considered expired and any subsequent use of the premises shall be in conformance with the use regulations for the zoning district in which the property is located.
- C. In the event that building plans or site plans are required to be approved by the Planning Commission or City Council before a building permit can be issued, such approval will have the effect of extending the term of the interim use permit for a period of one (1) year beyond the date of approval of such building or site plans.

ARTICLE 4: ADMINISTRATIVE PERMITS

Subdivision 1: Purpose

The purpose of this section is to establish regulations and procedures for the processing and consideration of activities or uses, which are seasonal or temporary in duration, to be allowed by administrative permit, upon review and approval of the Zoning Administrator or his / her designee, with the goal of protecting the health, safety, and welfare of the citizens of the City.

Subdivision 2: Procedure

- A. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator or his / her designee on forms provided by the City.
- B. New applications and applications for amending administrative permits shall be accompanied by a non-refundable fee as set forth by resolution of the City Council.
- C. The Zoning Administrator shall review the application and related materials and shall determine that the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards.
- D. The Zoning Administrator shall consider possible adverse effects of the proposed activity, event, or use. Judgment shall be based upon, but not limited to, the following factors:
 - 1. Compliance with the policies and provisions of the official Comprehensive Plan and other city plans and ordinances.
 - 2. The establishment, maintenance or operation of the use, event, or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.
 - 3. The use, event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair the property values within the neighborhood.
 - 4. The establishment of the use, event, or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - 5. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event, or activity which is proposed.
- E. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within fifteen (15) days from the date of submission of a complete application. Upon notification to the applicant that any application presented is incomplete in any way, no action will be commenced by the City until such time as a complete application is submitted.
- F. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Chapter shall be attached to the permit.
- G. Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of the notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
- H. Unresolved disputes as to administrative application of the requirements of this subdivision shall be subject to appeal as defined by Section 20 of this Ordinance.

Subdivision 3: Application Submittal Requirements

- A. A complete application form and legal description of the subject site.
- B. Payment of a non-refundable filing fee and escrow as set forth by City Council resolution.
- C. Concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security,

provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.

- D. A copy of the approved site plan for the property or an “as built” survey which accurately represents existing conditions on the site, including entrances and exits, bonafide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
- E. An accurate floor plan, when in judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
- F. The applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.
- G. Any additional information as identified by City staff, as may be applicable to describe the proposed use, event, or activity.

Subdivision 4: Performance Standards.

All uses, events, or activities allowed by administrative permit shall conform to the applicable standards and regulations outlined in the zoning district in which such use, event, or activity is proposed. The use, event, or activity and site shall conform to all applicable performance standards of this Ordinance.

Subdivision 5: Administration and Enforcement

- A. The Zoning Administrator shall keep a record of applications and administrative permits.
- B. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
- C. Enforcement of the provisions of this paragraph shall be in accordance with Section 20 of this Ordinance. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.

ARTICLE 5: VARIANCES

Subdivision 1: Purpose

The purpose of this Article is to provide regulations and procedures for deviations from the literal provisions of this Ordinance including restrictions placed on nonconformities; in instances where the strict enforcement of this Ordinance would cause practical difficulties when it is demonstrated that such variances are found to be in harmony with the general purposes and intent of this Ordinance and such variances are found to be consistent with the Comprehensive Plan.

Subdivision 2: Board of Zoning Adjustment and Appeals

The City Council shall act as the Board of Zoning Adjustment and Appeals.

Subdivision 3: Application Submittal Requirements

The following information shall be required for all Variance applications:

- A. Completed application form signed by the applicant. If the applicant is not the fee owner of the subject property, the fee owner's signature shall be provided on the application form as well.
- B. Payment of non-refundable basic zoning application fee and escrow fee (if required). If the basic zoning application fee proves to be insufficient to cover all of the costs associated with the processing of said application, such additional costs will be charged back to the applicant.
- C. Written narrative and graphic materials fully describing and explaining the proposed development and rationale for the variance request.
- D. A certificate of survey and complete legal description of the subject site. Existing and proposed structures as well as setbacks from property lines and the ordinary high watermark of lakes and rivers, lot area, impervious surface coverage, building coverage, easements, grade elevations (existing and proposed).
- E. A copy of proposed building plans including elevation drawings for all exterior sides of the proposed structure.
- F. Certification of taxes paid. Prior to approving an application for variance, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rezoning application relates.
- G. Any additional documents or information as requested by City staff, which may be needed to explain the request.

Subdivision 4: Procedures

Pursuant to Minnesota State Statutes, an application for a Variance shall be approved or denied within sixty (60) days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant. City staff is authorized to extend the sixty (60) day time limit by a time period not to exceed sixty (60) additional days; provided written notice of such extension is provided to the applicant before the end of the initial sixty (60) day period. Additional City requirements are as follows:

- A. Requests for a Variance shall be filed with the Zoning Administrator on an official application form together with the required exhibits and the non-refundable filing fee as established by City Council resolution. Within ten (10) business days of the application submittal, the Zoning Administrator or his/her designee will issue a letter identifying any incomplete items that would be required in order to process the application. The formal review shall not commence until such time as the application is deemed complete.
- B. Following receipt of a complete application, the Zoning Administrator shall provide copies of the proposal to appropriate City staff, consultants, and affected surrounding jurisdictions responsible for review of the amendment. The Zoning Administrator shall also instruct appropriate staff persons to prepare technical reports when appropriate, and provide general assistance in preparing a recommendation to the Planning Commission and City Council.
- C. Following receipt of a complete application, the Zoning Administrator or his/her designee will set a public hearing date following proper public hearing notification regulations. Notice of such hearing shall be

published in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350') feet of the boundary of the property in question. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Article.

- D. The Planning Commission shall hold a public hearing and consider the application and possible adverse effects of the proposed Variance. An application for a variance shall not be approved unless the variance, if permitted, is in harmony with the general purposes and intent of the ordinance and is consistent with the Comprehensive Plan and findings are made that failure to grant the variance would result in practical difficulties on the applicant. Practical difficulties used in connection with the granting of a variance, means that the property owner meets all of the following criteria:
 - 1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
 - 2. The plight of the landowner is due to circumstances unique to the property and has not been caused by the landowner.
 - 3. A variance, if granted, will not alter the essential character of the locality.
 - 4. Practical difficulties include but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - 5. Economic considerations alone do not constitute practical difficulties.
- E. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
- F. The applicant or representative of the applicant shall appear before the Planning Commission and City Council in order to present the case for the applicant and to answer questions concerning the proposal. Failure to appear at either the Planning Commission or City Council meeting, in which the proposal is considered, shall constitute grounds for tabling or denial of the application.
- G. The Planning Commission shall make a finding of fact and make a recommendation on such actions or establish conditions directly relating to and proportional to the impact created by the variance request, as they deem necessary to carry out the purposes of this Ordinance to the City Council. The recommendation shall consider the criteria as outlined in Item D, above. Such recommendations shall be accompanied by the report and recommendation of the City staff. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- H. Upon receiving the report and recommendation of the Planning Commission and appropriate City staff members, City staff shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- I. Upon receiving the report and recommendation of the Planning Commission, the City Council shall make a recorded finding of fact and may impose any conditions that are directly related to and bear a rough proportionality to the impact created by the variance; as they consider necessary to protect the public health, safety, and welfare. If the City Council finds that specific inconsistencies exist in the review process and thus the final recommendations of the City Council will differ from that of the Planning Commission, the City Council may, before taking action, refer the matter back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action. If the City Council approves the request or approves the request with conditions, approval of a request shall require passage by a majority vote of the entire City Council.
- J. Denial of applications shall be accompanied by written findings of fact of the City Council and any supporting data setting forth the reasons for the denial. Whenever an application for a variance has been considered and denied by the City Council, a similar application for variance affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial.

Subdivision 5: Appeal of Ruling

Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the City Council shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented, or replaced.

Subdivision 6: Revocation

The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized variance is not in conformance with the conditions of the approval or is in continued violation of this Ordinance, City Codes, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the Zoning Administrator shall notify the responsible person that they have an opportunity to show good cause why the variance should not be revoked. The application shall be processed and considered pursuant to the procedure set forth within this Article for the processing of variances. The Zoning Administrator shall provide the applicant a copy of the proceedings and finding of the Planning Commission and City Council.

Subdivision 7: Expiration

Unless the City Council approves a different time period for the request when action was first taken, If, within one (1) year after a variance has been granted, the permitted work has not been completed, then such permitted variance shall become null and void without further action by the Planning Commission and City Council, unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance approval. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete or utilize the approval permitted in the variance. A request for extension of one (1) year or any extension of time longer than one (1) year shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

Subdivision 8: Performance Bond

Upon approval of a variance the City may require a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the approved variance and the ordinances of the City. The amount of security shall be determined by the City Council. The amount is equal to 125% of the estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages at in the discretion of the City Council. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditions of the approved variance and codes of the City has been issued by the Building Official. Failure to comply with the conditions of the variance and/or the codes of the City shall result in forfeiture of the security.

