

City of Cloquet, Minnesota



ZONING ORDINANCE

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CHAPTER 17: ZONING

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CHAPTER 17: ZONING

17.1 General Provisions

17.1.01 Applicability.

Subd. 1 Preamble. A Chapter establishing municipal regulatory powers to the end that adequate light, pure air, and safety from fire and other dangers may be secured; that the taxable value of land and buildings throughout the municipality may be conserved; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, and welfare may otherwise be promoted; and to ensure and facilitate the appropriate location for the use of structures and facilities in accord with the comprehensive land use plan for the City of Cloquet.

Subd. 2 Title. This Chapter shall be known and may be referred to as the “Cloquet Zoning Ordinance”. When used herein, the words “this Chapter” shall be deemed to mean and refer to the Cloquet Zoning Ordinance.

17.1.02 Intent and Purpose.

Subd. 1 Intent and Purpose. The intent and purpose of this Chapter shall be:

- A. To regulate and limit the height and bulk of buildings hereafter to be erected;
- B. To establish, regulate and limit the building or setback lines on or along any street, traffic-way, drive or parkway;
- C. To regulate and limit the intensity of use of lot areas and to regulate and determine the area of open spaces within and surrounding buildings hereafter to be erected;
- D. To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses;
- E. To divide the entire municipality into districts of such number, shape and area, and of such different classes according to use of land and buildings, height and bulk of buildings, intensity of use of lot areas, area of open spaces, and other classifications, as may be deemed best suited to regulate development;
- F. To fix standards to which buildings or structures therein shall conform;
- G. To prohibit uses, buildings or structures incompatible with the character of established districts;
- H. To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed;
- I. To classify, regulate and restrict the use of property on the basis of land use relationship;
- J. To provide for variances from such regulations, standards, restrictions and limitations;
- K. To provide for conditional uses, including planned development, within the established districts;

- L. To provide administrative bodies and procedures as shall be necessary to the implementation and enforcement of the various provisions of this Chapter;
- M. To provide for the orderly amendment of this Chapter; and
- N. To provide regulations pertaining to pre-existing lots, structures and uses which do not conform to the regulations, standards, restrictions and limitations established by this Chapter.

17.1.03 Scope of Ordinance: Qualification.

Subd. 1 Jurisdiction. This Chapter shall apply to all the area inside the corporate limits of the City of Cloquet, Minnesota.

Subd. 2 Interpretation. In their interpretations and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinances or regulations, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinances or regulations impose greater restrictions than this Chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

Subd. 3 Compliance. All buildings erected hereafter, all uses of land or buildings established hereafter, all structures alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which such buildings, uses or land shall be located.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Chapter, which has not by its terms expired prior to such effective date and provided that construction is begun before the permit's expiration and within one year of its effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued; and further, may upon completion be occupied under a certificate of zoning compliance by the use for which originally designated, subject thereafter to the provisions of this Chapter relating to non-conformities.

Subd. 4 Severability. It is hereby declared to be the intent of the City of Cloquet that the several provisions of this Chapter are separable in accordance with the following rules:

- A. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building or structure, such judgment shall not affect the application of the said provision to any other property, building or structure.

17.1.04 Word Usage. Within this Chapter, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the masculine shall include the feminine and the feminine the masculine. The word 'shall' is mandatory and not discretionary; the word 'may' is permissive.

17.1.05 Definitions. When used in this Chapter, the following terms shall be deemed to have the meanings herein ascribed to them:

Subd. 1 Authorized Agent. One who is authorized to act for or in the place of another: as a representative, emissary, or official of a government.

Subd. 2 Accessory Building. A building in which is conducted an accessory use to a principal use on the parcel on which the principal use is situated.

Subd. 3 Accessory Use or Structure. A use or structure subordinate to the principal use of a building or to the principal use of land and is located on the same parcel and serving a purpose customarily incidental to the use of the principal building or land use. Accessory uses or structures to residential principal uses include: garages, carports, other parking spaces, swimming pools, tennis courts, tool sheds and the like.

Subd. 4 Administrative Review. Administrative Review is a review of an application by the head of each City Department and / or other Division of the City as determined by the City Planner/Zoning Administrator and does not require review and / or approval by the Planning Commission or City Council.

Subd. 5 Affected Property Owner. Any individual or legal entity owning property affected within the jurisdiction of the Zoning regulations in this Chapter.

Subd. 6 Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property.

Subd. 7 Antenna. Equipment used for transmitting or receiving radio frequency signals, which is attached to a tower, building, or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omni-directional ‘whip’ antennae.

