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## **ARTICLE ONE: “D-1” DOWNTOWN OVERLAY DISTRICT**

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### **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.

**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

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### 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

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### 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**

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### **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**

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*(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 5<sup>th</sup> Ave NE (*a line drawn north and south using this section of 5<sup>th</sup> Ave NE as a reference point*) and west of 6<sup>th</sup> Ave NE (*a line drawn north and south based on the future plans for 6<sup>th</sup> 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.