ARTICLE 6: APPEALS

Subdivision 1: Board of Adjustment and Appeals Designation and Powers

The City Council shall act as the Board of Adjustment and Appeals and shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.
- B. To hear and decide requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

Subdivision 2: Applicability

An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Ordinance. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

Subdivision 3: Filing

An appeal from the action of an administrative officer of the City shall be filed by the property owner or their agent with the Zoning Administrator within thirty (30) days after the making of the order, requirement, or interpretation being appealed.

Subdivision 4: Stay of Proceedings

An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Board of Adjustment and Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate of stay would cause imminent peril to life and property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, and upon subsequent notice to the City.

Subdivision 5: Procedure

The procedure for making such an appeal shall be as follows:

- A. The property owner or their agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by City Council resolution. In cases where the application is judged to be incomplete, the Zoning Administrator shall notify the applicant, in writing, within ten (10) business days of the date of submittal.
- B. The Zoning Administrator shall prepare technical reports and request supporting reports and documentation from other staff members when appropriate. The Zoning Administrator shall provide general assistance in preparing a recommendation on the action to the Board of Adjustment and Appeals.
- C. The Board of Adjustment and Appeals shall make its decision by resolution within sixty (60) days from the date on which a completed application is filed.
- D. The Zoning Administrator shall serve a copy of the final order of the Board upon the petitioner by mail.

Subdivision 6: Appeals from the Board of Adjustment and Appeals

Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the Board of Adjustment and Appeals shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented, or replaced.

SECTION 22: ENVIRONMENTAL REVIEW

The purpose of the Environmental Review Program Section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Statue 116D.04, Subd. 2. and Minnesota Statue 116D.01 as amended, to implement the Environmental Review Program in accordance with 6MCAR 3.021 to 3.047.

SECTION 23: PENALTIES AND VIOLATIONS

Violation of any part of this Ordinance is a misdemeanor, and upon conviction thereof, shall be fined and/ or imprisoned as provided for misdemeanor violations under Minnesota State Law.

SECTION 24: REPEAL

Isanti Ordinance Number 176, as amended, entitled "Zoning Ordinance for the City of Isanti, Minnesota", is hereby repealed as of the effective date of this Ordinance, Number 445.

SECTION 25: REPEAL

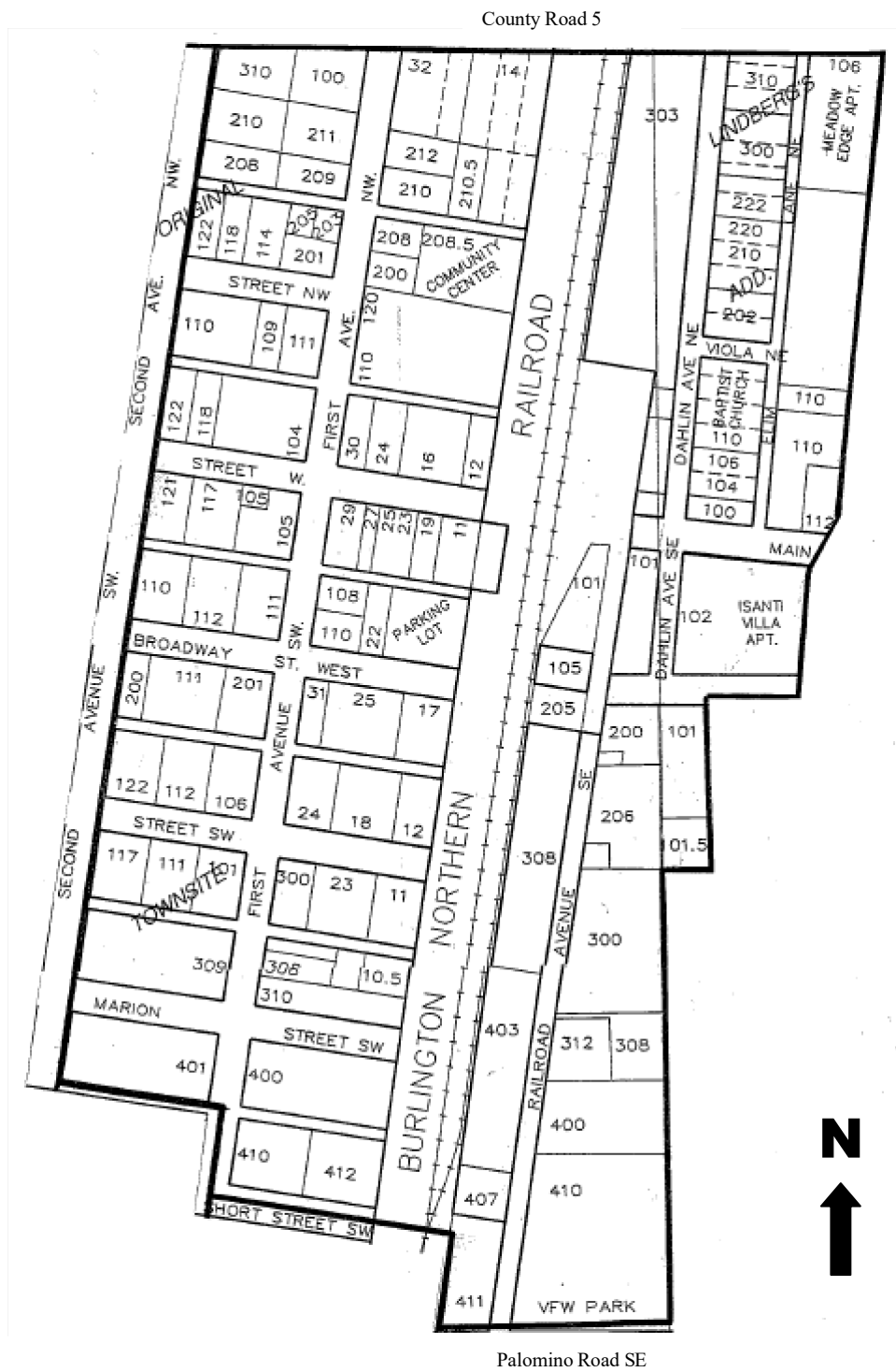
Isanti Ordinance No. 418 establishing the Moratorium is hereby repealed effective as of the end of the day on the date of publication of Ordinance No. 445 in the City's Official Newspaper.

SECTION 26: EFFECTIVE DATE

Isanti Ordinance No. 445 shall take effect upon its adoption and publication in the City's Official Newspaper.

ADOPTED BY THE CITY COUNCIL OF ISANTI, MINNESOTA, THIS 21st DAY OF OCTOBER 2008.

APPENDIX A: "D-1" DOWNTOWN OVERLAY DISTRICT MAP



APPENDIX B: ZONING CODE AMENDMENTS

Date	Ordinance	Description	Section(s)
Oct. 21, 2008	Ordinance No. 445	Comprehensive Revision to code and map Repeal of Ordinance No. 176 and 418	All
Dec. 16, 2008	Ordinance No. 446	Definitions / Provisions for Garage Width and Household Maintenance and Small Engine Repair Facility	Sections 2, 7 (Articles 1 and 2), 8, and 13
Feb. 17, 2009	Ordinance No. 451	Regulations / Provisions for State Licensed Residential Facilities (group homes) or housing with services establishments registered under Chapter 144D, state licensed day care facilities, and state licensed group family day care	Section 6
March 3, 2009	Ordinance No. 454	Definitions / Regulations for Recreational Vehicle Repair Facility	Sections 2, 7, and 13
May 19, 2009	Ordinance No. 458	Definitions for Personal Recreational Motor Vehicle and Golf Cart / Amend Open Sales Lots and Recreational Vehicle Repair Facility	Section 2
August 18, 2009	Ordinance No. 461	Definitions for fences as well as setback, height, opacity, and location requirements	Section 2 and Section 15
September 15, 2009	Ordinance No. 465	Amendments to Tier One Residential Accessory Structure requirements	Section 12 and Section 13
September 15, 2009	Ordinance No. 466	Definition clarification for commercial recreation, studios, and instruction/learning centers and include instruction/learning centers in B-1, B-2, B-3, and CBT	Section 2, Section 7, and Section 10
November 17, 2009	Ordinance No. 470	Clarification to Outdoor Storage regulations; Maximum Sidewall Height for Accessory Structures; Residential Landscaping maintenance requirements; and removal of Ash Trees from City Tree Lists	Sections 2, 13, and 15
December 15, 2009	Ordinance No. 473	Design Standards for Awnings	Sections 11 and 16
March 16, 2010	Ordinance No. 479	Definition for Limited Light Industrial; Creation of two mixed-use districts (CBT-1 and CBT-2)	Sections 2 and 10
March 16, 2010	Ordinance No. 480	Transient Merchants and Temporary Motor Vehicle Sales accessory to Financial Institutions	Sections 2, 7, and 13
April 20, 2010	Ordinance No. 483	Variance Procedures	Section 21
June 15, 2010	Ordinance No. 486	Residential Topsoil Requirements	Sections 2 and 15
August 17, 2010	Ordinance No. 490	Motor Vehicle Sales with Accessory Open Sales Lots to the B-1 District	Section 7
August 17, 2010	Ordinance No. 491	Community Gardens	Sections 2 and 13
September 21, 2010	Ordinance No. 493	Motor Vehicle Rental Facilities to B-1 District	Section 7
November 3, 2010	Ordinance No. 496	Senior Residential Care Facilities as CUP in "B-2"	Section 7
February 15, 2011	Ordinance No. 499	Medical Service Uses in "B-2"	Sections 2 and 7
March 16, 2011	Ordinance No. 501	Exempt Signs: Political Signs	Section 16
April 19, 2011	Ordinance No. 505	Projecting Signs	Section 16
May 17, 2011	Ordinance No. 512	Wind Energy Conversion Systems	Sections 2, 7, 8, and 13
July 19, 2011	Ordinance No. 516	Variances	Section 21
March 20, 2012	Ordinance No. 527	Removal of Residential Living Facilities from "I-1" District	Section 8
June 19, 2012	Ordinance No. 535	Conditional Use Permit Revocation	Section 21
November 20, 2012	Ordinance No. 541 & 542	Residential/Commercial Kennels and Home Occupations	Sections 2, 6, 7, 10, 12, 13, & 16
January 15, 2013	Ordinance No. 547	Driveway and Parking Area Setback	Section 6
April 16, 2013	Ordinance No. 550	Museum Regulations	Sections 2 & 7
June 18, 2013	Ordinance No. 554	Brewpubs, tap rooms, microbreweries, other similar uses	Sections 2, 7, & 8
July 16, 2013	Ordinance No. 558	Performance Bonds	Section 18
September 17, 2013	Ordinance No. 564	Zoning Permits	Table of Contents, Sections 6, 13, 15, & 17
November 19, 2013	Ordinance No. 567	Fence Opacity	Section 15