Subd. 8 Apartment. A room or suite of rooms in a multi-family or multi-use building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.

Subd. 9 Apartment Building. Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

Subd. 10 Area, Gross Land. The total area of land including the area of perimeter street right-of-ways to the center line of the street.

Subd. 11 Area, Net Land. The area of land excluding street right-of-ways and other publicly dedicated improvements such as parks, open space, and storm water management facilities.

Subd. 12 Automobile Repair Operation. The maintenance, service, repair, and/or painting of new or used motor vehicles or trailers as a business, service or industry, or any such maintenance, service, etc. which occurs on a periodic, frequent, regular, continuous or on-going basis. Any building or premises, or portion thereof, which is used for such maintenance, service, repair or painting. The owner or lessee of the premises may repair his personal vehicle upon the premises, but repair of other than the owned or personal vehicle or trailer shall be considered to be an automobile repair operation under the terms of this definition and Chapter.

Subd. 13 Automobile Service Station. Any building or premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobile fuels, which activity may be accompanied by accessory uses such as sales of lubricants, tires, accessories or supplies, or minor repairing of automobiles.

Subd. 14 Automobile or Trailer Sales Lot. An open area other than a street used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Subd. 15 Automobile Wash (Car Wash). Any building or premises, or portion thereof, the use of which is devoted to the business of washing automobiles for a fee whether by automated cleaning devices or otherwise.

Subd. 16 Automobile Wrecking, Salvage Yard. The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Subd. 17 Basement. A portion of a building located partly underground but having less than half its clear floor to ceiling height below grade (See Cellar).

Subd. 18 Boarding House. A dwelling where meals or lodging, or both, are provided for compensation to three or more persons, who are not transients, by pre-arrangement for definite periods, in contradistinction to hotels and motels as herein defined.

Subd. 18.2 Brew Pub. Means a brewer who also holds one or more retail on-sale license(s) and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in Minn. Stat. 340A.24.

Subd. 18.4 Brewer. Means a person who manufactures malt liquor for sale and who holds a Brewers License issued by the State of Minnesota.

Subd. 18.6 Brewery Taproom (also known as a microbrewery). Means a facility on the premises of or adjacent to the premises owned by a brewer, licensed under Minn. Stat. 340A.301, intended for the on-sale consumption and limited off-sale of beer produced on site by the brewer as authorized by Minn. Stat. 340A.26.

Subd. 19 Building. Any structure having a roof supported by columns or walls and intended for the support, enclosure, shelter or protection of persons, animals or property.

Subd. 19.2 Cannabis Retail Business. Means a retail location and the retail location of a mezzobusiness with a retail operations endorsement, the retail location of a microbusiness with a retail operations endorsement, and a medical combination business operating a retail location, all as defined in Minnesota Statutes Chapter 342.

Subd. 20 Cellar. A portion of a building located partly or wholly underground and having half or more than half its clean floor to ceiling height below grade.

Subd. 21 Cemetery. A parcel or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, mausoleums and mortuaries when operated within the boundaries of such cemetery.

Subd. 22 Clinic. An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, medical specialists or dentists, or a combination thereof, practicing together.

Subd. 22.2 Cocktail Room. Means a facility on or adjacent to the premises of a micro distillery licensed under Minn. Stat. 340A.22, which has been issued a cocktail room license for the on-sale of distilled liquor by the distiller for consumption on the premises of or adjacent to one distillery location by the distiller.

Subd. 23 Commercial Vehicle. A motor vehicle is a commercial vehicle if:

- 1) The vehicle is a dumptruck, a step van, a tow truck, a semitractor or trailer, a tank truck, a tractor, a bus, a cargo truck, a construction vehicle or equipment, an earth-moving vehicle or equipment, a van or pickup with a manufacturer's nominal rated carrying capacity of more than one ton, or any other vehicle which is used in connection with commercial activities;
- 2) Commercial equipment has been added to the vehicle such as winches or snow plows;
- 3) Commercial racks have been added to the vehicle for the purpose of holding equipment or materials;
- 4) The vehicle is a pickup with a nonstandard pickup box; or
- 5) The vehicle is a trailer loaded with another commercial vehicle or commercial equipment.

Subd. 24 Condominium. An apartment building as defined herein in which the units are owned separately by the individual or family which occupies them, and not by a corporation or cooperative. The term refers to the building as a whole or any apartment unit within such building.

Subd. 25 Day Care Facility. Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs, and day services as defined by Minnesota Statute 245.782.