November 19, 2013	Ordinance No. 568	Manufactured Homes and Manufactured Home Developments	Table of Contents, Sections 2, 4, 6, & 13
January 21, 2014	Ordinance No. 574	Signs	Sections 2 and 16
March 18, 2014	Ordinance No. 575	Educational Institutions as CUP in "B-2"	Section 7
April 15, 2014	Ordinance No. 578	School Parking requirements	Section 17
Sept. 16, 2014	Ordinance No. 583	Extended Home Occupation in B-1 as IUP	Sections 7 and 13
Dec. 16, 2014	Ordinance No. 592	Accessory Structure Height	Section 13
Jan. 20, 2015	Ordinance No. 594	Adult Day Center	Sections 2, 6, 7, 13
Jan. 20, 2015	Ordinance No. 595	Signs	Section 13 and 16
April 21, 2015	Ordinance No. 601	Driveway Location	Section 17
May 19, 2015	Ordinance No. 609	Accessory Structure Size	Section 13
May 19, 2015	Ordinance No. 608	Landscaping Screen	Section 15
August 18, 2015	Ordinance No. 617	Industrial Parking Standards	Section 17
August 18, 2015	Ordinance No. 618	Green Space Requirements	Section 7
Sept. 15, 2015	Ordinance No. 623	Fence Exception	Section 15
Jan. 19, 2016	Ordinance No. 631	Car Dealer Office added to General Office Definition	Section 2
May 17, 2016	Ordinance No. 644	Swimming Pool Barricades	Section 6 and 14
June 21, 2016	Ordinance No. 647	Fences within Easements	Section 15
July 19, 2016	Ordinance No. 649	Addition of Motor Vehicle Sales	Section 7
Aug. 16, 2016	Ordinance No. 650	Opt-Out of Temporary Family Health Care Dwellings	Section 4
Nov. 15, 2016	Ordinance No. 657	"H65" Highway 65 Corridor Overlay District	Section 7, 11 and 12
April 4, 2017	Ordinance No. 672	"RC" District Revisions	Section 2 and 10
March 6, 2018	Ordinance No. 687	Update Dynamic Signs	Section 16, Subd 6
July 2, 2019	Ordinance No. 708	Remove Self Storage as Conditional Use in B-2 District	Section 7, Subd 3
Dec 17, 2019	Ordinance No. 714	Sign Area and Dimensions	Section 16, Subd 2
March 17, 2020	Ordinance No. 726	Adult Uses	Section 7
May 5, 2020	Ordinance No. 729	Zoning Map Amendment	Ord 445
May 5, 2020	Ordinance No. 730	Commercial Recreation as Conditional Use	Section 7, Subd 3
June 2, 2020	Ordinance No. 731	Mobile Food Units	Section 2 and 7
June 2, 2020	Ordinance No. 732	Micro Distillery Cocktail Room as Conditional Use	Section 2 and 7
June 2, 2020	Ordinance No. 733	Impervious Surface Coverage	Section 6
July 7, 2020	Ordinance No. 734	Accessory Building Location	Section 13
July 7, 2020	Ordinance No. 735	Adding R-1A Zoning District	Section 3 and 6
July 7, 2020	Ordinance No. 736	Fencing Setbacks	Section 15
August 5, 2020	Ordinance No. 737	Rezone Properties on Zoning Map to R-1A	Ord 445
Dec 15, 2020	Ordinance No. 748	Topsoil Definition and Requirements	Section 2 and 15
January 5, 2021	Ordinance No. 751	Freestanding Sign Standards	Section 16
January 5, 2021	Ordinance No. 752	Adding "Fire Station" to R-3A Zoning District	Section 6
July 6, 2021	Ordinance No. 756	Wind Energy Conversion Systems	Section 13
August 3, 2022	Ordinance No. 771	Amendments to Residential Districts	Section 6
October 18, 2022	Ordinance No. 775	Amendments to Fencing, Screening, and Landscaping	Section 15
January 17, 2023	Ordinance No. 782	Amendments to Use Regulations of Accessory Buildings, Structures and Uses	Section 13
May 16, 2023	Ordinance No. 789	Amendment to Definitions and Use Regulations	Section 2 and 13
November 8, 2023	Ordinance No. 798	Amendment to Fencing, Screening, and Landscaping	Section 15
March 6, 2024	Ordinance No. 808	Amendment to Signs	Section 16

APPENDIX C: PLANNED UNIT DEVELOPMENTS (PUD) WITH SPECIAL LEGISLATION

Brookview Court

Resolution 2001-017 for Preliminary Plat Approval for Brookview Court (Approved 2.20.2001)

Resolution 2001-035 for Planned Unit Development Approval for Brookview Court (Approved 3.20.2001)

Resolution 2001-052 for Final Plat Approval of Brookview Court (Approved 5.15.2001)

Development Agreement for Brookview Court: County Recorder No. 286957 (Recorded 7.20.2001)

Resolution 2004-077 for Accepting Streets and Infrastructure for Brookview Court (Approved 8.4.2004)

Brookview South 6th Addition

Resolution 2005-168 for Preliminary Plat Approval for Brookview South 6th Addition (Approved 12.6.2005)

Resolution 2005-179 Approving the Brookview S 6th Addition Preliminary Plat for David Clark (Approved 12.6.2005)

Resolution 2006-088 Approving the Final Plat for Brookview South 6th Addition (Approved 4.18.2006)

Development Agreement for Brookview S 6th Addition: County Recorder No. 369321 (Recorded 8.18.2006)

Resolution 2006-294 Granting an Extension to David P. Clark to Allow for Completion of Improvement per the Developer Agreement and Extend the Date for Recording of the Final Plat for Brookview South 6th Addition (Approved 9.21.2006)

Resolution 2007-275 Approving the Extension of the Development Agreement Requirements Relating to the Installation of the Wear Course for the Brookview S 6th Addition (Approved 11.20.2007)

Resolution 2008-200 Accepting Brookview S 6th Addition and Placing in a Two-Year Warranty (Approved 7.15.2008)

Deerhaven

Resolution 2003-117 Approving the Preliminary Plat for Deer Haven Subdivision (Approved 7.15.2003)

Resolution 2003-145 Approving the Final Plat for Deer Haven Addition (Approved 9.16.2003)

Development Agreement for Deer Haven: County Recorder No. 334552 (Recorded 5.19.2004)

Resolution 2011-237 Declaring Cost to be Re-Assessed Ordering Preparation of Proposed Re-Assessment, and Ordering Hearing on Proposed Re-Assessment 2009 Deer Haven Improvement Project (Approved 10.4.2011)

Resolution 2011-259 Adopting Re-Assessment for the 2009 Deer Haven Improvement Project (Approved 11.1.2011)

Resolution 2011-289 Authorizing Interfund Loans from Water and Sewer Funds to General Fund for Deer Haven Improvement Project Shortfall (Approved 12.20.2011)

Fairway Greens

Resolution 2005-061 for Preliminary Plat Approval of Fairway Greens (Approved 4.19.2005)

Resolution 2005-062 for Conditional Use Permit Approval for 4 (36 unit) apartments in the Fairway Greens Development (Approved 4.19.2005)

Resolution 2005-089 for Final Plat Approval for Fairway Greens (Approved 6.21.2005)

Developer's Agreement for Fairway Greens Planned Unit Development: County Recorder No. 359188 (Recorded 12.5.2005)

Resolution 2006-095 for Final Plat Approval of Fairway Greens Phase II (Approved 4.18.2006)

Resolution 2006-190 for Final Plat Approval of Fairway Greens Phase II – One Lot (Approved 7.18.2006)

Resolution 2006-204 Approving the Development Agreement for Fairway Greens 2nd Addition (Approved 8.2.2006)

Resolution 2006-210 Granting a 60 Day Extension to Iverson Real Estate Corporation for the Fairway Greens 3 Plat Proposal (Approved 8.15.2006)

Developer's Agreement for Fairway Greens Phase II: County Recorder No. 368744 (Approved 8.3.2006)

Resolution 2006-262 for Preliminary Plat Approval for Fairway Greens Phase III (Approved 10.17.2006)

Resolution 2006-263 for Conditional Use Permit Approval for a Planned Unit Development for Fairway Greens Phase III (Approved 10.17.2006)

Resolution 2006-289 Granting a 60 Day Extension to Iverson Real Estate Corporation for the Fairway Greens Phase 4 Rezoning Proposal (Approved 11.21.2006)

Resolution 2007-072 for an Extension to Conditional Use Permit for the construction of Evergreen Apartments within the Fairway Greens Development (Approved 4.20.2007)

Resolution 2007-104 for Final Plat Approval for Fairway Greens 3rd Addition (Approved 4.17.2007)

Resolution 2007-105 Approving the Preliminary Plat for Fairway Greens, Phase 4 (Approved 4.17.2007)

Resolution 2007-106 Approving the Variation from Lot Depth and Lot Width Requirements for Fairway Greens Phase 4 (Approved 4.17.2007)

Resolution 2007-208 for Final Plat Approval for Fairway Greens Phase V (Approved 8.21.2007)

Resolution 2007-220 Approving the Request from Iverson Real Estate Corp. for an Extension for the Preliminary Plat for Fairway Greens Phase 3 (Approved 9.4.2007)

Resolution 2007-220-a Approving the Request from Iverson Real Estate Corp. for an Extension for the Preliminary Plat for Fairway Greens 3rd Addition (Approved 9.4.2007)

Resolution 2007-235 Approving the Development Agreement for Fairway Greens 5th Addition (Approved 10.2.2007)

Developer's Agreement for Fairway Greens Phase V: County Recorder No. 383707 (Recorded 10.15.2007)

Resolution 2008-218 Accepting Bid for Private Development Fairway Greens Subdivision (Approved

8.19.2008)

Resolution 2008-246 Awarding Quote to Complete Fairway Greens Addition-Residential (Approved 9.16.2008)

Resolution 2009-055 Accepting Fairway Greens Phase 2nd Addition and Placing in a Two-Year Warranty (Approved 3.3.2009)

Resolution 2009-068 Accepting Fairway Greens PUD and Placing in a Two-Year Warranty (Approved 3.17.2009)

Resolution 2009-136 Approving the Final Plat of Fairway Greens Phase 6 (Approved 6.16.2009)

Resolution 2009-193 Approving the Request from Mr. Doug Wynveen, on Behalf of the River Bank for an Extension for the Preliminary Plat for Fairway Greens Phase 3 (Approved 8.18.2009)

Resolution 2009-194 Approving the Request from Mr. Doug Wynveen, in Behalf of the River Bank, for an Extension for the Final Plat for Fairway Greens 3rd Addition (Approved 8.18.2009)

Resolution 2009-228 Approving the Request from Mr. Terry Mick, on Behalf of TJ Development LLC, for and Extension for the Final Plat for Fairway Greens Phase 6 (Approved 9.15.2009)

Resolution 2009-250 Accepting Fairway Greens 5th Development and Placing in a Two-Year Warranty (Approved 10.6.2009)

Resolution 2010-217 Approving the Request from Mr. Terry Mick, on Behalf of TJ Development LLC, for a Second (Final) Extension for the Final Plat for Fairway Greens Phase 6 (Approved 9.7.2010)

Resolution 2010-227 Approving the Request from Steve Flage, on Behalf of the River Bank, for an Extension for the Preliminary Plat for Fairway Greens Phase 3 (Approved 9.21.2010)

Resolution 2011-221 Approving the Request from Mr. Steve Flage, on Behalf of the River Bank, for an Extension for the Preliminary Plat for Fairway Greens Phase 3 (Approved 9.20.2011)

Resolution 2014-157 Approving the Preliminary Plat for Fairway Greens Phase 7 (Approved 7.15.2014)

Resolution 2014-174 Approving the Development Agreement for Fairway Greens Phase 7 (Approved 8.6.2014)

Resolution 2014-191 for Final Plat Approval Fairway Greens Phase 7 (Approved 8.19.2014)

Developer's Agreement for Fairway Greens Phase 7: County Recorder No. 445837 (Recorded 10.7.2014)

Resolution 2015-009 Setting a Public Hearing on an Easement Vacation (Fairway Greens Phase 5) (Approved 1.6.2015)

Resolution 2015-013 Approving the Preliminary Plat for Fairway Greens Phase 8 (Approved 1.20.2015)

Resolution 2015-028 Vacating a Utility Easement Fairway Greens Phase 5 (Approved 2.17.2015)

Resolution 2015-030 Approving the Final Plat of Fairway Greens Phase 8, Legally Described as Outlot A, Fairway Greens Phase 5 (Approved 2.17.2015)

Resolution 2015-137 Approving a One-Year Extension for the Final Plat for Fairway Greens Phase 8 as

Requested by Andy Martin on Behalf of Iret Properties (Approved 6.2.2015)

Resolution 2016-027 Approval of a Final One-Year Extension for the Final Plat for Fairway Greens Phase 8 as Requested by Iret Properties (Approved 2.2.2016)

Resolution 2017-028 for Final Plat Approval Fairway Greens Phase 9 (Approved 2.7.2017)

Resolution 2017-063 Approval of the Preliminary Plat of Fairway Greens Phase 10 (Approved 3.7.2017)

Resolution 2017-099 for Final Plat Approval Fairway Greens Phase 10 (Approved 4.4.2017)

Fairway Greens North (Phase 1)

Resolution 2021-021 Approval of the Preliminary Plat for Fairway Greens North (Approved 2.2.2021)

Resolution 2021-058 Approval of the Final Plat for Fairway Greens North (Phase 1) (Approved 4.6.2021)

Resolution 2021-121 Approval of the Development Agreement for Fairway Greens North Phase 1 (Approved 6.1.2021)

Resolution 2021-140 Approval of the Extension of Recording of the Final Plat for Fairway Greens North Phase 1 (Approved 6.15.2021)

Resolution 2021-226 Approval for Authorizing a Reduction in the Letter of Credit for Fairview Greens North (Approved 11.16.2021)

Resolution 2022-031 Authorizing a Reduction in the Letter of Credit for Fairway Greens North (Approved 2.15.2022)

Resolution 2022-039 Approving the Final Plat for Fairway Greens North (Phase 2) (Approved 3.1.2022)

Resolution 2022-086 Authorizing a Reduction in the Letter of Credit for Fairway Greens North (Approved 4.19.2022)

Resolution 2022-089 Approving the Development Agreement for Fairway Greens North Phase 2 (Approved 5.3.2022)

Resolution 2022-097 Riscinding Resolution No. 2022-086 Authorizing a Reduction in the Letter of Credit for Fairway Greens North (Approved 5.3.2022)

Resolution 2022-098 Authorizing a Reduction in the Letter of Credit for Fairway Greens North (Approved 5.3.2022)

Resolution 2022-126 Second Amendment to the Development Agreement for Fairway Greens North (Phase 1) (Approved 6.21.2022)

Resolution 2022-127 First Amendment to the Development Agreement for Fairway Greens North (Phase 2) (Approved 6.21.2022)

Resolution 2022-129 Resolution No. 2023-134 for a Reduction in the Letter of Credit for Fairway Greens North (Approved 7.5.2023)

Resolution 2022-150 Authorizing a Reduction in the Letter of Credit for Fairway Greens North (Approved 8.16.2022)

Resolution 2022-151 Authorizing a Reduction in the Letter of Credit for Fairway Greens North 2nd Addition (Approved 8.16.2022)

Resolution 2022-172 Approval of the Third Amendment to the Development Agreement for Fairway Greens North (Phase 1) (Approved 10.4.2022)

Resolution 2022-173 Approval of the Second Amendment to the Development Agreement for Fairway Greens North (Phase 2) (Approved 10.4.2022)

Resolution 2022-178 Approval of Authorizing a Reduction in the Letter of Credit for Fairway Greens North (Approved 10.4.2022)