Subd. 26 Day Care Facility, In-Home. Any state licensed facility where childcare is provided to twelve (12) children or less in the principal residence.

Subd. 27 Day Care Center. Include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, day time activity centers, day treatment programs and day services, nursery and preschools, and Montessori schools, as defined by Minnesota State Statutes.

Subd. 28 Deck. An unenclosed exterior structure that has no roof or walls, but has a permeable floor that allows the infiltration of precipitation. For the purpose of this Chapter a deck shall be at least eighteen (18) inches off the ground, otherwise it shall be considered a patio.

Subd. 29 District. A section or sections of the City of Cloquet for which the provisions of this Chapter are uniform.

Subd. 30 Domestic House Pet /Animal. Include those animals customarily kept for pleasure by the residents of a household, such as a dog or cat, but shall exclude animals of a size or quantity that require special housing outside of the principal use (e.g. stable, cage, put, pen).

Subd. 31 Drive-In Establishment. An establishment which by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product which may be purchased, used or consumed in a motor vehicle on the premises.

Subd. 32 Dwelling. Any building or portion thereof which is designed or used for residential purposes.

Subd. 33 Dwelling, Single Family. A detached building designed for and occupied as living quarters by not more than one family, as herein defined.

Subd. 34 Dwelling, Two-Family (Duplex). A structure containing two independent residential units (dwellings) which is designed for or occupied by two families, and which units are separated by a common wall or floor.

Subd. 35 Dwelling, Multiple-Family. A building designed for or occupied by more than two families.

Subd. 36 Dwelling Cluster or Group. A group of two or more detached dwellings located on a parcel of land in one (1) ownership and having any yard or court in common. (See also, Townhouse)

Subd. 37 Essential Services. Overhead or underground electrical, telephone, gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures, operated by public and quasi-public utilities or governmental departments or commissions or as are required for protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings. For the purpose of this Chapter, the work “building” does not include “structures” for essential services.

Subd. 38 Essential Service Building. A structure used to house equipment for communication, supply or disposal systems used by public utilities or governmental departments or commissions or as required for the protection of public health, safety or general welfare.

Subd. 39 Family. An individual, or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling; or a group of not more than four persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, or a functional family living together in a dwelling unit and sharing common cooking facilities.

Subd. 40 Family, Functional. A group of no more than six (6) people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Subd. 41 Family Day Care. A day care for no more than ten (10) children at one time of which no more than six (6) are under school age, per MN Rules 9502.0315, Subd. 11. The licensed capacity must include all children of any caregiver when the children are present in the residence.

Subd. 42 Floor Area. The floor area of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls, or from the centerline of a wall separating two buildings. The floor area of a building shall include basement floor area but shall not include cellar floor area.

Subd. 43 Floor Area Ratio (FAR). The floor area ratio of the building on any lot or site area is the gross floor area of the building or buildings on that lot or site area divided by the area of such lot. When used in this Chapter, the floor area ratio multiplied by the lot

or site area in question produces the maximum amount of floor that may be constructed on such lot or site area.

Subd. 44 Foot Candle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Subd. 45 Foster Family Home. A licensed residential facility serving ten (10) or fewer persons.

Subd. 46 Frontage. All the property fronting on one side of a street, measured along such street, between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way, waterway, end of a dead-end street, or a municipal boundary.

Subd. 47 Game Room Establishment. Any establishment which maintains or keeps upon any part of its premises machines or other apparatus used by the public for entertainment, recreation and/or amusement and which establishment required a game room license.

Subd. 48 Garage, Private. A detached accessory building, or one attached to or part of a principal building, used primarily for the parking and storage of motor vehicles, recreational vehicles and other equipment owned, operated and used by the residents of dwellings located on the same lot therewith, and having a capacity as regulated in *Section 17.5.01* of this Chapter.

Subd. 49 Garage, Public. Any premises used for the storage or care of motor-driven vehicles, or premises where any such vehicles are equipped for operation, repaired or kept for remuneration, for hire or for sale.

Subd. 50 Garage, Repair. Any facilities equipped for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

Subd. 51 Grade, Finished.

- A. For buildings more than five feet from any street line, the average level of the finished surface adjacent to the exterior walls of the building.
- B. For buildings having one or more exterior walls within five feet of a street line or lines, the average of the elevations of the sidewalk or sidewalks, or their equivalent established ground surface, adjacent to such street line or lines.

Subd. 52 Half-Story. That portion of a building under a sloping gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story. No such half-story shall be used for occupancy except in conjunction with and by the occupants of the floor immediately below it.

Subd. 53 Height of Building. The vertical distance between the highest adjoining ground level within five (5) feet of the building or ten (10) feet above the lowest ground level within five (5) feet of the building, whichever is lower and the highest point of a flat or mansard roof or the average height of the highest gable of a pitched or hipped roof.

Subd. 54 Home Occupation. Any occupation which is clearly incidental to the principal use of the premises, is conducted by a resident occupant, and does not change the character of the principal use. The definition shall be extended to include the clarification, characteristics and requirements noted in *Section 17.5.08*.

Subd. 55 Hospital. An institution providing health services and medical or surgical care, primarily for in-patients, to three or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities.

Subd. 56 Hotel. A building in which lodging is provided and usually meals, entertainment, and various personal services offered to the public for compensation and which is open to transient guests, excluding a boarding house as herein defined.

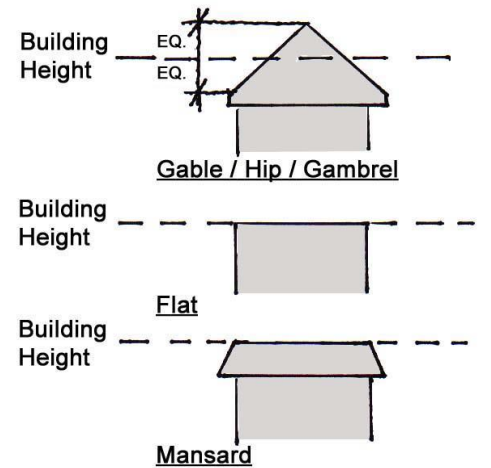
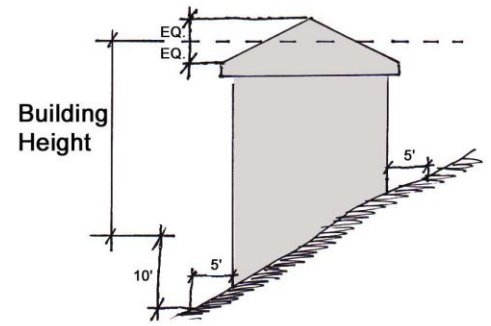
Subd. 57 Impervious Coverage or Impervious Surface. An area that releases as runoff, all or a large portion of, the precipitation that falls on it, except for frozen soil. Roofs, sidewalks, driveways, parking lots, and streets are examples of area that are typically impervious. Pervious pavers and pervious pavement are not considered impervious.

Subd. 58 Improvement. Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

Subd. 59 Irrigation system. A water system used to maintain landscaping material which is generally operated on a timer and a mechanical system inside the building.

Subd. 60 Kennel, Commercial. Any place where the business of keeping, raising, selling, boarding, breeding or showing more than five dogs or cats is conducted.

Subd. 61 Kennel, Private. Any premises, regardless of how zoned or used, within the City Limits of the City, where four or five dogs or cats in combination, six months or older, are kept, maintained or harbored as pets or for some other purposes, but not for



purposes of selling, boarding, breeding, showing, treating or grooming, or other commercial purposes. A private kennel license is required per Chapter 8 of the City Code.

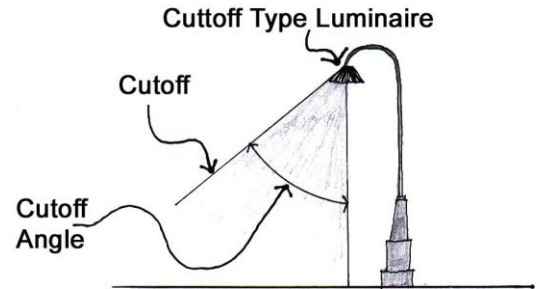
Subd. 62 Landscaping. Plantings intended to enhance the aesthetic and / or environmental qualities of a parcel.

Subd. 63 Laundromat. An establishment providing washing and/or drying machines on the premises for rental use to the general public for family laundering purposes.

Subd. 64 Laboratory. A place devoted to experimental study such as testing and analyzing materials, not including manufacturing or packaging of such materials, except incidentally.

Subd. 65 Lighting.