Resolution 2023-091 Approval of Authorizing a Reduction in the Letter of Credit for Fairway Greens North (Approved 5.2.2023)

Resolution 2023-092 Approval of Authorizing a Reduction in the Letter of Credit for Fairway Greens North 2nd Addition (Approved 5.2.2023)

Resolution 2023-102 Terminating the PUD for Fairway Greens on PID 16.113.0810 and PID 16.113.0820 (Approved 5.16.2023)

Resolution 2023-134 Approval of Authorizing a Reduction in the Letter of Credit for Fairway Greens North (Approved 7.5.2023)

Resolution 2023-177 Approving the Fourth Amendment to the Development Agreement for Fairway Greens North (Phase 1) (Approved 10.3.2023)

Resolution 2023-209 Authorizing the 10th Reduction in the Letter of Credit for Fairway Greens North (Approved 11.21.2023)

Resolution 2023-210 Authorizing the 3rd Reduction in the Letter of Credit for Fairway Greens North 2nd Addition (Approved 11.21.2023)

Fairway Greens South

Resolution 2021-120 Approval for the Preliminary and Plat for Fairway Greens South (Approved 6.1.2021)

Resolution 2021-197 Approval for the Extension of Recording the Final Plat for Fairway Greens South (Approved 9.7.2021)

Resolution 2021-227 Approval of the Second Extension of Recording the Final Plat for Fairview Greens South (Approved 11.16.2021)

Heritage Estates

Developer Agreement for Heritage Estates (Approved 4.8.2019)

Resolution 2018-257 for Preliminary Plat Approval of Heritage Estates (Approved 11.20.2018)

Resolution 2018-258 Authorizing Level Contracting LLC to File a Development Plan for Heritage Estates Subdivision (Approved 11.20.2018)

Resolution 2018-284 for Planned Unit Development for Heritage Estates (Approved 12.18.2018)

Resolution 2019-031 for Final Plat of Heritage Estates (Approved 2.5.19)

Resolution 2019-103 Approving the Development Agreement for Heritage Estates Subdivision (Approved 4.2.2019)

Resolution 2019-144 for Approving a Reduction in the Letter of Credit for Heritage Estates Subdivision (Approved 5.21.2019)

Resolution 2019-201 for Reducing Setbacks on Outlots to 10 Feet in Heritage Estates (Approved 8.7.2019)

Resolution 2019-216 for Reduction in the Letter of Credit for Heritage Estates (Approved 8.7.2019)

Resolution 2023-164 for a Reduction in the Letter of Credit for Legacy Pines and Heritage Estates (Approved 9.5.2023)

Hillock West

Resolution 2000-022 for Approving the Preliminary Plat for Hillock West (Approved 3.21.2000)

Resolution 2000-055 for Approving the Final Plat for Hillock West (Approved 6.6.2000)

Resolution 2000-064 for Determining an Environmental Impact Statement (EIS) is not Needed for Hillock West (Approved 7.5.2000)

Development Agreement Addendum for Hillock West: County Recorder No. 288985 (Recorded 9.18.2001)

Resolution 2002-044 Resolution Regarding the Residential Housing Subdivision Known as Hillock West and the City's Contribution Towards Oversizing Costs (Approved 5.7.2002)

Resolution 2003-120 Approving the Placement of Streets and Infrastructure into a Two-Year Warranty Period for the Hillock West Subdivision (Approved 7.15.2023)

Isanti Hills 5th Addition

Resolution 2001-081 Rezoning Request for Isanti Hills 5th Addition (Approved 9.18.2001)

Resolution 2001-082 Approving the Preliminary Plat for Isanti Hills 5th Addition (Approved 9.18.2001)

Resolution 2001-085 for Approving Planned Unit Development and Final Plat for Isanti Hills 5th Addition (Approved 10.16.2001)

Development Agreement for Isanti Hills 5th Addition Subdivision (Approved 5.23.2002)

Resolution 2008-209 Accepting Isanti Hills 5th Addition and Placing in a Two-Year Warranty (Approved 8.6.2008)

Isanti Hills 6th and 8th Addition

Resolution 2003-024 Approving the Preliminary Plat for Isanti Hills 6th Addition with Conditions Based on the Approval of a Request to Re-Zone the Platted Area (Approved 2.18.2003)

Resolution 2003-044 Approving the PUD/Final Plat for Isanti Hills 6th Addition (Approved 3.18.2003)

Development Agreement for Isanti Hills 6th Addition Subdivision: County Recorder No. 315798 (Recorded 5.8.2003)

Resolution 2014-189 Setting a Public Hearing on an Easement Vacation for Lots within Isanti Hills 6th Addition (Approved 8.19.2014)

Resolution 2014-211 Approving an Amendment to the Isanti Hills 6th Addition Planned Unit Development (PUD) to Include All Property Legally Described as Lots 16-19, Block 1, Isanti Hills 6th Addition in Order to Reflect the Zoning Change From R-3B “High Density Residential” to R-3A “Medium Density Residential” (Approved 9.16.2014)

Resolution 2014-212 Approving the Preliminary Plat for Isanti Hills 8th Addition (Approved 9.16.2014)

Resolution 2014-229 Vacating a Utility Easement within Isanti Hills 6th Addition (Approved 10.7.2014)

Resolution 2014-248 Approving the Final Plat for Isanti Hills 8th Addition (Approved 10.21.2014)

Isanti Hills 7th Addition

Resolution 2003-162 Approving the Preliminary and Final Plat for Isanti Hills 7th Addition (Approved 12.16.2003)

Development Agreement for Isanti Hills 7th Addition Subdivision: County Recorder No. 333288 (Recorded 4.22.2004)

Isanti Meadows

Resolution 2003-119 Approving the Preliminary Plat for Isanti Meadows Subdivision (Approved 7.15.2003)

Resolution 2003-151 Approving the Final Plat for Isanti Meadows (Approved 10.21.2003)

Development Agreement for Isanti Meadows: County Recorder No. 335587 (Recorded 6.11.2004)

Resolution 2008-254 Accepting Isanti Meadows 1st and 2nd Additions and Placing in a Two-Year Warranty (Approved 9.16.2008)

Resolution 2009-249 Accepting Isanti Meadows Development (Approved 10.6.2009)

Resolution 2013-087 Authorization and Execution of Repayment Agreement for Lot 17, Block 3, Isanti Meadows with Susan A Torkelson Inc (Approved 5.7.2013)

Resolution 2017-167 Authorization and Execution of Repayment Agreement for Lot 9, Block 2, Isanti Meadows with Real Deal Constructions INC, (Approved 6.6.2017)

Resolution 2017-187 Authorization and Execution of Repayment Agreement for Lot 14, Block 3, Isanti Meadows with Real Deal Construction Inc (Approved 7.5.2017)

Resolution 2017-242 Authorization and Execution of Repayment Agreement for Lot 1, Block 3, Isanti Meadows with Real Deal Construction Inc (Approved 9.19.2017)

Isanti Trails

Resolution 2003-045 Approving the Variance for Isanti Trails Addition (Approved 3.18.2003)

Resolution 2003-046 Approving the Preliminary Plat for Isanti Trails Addition (Approved 3.18.2003)

Resolution 2003-061 Approving the Final Plat for Isanti Trails Addition (Approved 4.15.2023)

Development Agreement for Isanti Trails: County Recorder No. 325356 (Recorded 6.24.2003)

Legacy Pines

Developer Agreement for Legacy Pines (Approved 11.8.2018)

Resolution 2018-215 for Preliminary Plat Approval of Legacy Pines (Approved 9.18.2018)

Resolution 2018-235 for Final Plat Approval of Legacy Pines (Approved 10.16.2018)

Resolution 2018-235 Approval for the Final Plat of Legacy Pines (Approved 10.16.2018)

Resolution 2018-236 Accepting the Temporary Easement Limited Warranty Deed for Legacy Pines (Approved 10.16.2018)

Resolution 2018-242 Approval of the Development Agreement and Letter of Credit for Legacy Pines phase 1 Subdivision (Approved 11.7.2018)

Resolution 2019-013 for Reduction in Letter of Credit for Legacy Pines Phase 1 (Approved 1.7.2019)

Resolution 2019-044 for a Resolution Authorizing a Reduction in the Letter of Credit for Legacy Pines Subdivision Phase One (Approved 2.5.2019)

Resolution 2019-199 for Reduction in Letter of Credit for Legacy Pines Phase 1 (Approved 7.16.2019)

Resolution 2019-312 for Reduction in Letter of Credit for Legacy Pines Phase 1 (Approved 12.3.2019)

Resolution 2021-187 Approval for Authorizing Reductions in the Letter of Credit for Legacy Pines 1st, 2nd, and 3rd Addition (Approved 9.7.2021)

Resolution 2023-164 for a Reduction in the Letter of Credit for Legacy Pines and Heritage Estates (Approved 9.5.2023)

Legacy Pines 2nd

Resolution 2019-204 for Final Plat and Site Plan Approval of Legacy Pines 2nd Addition (Approved 8.7.2019)