- A. Cutoff Angle. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- B. Cutoff. The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.
- C. Cutoff Type Luminaire. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
- D. Flashing Light. A light source which is not constant in intensity or color at all times while in use.
- E. Footcandle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- F. Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- G. Security Lighting. Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.
- H. Shieldings. A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing the light fixture.
- I. Source. A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
- J. Spillage. Any reflection, glare or other.



artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

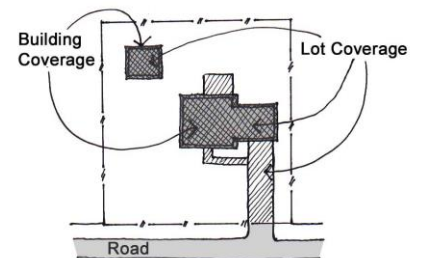
K. Uplighting. Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

Subd. 66 Livable Floor Area. The square footage of floor area of a dwelling measured from the inside of the exterior walls, but not including attics, cellars, unfinished basements, open porches, breezeways and garages. Only that floor area having a ceiling height of seven feet or more shall be considered as livable floor area. An unfinished floor may be included as livable floor area provided plans are submitted to the Zoning Administrator indicating in detail the layout of the rooms and, provide further, rough plumbing, heating ducts and electric circuits are installed during construction of the building.

Subd. 67 Livestock. Any domesticated animal (not a house pet) by nature including but not limited to poultry, cattle, goats, horses, pigs and other similar animals. It does not include exotic or regulated animals.

Subd. 68 Loading Space. An open, hard surfaced area, other than street or public right-of-way, the principal use of which is for the standing, loading, and unloading of trucks and trailers. A minimum area of 780 sq. ft., excluding access drives, is required.

Subd. 69 Lot. Land occupied or to be occupied by a principal use and its accessory buildings, together with such open spaces as are required under this Chapter and having its required frontage upon a street or right-of-way or easement shown on a plat of survey which has been submitted, approved and officially recorded in the manner required by the Subdivision Regulations of the City of Cloquet, Minnesota.

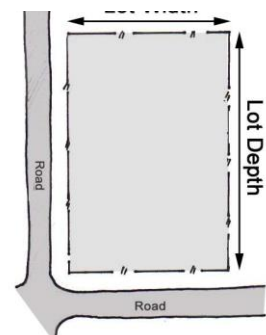
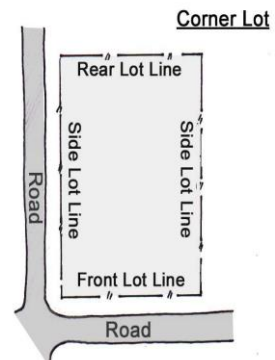


Subd. 70 Lot, Area. The area of a horizontal plane within the lot lines.

Subd. 71 Lot, Buildable. A lot which meets or exceeds all requirements of this Chapter without the necessity of variances.

Subd. 72 Lot Coverage. The area of a lot occupied by the principal and accessory buildings.

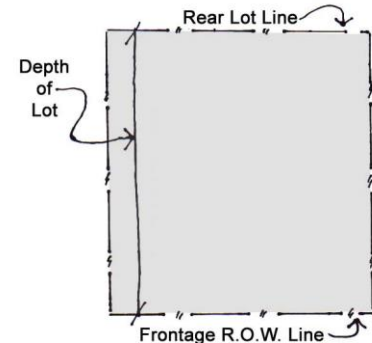
Subd. 73 Lot, Corner. A lot abutting upon two or more streets at their intersection or junction, or a lot bounded on two sides by a curving street where it is possible to draw two intersection chords, one each commencing at each of the two points of intersection of the lot lines and street line, which



intersect with each other to form an interior angle of less than 120 degrees.

Subd. 74 Lot, Depth of. The maximum horizontal distance between the rear lot line and the frontage right-of-way. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.

Subd. 75 Lot, Double Frontage (Through Lot). Any lot other than a corner lot which abuts more than one (1) street or street right-of-way. On a through lot, all property lines abutting the street right-of-way shall be considered the front lines.

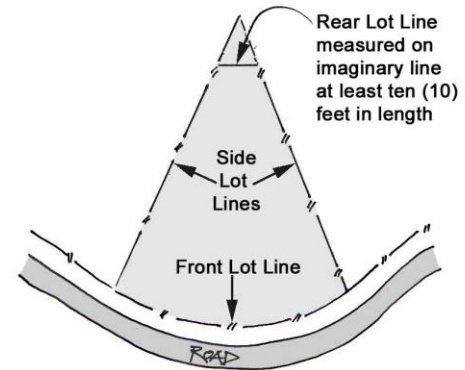


Subd. 76 Lot, Interior. A lot other than a corner lot including through lots.