Resolution 2019-289 Approval of the Development Agreement for Legacy Pines 2nd Addition (Approved 11.5.2019)

Resolution 2020-049 for Approving the extension of recording of the final plat for Legacy Pines 2nd Addition (Approved 3.4.2020)

Resolution 2020-164 for Reduction in Letter of Credit for Legacy Pines Second Addition and Moving the Balance to Legacy Pines Third Addition Phase 1 (Approved 9.1.2020)

Resolution 2021-187 Approval for Authorizing Reductions in the Letter of Credit for Legacy Pines 1st, 2nd, and 3rd Addition (Approved 9.7.2021)

Legacy Pines 3rd

Resolution 2020-127 for Approving the Preliminary Plat, Final Plat, and PUD Amendment for Legacy Pines 3rd Addition (Approved 7.7.2020)

Resolution 2020-151 for Approving the Development Agreement for Legacy Pines 3rd Addition (Approved 8.18.2020)

Development Agreement for Legacy Pines 3rd Addition (Approved 8.18.2020)

Resolution 2020-177 for Approving First Amendment to the Development Agreement for Legacy Pines 3rd Addition Phase 2 (Approved 9.15.2020)

Resolution 2021-187 Approval for Authorizing Reductions in the Letter of Credit for Legacy Pines 1st, 2nd, and 3rd Addition (Approved 9.7.2021)

Palomino Ridge

Resolution 99-81 Approving the Final Plat for Palomino Ridge (Approved 7.20.1999)

Development Agreement for Palomino Ridge: County Recorder No. 276232 (Recorded 8.1.2000)

Rosewood on Main 1, 2, and 3

Resolution 94-19 Final Plat Approval for Rosewood on Main Planned Unit Development, Phase 1 (Approved 8.16.1994)

Resolution 98-77 Approving Final Plat for Rosewood on Main 3, the 3rd Phase of the Rosewood on Main Planned Unit Development (Approved 7.21.1998)

Development Agreement for Rosewood on Main 3: County Recorder No. 257629 (Recorded 10.23.1998)

Rum River Landing

Development Agreement for Rum River Landing: County Recorder No. 240349 (Recorded 10.30.1996)

Resolution 2014-213 Accepting the Conveyance of Rum River Landing Park Located within the Rum River Landing Addition and Directing Staff to Prepare a Quit Claim Deed (Approved 9.16.2014)

Rum River Meadows (Phases 1 and 2)

Resolution 2002-089 Approving the Preliminary Plat for Rum River Meadows (Approved 10.15.2002)

Resolution 2002-102 Approving the Final Plat for the 1st Phase of Rum River Meadows (Approved 11.19.2002)

Development Agreement for Rum River Meadows: County Recorder No. 318739 (Recorded 7.1.2003)

Resolution 2004-071 Approving the Final Plat for Rum River Meadows 2nd Addition (Approved 6.15.2004)

Resolution 2011-223 Authorizing the Conversion of Residential Lots to Public Park Land for Tax Purposes (Approved 9.20.2011)

Resolution 2011-224 Authorizing the Purchase of Lot(s) Adjacent to Rum River Meadows Park from the Park Dedication Fund and Authorizing Funds be Released Prior to Inclusion on the Accounts Payable List (Approved 9.20.2011)

Resolution 2011-262 Calling for a Public Hearing to Vacate Drainage and Utility Easements on City Owned Property Located Within Rum River Meadows Park (Approved 11.15.2011)

Savannah Run (Phase 1)

Resolution 2005-148 (Approving the Preliminary Plat for Savannah Run (Approved 9.20.2005)

Resolution 2005-149 Approving the Variances for Savannah Run (Approved 9.20.2005)

Resolution 2005-181 Approving the Final Plat for Savannah Run (Approved 12.20.2005)

Resolution 2006-100 Approving the Publication of an Environmental Assessment Worksheet (EAW) for the Proposed Savannah Run Subdivision (Approved 4.18.2006)

Development Agreement for Savannah Run: County Recorder No. 364510 (Recorded 4.21.2006)

Resolution 2006-127 Approving the Easement Vacation for the Proposed Savannah Run Subdivision (Approved 5.16.2006)

Resolution 2006-158 Approving the Preliminary Plat for Savannah Run 2 Phase 1 (Approved 6.20.2006)

Resolution 2006-160 Determining an EIS is not Needed for the Proposed Savannah Run Subdivisions (Approved 6.20.2006)

Resolution 2007-270 Accepting Streets and Infrastructure for Savannah Run Subdivision (Approved 11.6.2007)

Resolution 2009-231 Approving the House Sizes in Savannah Run to Retain the Required Square Footage as Required by City Ordinance (Approved 9.15.2009)

Resolution 2016-275 Accepting the Conveyance of Outlots A and B Located within the Savannah Run Development (Approved 9.20.2016)

South Park (Phase 1)

Resolution 2005-088 for Preliminary / Planned Unit Development Plat Approval of Field of Dreams (Approved 6.21.2005)

Resolution 2005-128 for Final Planned Unit Development Plat Approval (Approved 9.6.2005)

Resolution 2005-154 to Rescind #2005-128 and Approve Final Planned Unit Development Plat (Approved 10.4.2005)

Developer's Agreement for South Park Phase I: County Recorder No. 357235 (Recorded 10.20.2005)

Resolution 2008-245 Awarding Quote to Complete South Park Addition (Approved 9.16.2008)

Resolution 2009-274 Accepting South Park Development and Placing in a Two-Year Warranty (Approved 11.4.2009)

Sun Prairie (Phase 1)

Resolution 2005-019 Determining an EIS is not Needed for the Proposed Sun Prairie Subdivision (Approved 3.1.2005)

Resolution 2005-032 Approving the Preliminary Plat for Sun Prairie (Approved 3.15.2005)

Resolution 2005-058 Approving the Final Plat for Sun Prairie (Approved 4.19.2005)

Development Agreement for Sun Prairie: County Recorder No. 349096 (Recorded 4.28.2005)

Resolution 2014-046 Authorization and Execution of Repayment Agreement with Holl Construction Company on Lot 3, Block 3, Sun Prairie 1st Addition (Approved 3.18.2014)

Resolution 2014-132 Authorization and Execution of Repayment Agreement with Holl Construction Company on Lot 2, Block 2, Sun Prairie 1st Addition (Approved 6.17.2014)

Resolution 2015-022 Authorization and Execution of Repayment Agreement with Holl Construction Company on Lot 4, Block 1, Sun Prairie 1st Addition (Approved 2.3.2015)

Resolution 2015-147 Authorization and Execution of Repayment Agreement with Novak Builders and Remodelers, Inc. on Lot 3, Block 2, Sun Prairie 1st Addition (Approved 6.16.2015)

Resolution 2015-237 Authorization and Execution of Repayment Agreement with Holl Construction Company on Lot 3, Block 1, Sun Prairie 1st Addition (Approved 10.6.2015)

Resolution 2016-257 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 2, Block 1, Sun Prairie 1st Addition (Approved 9.6.2016)

Resolution 2016-258 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 1, Block 2, Sun Prairie 1st Addition (Approved 9.6.2016)

Resolution 2016-277 Approving the Preliminary Plat for Sun Prairie 2nd Addition (Approved 9.20.2016)

Resolution 2016-307 Approving the Final Plat of Sun Prairie 2nd Addition, Legally Described as Outlot F, Sun Prairie 1st Addition (Approved 10.18.2016)

Resolution 2016-361 Approving the Preliminary Plat for Sun Prairie 3rd and 4th Addition (Approved 12.20.2016)

Resolution 2017-029 Approving the Final Plat of Sun Prairie 3rd Addition, Legally Described as Outlot H, Sun Prairie 1st Addition (Approve 2.7.2017)

Resolution 2017-165 Authorization and Execution of Repayment Agreement for Lot 1, Block 1, Sun Prairie 3rd Addition with J Robinson Construction INC, (Approved 6.6.2017)

Resolution 2017-166 Authorization and Execution of Repayment Agreement for Lot 5, Block 1, Sun Prairie 3rd Addition with J Robinson Construction INC, (Approved 6.6.2017)

Resolution 2017-217 Authorization and Execution of Repayment Agreement for Lot 27, Block 3, Sun Prairie 1st Addition with J Robinson Construction INC, (Approved 8.15.2017)

Resolution 2017-218 Authorization and Execution of Repayment Agreement for Lot 2, Block 1, Sun Prairie 3rd Addition with J Robinson Construction INC, (Approved 8.15.2017)

Resolution 2018-115 Authorization and Execution of Repayment Agreement for Lot 4, Block 1, Sun Prairie 3rd Addition with J Robinson Construction INC, (Approved 5.1.2018)

Resolution 2018-116 Authorization and Execution of Repayment Agreement for Lot 3, Block 1, Sun Prairie 3rd Addition with J Robinson Construction INC, (Approved 5.1.2018)

Resolution 2018-198 Authorization and Execution of Repayment Agreement for Lot 1, Block 3, Sun Prairie 1st Addition with J Robinson Construction INC, (Approved 8.21.2018)

Resolution 2018-224 Authorization and Execution of Repayment Agreement for Lot 6, Block 1, Sun Prairie 3rd Addition with J Robinson Construction INC, (Approved 4.17.2018)

Resolution 2018-225 Authorization and Execution of Repayment Agreement for Lot 7, Block 1, Sun Prairie 3rd Addition with J Robinson Construction INC, (Approved 9.18.2018)

Resolution 2018-227 Approval of the Preliminary Plat for Sun Prairie 4th Addition (Approved 10.2.2018)

Resolution 2018-241 Approval of the Final Plat for Sun Prairie 4th Addition (Approved 11.7.2018)

Resolution 2019-147 Approval for the Authorization and Execution of Repayment Agreement on Lot 1, Block 1, Sun Prairie 4th Addition with J Robinson Construction, INC (Approved 5.21.2019)

Resolution 2019-148 Approval for the Authorization and Execution of Repayment Agreement on Lot 2, Block 1, Sun Prairie 4th Addition with J Robinson Construction, INC (Approved 5.21.2019)

Resolution 2019-149 Approval for the Authorization and Execution of Repayment Agreement on Lot 3, Block 1, Sun Prairie 4th Addition with J Robinson Construction, INC (Approved 5.21.2019)

Resolution 2019-223 Approval for the Authorization and Execution of Repayment Agreement on Lot 8, Block 1, Sun Prairie 4th Addition with J Robinson Construction, INC (Approved 8.20.2019)

Resolution 2019-224 Approval for the Authorization and Execution of Repayment Agreement on Lot 9, Block 1, Sun Prairie 4th Addition with J Robinson Construction, INC (Approved 8.20.2019)

Resolution 2019-235 Approval of the Final Plat for Sun Prairie 5th Addition (Approved 9.3.2019)

Resolution 2019-256 Approval for the Authorization and Execution of Repayment Agreement on Lot 1, Block 1, Sun Prairie 4th Addition with J Robinson Construction, INC (Approved 9.17.2019)

Resolution 2020-090 Approval for the Authorization and Execution of Repayment Agreement on Lot 4, Block 1, Sun Prairie 4th Addition with J Robinson Construction, INC (Approved 4.21.2020)

Resolution 2020-091 Approval for the Authorization and Execution of Repayment Agreement on Lot 4, Block 1, Sun Prairie 4th Addition with J Robinson Construction, INC (Approved 4.21.2020)

Resolution 2020-105 Approval for the Authorization and Execution of Repayment Agreement on Lot 6, Block 1, Sun Prairie 4th Addition with J Robinson Construction, INC (Approved 5.19.2020)

Resolution 2020-106 Approval for the Authorization and Execution of Repayment Agreement on Lot 6, Block 1, Sun Prairie 4th Addition with J Robinson Construction, INC (Approved 5.19.2020)

Villages on the Rum

Developer's Agreement for Villages on the Rum: County Recorder No. 302158 (Recorded 7.30.2002)

Resolution 2003-084 for Preliminary Plat and Planned Unit Development for Villages on the Rum Phase III (Approved 5.20.2003)

Resolution 2003-099 for Final Plat Approval of Villages on the Rum III (Approved 6.17.2003)

Resolution 2003-100 for Preliminary Plat Approval for Villages on the Rum Phase II (Approved 6.17.2003)

Resolution 2003-126 for Final Plat Approval of Villages on the Rum 2nd Addition (Approved 8.19.2003)

Resolution 2003-146 Approving the Preliminary Plat, Final Plat and Variance for Villages on the Rum 2nd Addition 2nd Phase (Approved 9.16.2003)

Developer's Agreement for Villages on the Rum 2nd Addition and Commercial Development: County Recorder No. 324889 (Recorded 10.16.2003)

Resolution 2004-044 for Preliminary Plat Approval and Planned Unit Development for Villages on the Rum Phase IV (Approved 4.20.2004)

Resolution 2004-045 Approving the Conditional Use Permit as Requested by Iverson Real Estate Corporation for 2 36 Unit Apartment Buildings in Villages on the Rum 4th Addition (Approved 4.20.2004)

Resolution 2004-058 for Final Plat Approval for Villages on the Rum Phase IV (Approved 5.18.2004)

Developer's Agreement for Villages on the Rum 2nd Addition and Commercial Development – First Amendment: County Recorder No. 335486 (Recorded 6.9.2004)

Resolution 2005-147 Approving the Preliminary Plat for VOR Phase 3 Re-Plat (Approved 9.20.2005)

Resolution 2009-109 Approving the Preliminary Plat of VOR 2nd Addition, Phase 3 (Replat) for the Properties Located at 600-610 Whiskey Road NW (Approved 5.19.2009)

Resolution 2009-135 Approving the Preliminary Plat of VOR 2nd Addition, Phase 3 (Replat) for the Properties Located at 600-610 Whiskey Road NW (Approved 6.16.2009)

Resolution 2009-229 Approving the Request from Mr. Doug Wynveen, on Behalf of the River Bank, for an Extension for the Final Plat for VOR 2,3 (Approved 9.15.2009)

Resolution 2013-016 Amending the Villages on the Rum Planned Unit Development, to include all property within any subsequent additions or phases, to eliminate the cove line setback requirement shown on approved plans and specifications (Approved 1.15.2013): County Recorder No. 432677 (Recorded 2.22.2013)

Resolution 2017-164 Authorization and Execution of Repayment Agreement for Lot 13, Block 3, VOR With J Robinson Construction INC (Approved 6.6.2017)

Resolution 2017-219 Authorization and Execution of Repayment Agreement for Lot 8, Block 3, Villages on the Rum with J Robinson Construction INC, (Approved 8.15.2017)

Resolution 2018-115 Authorization and Execution of Repayment Agreement for Lot 10, Block 4, Villages on the Rum with Black Dog Contracting & Preservation LLC (Approved 11.20.2018)

Villages on the Rum 3rd Addition

Developer's Agreement for Villages on the Rum 3rd Addition Planned Unit Development: County Recorder No. 318878 (Recorded 7.2.2003)

Resolution 2008-247 Awarding Quote to Complete Villages on the Rum 3rd Addition (Approved 9.16.2008)

Resolution 2008-303 Ordering Hearing on Proposed Vacation of Certain Public Drainage and Utility Easements Dedicated to the City of Isanti on the Plat of Village on the Rum 3rd Addition (Approved 12.2.2008)

Resolution 2009-275 Accepting VOR 3rd Addition Development and Placing in a Two-Year Warranty (Approved 11.4.2009)

Resolution 2010-025 Authorizing Staff to Move Forward with Acquiring the Outlot Area in VOR 3rd Addition for Future Passive Park Area (Approved 2.3.2010)

Resolution 2010-111 for Preliminary Plat Approval Amending the Planned Unit Development known as Villages on the Rum 3rd Addition (Approved 5.18.2010)

Resolution 2010-263 Approving the Final Plat for VOR 3rd Addition 2nd Replat, Park Addition and City Acceptance of Outlots C and D (Approved 11.16.2010)

Resolution 2011-020 Approving 1st Amendment to VOR 3rd Addition 2nd Re-Plat PUD Master Development Agreement (Approved 2.1.2011)

Resolution 2023-191 for the Sale of City Owned Outlot F of Villages on the Rum 3rd Addition (Approved 10.17.2023)

Villages on the Rum 3rd Addition (Phase 2)

Resolution 2005-060 for Final Plat Approval of Villages on the Rum 3rd Addition, 2nd Phase (Approved 4.19.2005)

Developer's Agreement for Villages on the Rum 3rd Addition, Phase II Planned Unit Development: County Recorder No. 349414 (Recorded 5.6.2005)

Resolution 2008-248 Awarding Quote to Complete Villages on the Rum 3rd Addition Phase 2 (Approved 9.16.2008)

Resolution 2009-248 Accepting the VOR 3rd Addition Phase 2 City Improvement Project and Placing in a Two-Year Warranty Period (Approved 10.6.2009)

Resolution 2009-276 Accepting VOR 3rd Addition Phase 2 Development and Placing in a Two-Year Warranty (Approved 11.4.2009)

Resolution 2012-167 Amending the Villages on the Rum Third Addition, Phase II Planned Unit (Approved 7.17.2012)

Development to allow for a Reduced Cove Line Setback for the property located at 1303 Blossom Blvd NW (Approved 7.17.2012): County Recorder No. 427748 (Recorded 8.21.2012)

Villages on the Rum 3rd Addition (Phase 3)

Resolution 2006-089 Approving the Preliminary Plat for Villages on the Rum 3rd Addition 3rd Phase (Approved 4.18.2006)

Resolution 2006-124 for Final Plat Approval Villages on the Rum 3rd Addition, 3rd Phase (Approved 5.16.2006)