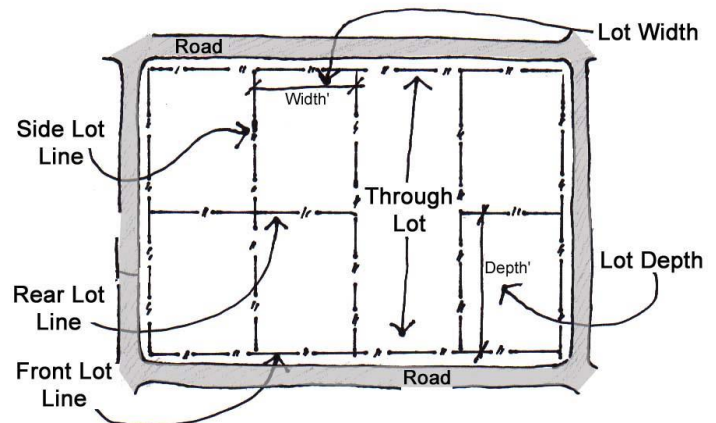
Subd. 77 Lot Lines. A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

Subd. 78 Lot, Lines Related.

A. Front Lot Line: That boundary of a lot which abuts an existing or dedicated public street or a private road. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the City. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.



B. Rear Lot Line: That boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.



- C. Side Lot Line: Any boundary of a lot which is not a front lot line or a rear lot line.

Subd. 79 Lot, Width. The maximum horizontal distance between the side lot lines or a lot measured at the minimum required front setback line.

Subd. 80 Lot of Record. A parcel of land that is recorded as a lot in a subdivision that has been recorded in the official public records of the Recorder of Deeds or Registrar of Titles of Carlton County, Minnesota.

Subd. 80.2 Lower-Potency Hemp Retail Business. Means a lower-potency hemp edible retailer as defined in Minnesota Statutes Chapter 342 and the retailer of nonintoxicating cannabinoids registered under Minnesota Statutes Section 151.72.

Subd. 81 Manufactured Home, Class “A”. Manufactured housing of modular design which requires more than one (1) module to form an integral single family dwelling unit and which complies with the following minimum criteria:

- A. the minimum width of the main body of the home as assembled on site shall not be less than twenty (20) feet as measured across the narrowest portion;
- B. the pitch of the main roof shall be not less than one (1) foot for each three (3) feet of horizontal run, 4:12 pitch. In general, any roofing material may be used that is generally acceptable for housing built on the site, if applied in such a manner as to be similar in appearance, provided however, that flat, sheet-metal type panels shall not be considered acceptable for Class “A” manufactured houses;
- C. any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance, provided however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss exterior enamel; and
- D. the home shall be placed upon a permanent foundation complying with the minimum standards of the Minnesota State Building Code.

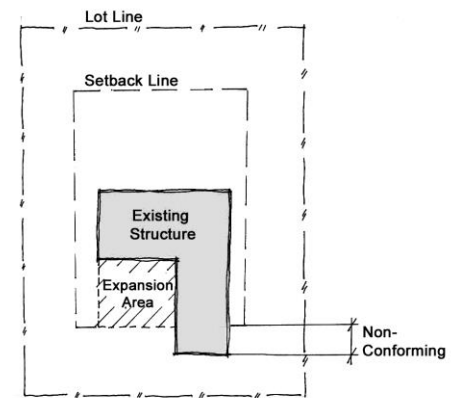
Subd. 82 Manufactured Home, Class “B”. Manufactured transportable housing built in conformance with Sections 327.31 to 327.35 of Minnesota Statutes and intended for occupancy as a complete year round single family dwelling unit upon arrival and placement on a site with or without a permanent foundation designed to support such transportable unit. For the purposes of this Chapter, the term shall include all such transportable housing over twenty-nine (29) feet in length, less than twenty (20) feet in width, and 5,000 or more pounds in weight, containing the same waste water supply, waste disposal, and electrical conveniences as immobile housing, but shall exclude housing of modular design where more than one (1) module is required to form an integral single family dwelling unit. The term “mobile home” shall be synonymous and interchangeable with the term “Class B Manufactured Home” whenever either term shall be used elsewhere in this Chapter.

Subd. 82.2 Micro Distillery. Means a distillery operated within the State producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year and licensed under Minn. Stat.340.A.22.

Subd. 83 Motel. A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Subd. 84 Non-Conforming Building or Structure. Any building or structure lawfully existing at the time of the approval of this Chapter or any amendment to it, rendering such non-conforming, which:

- A. does not comply with all of the regulations of this Chapter, or any amendment hereto, governing building height and yard requirements for the zoning district in which such building or structure is located; or
- B. is designed or intended for a use neither permitted nor conditionally permitted in the zoning district in which it is located.