Resolution 2006-203 Approving the Development Agreement for Villages on the Rum 3rd Addition 3rd Phase (Approved 8.2.2006)

Developer's Agreement for Villages on the Rum 3rd Addition, Phase 3 – First Amendment: County Recorder's No. 368980 (Recorded 8.9.2006)

Resolution 2007-248 Approving the Development Agreement Amendment for Villages on the Rum 3rd Addition, Phase 3 (Approved 10.16.2007)

Resolution 2008-249 Awarding Quote to Complete Villages on the Rum 3rd Addition Phase 3 (Approved 9.16.2008)

Resolution 2009-277 Accepting VOR 3rd Addition Phase 3 Development and Placing in a Two-Year Warranty (Approved 11.4.2009)

Resolution 2013-017 Amending the Villages on the Rum Third Addition, Phase 3 Planned Unit Development to reduce the side yard setback from fifteen (15) feet to ten (10) feet; in accordance with approved plans and specifications for the development (Approved 1.15.2013): County Recorder No. 432274 (Recorded 2.7.2013)

Resolution 2013-035 Amending the Villages on the Rum Third Addition, Phase 3 Planned Unit Development to reduce the interior side yard setback from ten (10) feet to five (5) feet for an attached garage (Approved 2.19.2013): County Recorder No. 433422 (Recorded 3.22.2013)

Resolution 2013-086 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 24, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 5.7.2013)

Resolution 2013-153 Authorization and Execution of Repayment Agreement with J Robinson Construction LLC on Lot 5, Block 2, Villages on the Rum 3rd Addition Phase 3 (Approved 8.7.2013)

Resolution 2013-154 Authorization and Execution of Repayment Agreement with J Robinson Construction LLC on Lot 21, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 8.7.2013)

Resolution 2013-155 Authorization and Execution of Repayment Agreement with J Robinson Construction LLC on Lot 16, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 8.7.2013)

Resolution 2013-156 Authorization and Execution of Repayment Agreement with J Robinson Construction LLC on Lot 19, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 8.7.2013)

Resolution 2013-199 Authorization and Execution of Repayment Agreement with J Robinson Construction LLC on Lot 20, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 10.1.2013)

Resolution 2013-236 Authorization and Execution of Repayment Agreement with J Robinson Construction LLC on Lot 10, Block 2, Villages on the Rum 3rd Addition Phase 3 (Approved 11.19.2013)

Resolution 2014-059 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 5, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 4.1.2014)

Resolution 2014-060 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 25, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 4.1.2014)

Resolution 2014-064 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 17, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 4.1.2014)

Resolution 2014-118 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 22, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 6.3.2014)

Resolution 2014-119 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 23, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 6.3.2014)

Resolution 2014-181 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 18, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 8.6.2014)

Resolution 2014-232 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 11, Block 2, Villages on the Rum 3rd Addition Phase 3 (Approved 10.7.2014)

Resolution 2014-233 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 12, Block 2, Villages on the Rum 3rd Addition Phase 3 (Approved 10.7.2014)

Resolution 2015-067 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 10, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 3.17.2015)

Resolution 2015-068 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 13, Block 2, Villages on the Rum 3rd Addition Phase 3 (Approved 3.17.2015)

Resolution 2015-069 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 7, Block 2, Villages on the Rum 3rd Addition Phase 3 (Approved 3.17.2015)

Resolution 2015-092 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 14, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 4.21.2015)

Resolution 2015-093 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 15, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 4.21.2015)

Resolution 2015-206 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 1, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 9.1.2015)

Resolution 2015-207 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 2, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 9.1.2015)

Resolution 2015-208 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 3, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 9.1.2015)

Resolution 2015-235 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 9, Block 2, Villages on the Rum 3rd Addition Phase 3 (Approved 10.6.2015)

Resolution 2015-236 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 8, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 10.6.2015)

Resolution 2016-050 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 8, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 2.16.2016)

Resolution 2016-051 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 9, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 2.16.2016)

Resolution 2016-070 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 11, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 3.2.2016)

Resolution 2016-071 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 12, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 3.2.2016)

Resolution 2016-072 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 13, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 3.2.2016)

Resolution 2016-166 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 6, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 5.3.2016)

Resolution 2016-167 Authorization and Execution of Repayment Agreement with J Robinson Construction Inc. on Lot 7, Block 1, Villages on the Rum 3rd Addition Phase 3 (Approved 5.3.2016)

Villages on the Rum 3rd Addition (Phase 4)

Resolution 2004-045 for Conditional Use Permit Approval for 2 (36 unit) apartments within Villages on the Rum 4th Addition (Approved 4.20.2004)

Resolution 2006-239 Approving the Preliminary Plat for VOR 3rd Addition, 4th Phase (Approved 9.16.2006)

Resolution 2006-290 Approving the Final Plat for VOR 3rd Addition Phase 4 (Approved 11.21.2006)

Resolution 2006-310 Approving the Development Agreement for VOR 3rd Addition, Phase 4 (Approved 12.19.2006)

Developer's Agreement Villages on the Rum 3rd Addition, Phase 4: County Recorder No. 374957 (Recorded 1.25.2007)

Resolution 2007-249 Approving the Development Agreement Amendment for Villages on the Rum 3rd Addition Phase 4 (Approved 10.16.2007)

Resolution 2008-250 Awarding Quote to Complete Villages on the Rum 4th Addition (Approved 9.16.2008)

Resolution 2016-276 Approving an Amendment to the Villages on the Rum Third Addition Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage portion only) (Approved 9.20.2016)

Villages on the Rum 4th Addition

Developer's Agreement for Villages on the Rum 4th Addition: County Recorder No. 335485 (Recorded 6.9.2004)

Developer's Agreement Villages on the Rum 4th Addition, Ballpark View: County Recorder No. 374400 (Recorded 1.9.2007)

Resolution 2009-246 Accepting the VOR 4th Addition City Improvement Project and Placing in a Two-Year Warranty Period (Approved 10.6.2009)

Resolution 2009-278 Accepting VOR 4th Addition Development and Placing in a Two-Year Warranty (Approved 11.4.2009)

Villages on the Rum Ballpark View

Resolution 2006-155 Approving the Preliminary Plat for Villages on the Rum 4th Re-Plat Ballpark Addition (Approved 6.20.2006)

Resolution 2006-188 Approving the Final Plat for Villages on the Rum 4th Re-Plat Ballpark Addition (Approved 7.18.2006)

Resolution 2006-279 Approving the Development Agreement for VOR 4th-Ballpark Addition (Approved 11.8.2006)

Villages on the Rum 5th Addition

Resolution 2004-079 for Preliminary Plat Approval for Villages on the Rum 5th Addition (Approved 8.17.2004)

Resolution 2004-080 for Final Plat Approval for Villages on the Rum 5th Addition (Approved 8.17.2004)

Developer's Agreement for Villages on the Rum 5th Addition: County Recorder No. 340284 (Recorded 9.22.2004)

Resolution 2008-251 Awarding Quote to Complete Villages on the Rum 5th Addition (Approved 9.16.2008)

Resolution 2009-279 Accepting VOR 5th Addition Development and Placing in a Two-Year Warranty (Approved 11.4.2009)

Villages on the Rum 6th

Resolution 2019-205 Approving the Preliminary Plat of Villages on the Rum 6th Addition (Approved 8.7.2019)

Resolution 2019-264 Approval of the Final Plat for Villages on the Rum 6th Addition (Approved 10.1.2019)

Resolution 2019-280 Development Agreement for Villages on the Rum 6th Addition (Approved 10.15.2019)

Whisper Ridge 1st Addition

Resolution 99-114 Approving the Preliminary Plat for Whisper Ridge (Approved 9.21.1999)

Resolution 99-126 Approving Zoning Request for Whisper Ridge (Approved 10.19.1999)

Resolution 2000-006 for Approving the Final Plat for Whisper Ridge (Approved 1.18.2000)

Resolution 2000-037 for Determining an Environmental Impact Statement is not Needed for Whisper Ridge (Approved 4.18.2000)

Development Agreement for Whisper Ridge: County Recorder No. 273625 (Recorded 4.28.2000)

Resolution 2000-038 for the Execution of the Development Agreement for Whisper Ridge Between Iverson Real Estate Corp. and the City of Isanti (Approved 1.18.2000)

Resolution 2003-167 Accepting Streets and Infrastructure for Whisper Ridge Subdivision Phase 1 (Approved 12.16.2023)

Whisper Ridge 2nd Addition

Development Agreement for Whisper Ridge 2nd Addition: County Recorder No. 279957
(Recorded 12.11.2000)

Resolution 2000-116 for Approving the Final Plat for Whisper Ridge 2nd Addition (Approved
11.21.2000)

Resolution 2004-116 Accepting Streets and Infrastructure for Whisper Ridge Subdivision 2nd
Phase (Approved 11.16.2004)

APPENDIX D: ZONING MAP

A copy of the Zoning Map can be obtained by contacting the Planning Department or can be viewed online at www.cityofisanti.us