Subd. 85 Non-Conforming Lot of Record. An unimproved lot which was legally recorded on or before the effective date of this Chapter which does not comply with the lot size requirements for any permitted use in the district in which it is located. Such lot is considered buildable only as stipulated in *Section 17.4.04*.

Subd. 86 Non-Conforming Use. Any building or land lawfully occupied by a use at the time of the approval of this Chapter, or any amendment hereto, governing use for the zoning district in which such use is located.

Subd. 86.1 Non-Retail Cannabis Business. Means a facility used for adult-use cannabis production and/or distribution that could include indoor cultivation of cannabis and hemp, manufacturing, wholesaling, transporting, testing, event organizing and delivery, including a mezzobusiness, a microbusiness, and a medical combination business, all as defined in Minnesota Statutes Chapter 342.

Subd. 87 Nursing Home, Assisted Living and Memory Care. An establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services shall be provided in such an establishment; a hospital shall not be construed to be included in this definition.

Subd. 88 Odorous Matter. Any material that produces an olfactory response among human beings.

Subd. 89 Odor Threshold. The lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

Subd. 90 Opacity. The quality or state of a body that obstructs the transmission of light.

Subd. 91 Parking Lot. A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use, as on a residential lot.

Subd. 92 Parking Space. An improved surface area, enclosed or unenclosed, sufficient in size to store on (1) motor vehicle, together with a street or alley and permitting ingress and egress of such motor vehicle. A minimum of 170 sq. ft. excluding access drives, is required.

Subd. 93 Parking Structure. A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles at one or more levels, together with the attendant interior or exterior ramps necessary for ingress and egress of such motor vehicles.

Subd. 94 Particulate Matter. Material other than water which is suspended or discharged into the atmosphere in a finely divided form as a liquid or solid.

Subd. 95 Planned Unit Development. (See *Section 17.6.21*) A tract of land developed as an integral unit rather than as individual, unrelated development efforts, wherein two or more buildings may be located in relation to each other rather than to lot lines and lot standards stipulated in this Chapter.

Subd. 96 Principal Use. The purpose, for which land or a building or structure thereon is designed, arranged, intended or maintained, or for which it is or may be used or occupied.

Subd. 97 Principal Building. A building in which is conducted the principal use of the lot on which it is situated.

Subd. 98 Private Club or Lodge. A building and related facilities owned or operated by a corporation, association or group of persons for social education or recreational purposes of members regularly paying dues, but not primarily for profit or to render a service which is customarily carried on as a business.

Subd. 99 Recreational Vehicle. Includes, but is not limited to, travel trailers, chassis mounted campers, motor homes, tent trailers, slip-in campers, converted buses, snowmobiles and trailers, all-terrain vehicles and motorcycles.

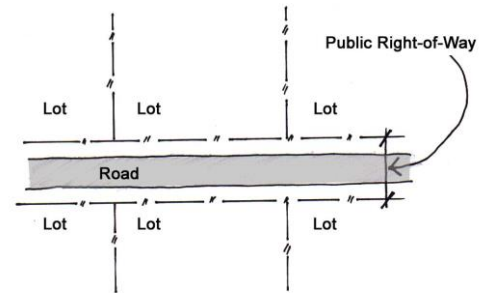
Subd. 100 Residential Facility, Group Home. Any State licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with a twenty-four (24) hour per day substitute for care, food, lodging, training, education,

supervision, habilitation, rehabilitation, or treatment they need, but which for any reason cannot be furnished in the person’s own home, in contradistinction to boarding houses, hotels, motels, and similar types of housing.

Subd. 101 Restaurant. An establishment where food is available for consumption on the premises.

Subd. 102 Restaurant, Carry Out. An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises.

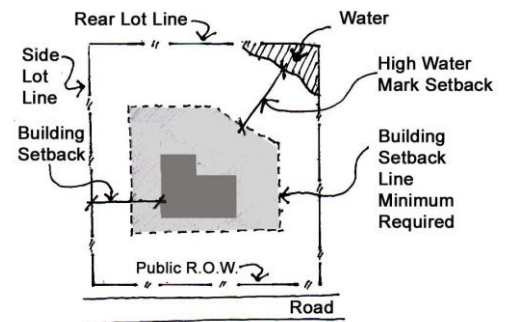
Subd. 103 Right-of-Way, Public. An area owned and maintained by a government jurisdiction, for public use.



Subd. 104 Satellite Dish / Antenna. An antenna, usually parabolic or spherical in shape, capable of receiving television or radio signals from orbiting satellites.

Subd. 105 School - Primary, Secondary, College or University. Any accredited school having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of, or in accordance with, the applicable statutes of the State of Minnesota.

Subd. 106 Setback. The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by this Chapter. Distances are to be measured perpendicularly from the property line to the building wall.



Subd. 107 Sign. A name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, institution, organization, idea or business. See *Section 17.5.13*.

Subd. 107.2 Special Event. Means a unique or unforeseen event of limited duration occurring within the City of Cloquet Area or within 30 miles of the primary site of the special event site which is within the City of Cloquet, and is of such significance as to allow for the relaxation of zoning requirements and the implementation of special provisions when provided in any permit, variance, or other zoning document.

The Zoning Administrator shall make the final determination as to whether the significance of a special event 7 days or less in duration rises to the level of a Special Event. The Planning Commission shall be the approval authority of all special events in

excess of 7 days. A special event may be extended by the approval authorities noted above.

Subd. 108 Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above, then the space between the floor and the ceiling next above it. A basement designed or used for dwelling purposes for other than a janitor, maintenance man or watchman, or for commercial purposes other than storage, shall be counted as one-half story. A cellar used for commercial purposes other than storage shall be counted as one-half story. No other basement or cellar shall be counted as a story. Any level or deck used exclusively for parking purposes shall be counted as one-half story.

Subd. 109 Street. A public thoroughfare which affords principal means of access to abutting property.

Subd. 110 Street Wall. The main wall nearest to and facing on a street, including sun-parlors and bays but not including bay windows.

Subd. 111 Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground.

Subd. 112 Structural Alterations. Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial changes in the roof.

Subd. 113 Terrace. A level plan or surfaced patio, directly adjacent to the principal building on the surface of the land or on the roof of a building.

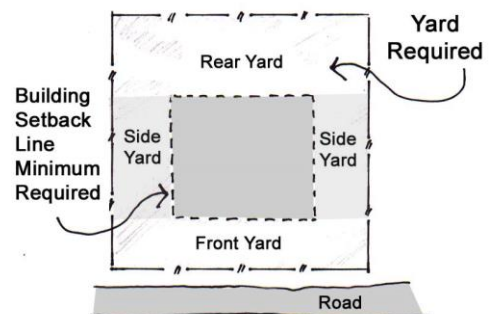
Subd. 114 Townhouse. A group of attached single family dwelling units on a common lot.

Subd. 115 Tree Farm. Any timber harvest activity carried on a tract of private land five acres or more in area, that is operated under a managed planting and cutting program, whether for commercial or experimental purposes.

Subd. 116 Yard. An open space between the building wall and any lot line which is open to the sky unobstructed by any permanent or temporary uses or structures.

Subd. 117 Yard, Front. A yard extending across the entire front of the lot and measured between the front line of the lot and the front line of the building wall.

Subd. 118 Yard, Open. A yard in addition to front,



side, and rear setbacks, in which no structure, driveway, or parking space shall be located.

Subd. 119 Yard, Rear. A yard extending across the entire rear of a lot and measured between the rear lot line and the rear of the building wall. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Subd. 120 Yard, Side. A yard between the building wall and the side line of the lot extending from the front yard to the rear yard and measured between the sideline of the lot and the side of the building wall.

Subd. 121 Zoning Administrator. The official designated by the City of Cloquet to administer and enforce this Chapter.

Subd. 122 Zoning District. An area or areas for which the regulations and requirements governing land use are uniform.

17.2 Application, Review and Approval Procedures

17.2.01 General Provisions.

Subd. 1 Intent. The intent of this Section of this Chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and approval criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdictions of the City of Cloquet.

Subd. 2 General Types of Development.

- A. Development Permit Requirements. All development within the City of Cloquet, except as hereinafter specified, shall be undertaken in accordance with the provisions of this Chapter and only after a development permit is issued, if required by this Chapter. All development shall be categorized as one of the following types of development:
- (1) General Development. Development for which a development permit or building permit will be granted as a right on compliance with the terms of this Chapter hereinafter called General Development.
 - (2) Conditional Development. Development for which a development permit will be granted only after exercise of discretion in accordance with the criteria of this Chapter, hereinafter called Conditional Development or Conditional Use.
 - (3) Exempt Development. Development that is exempt from the regulations of this Chapter, as specified in *17.2.01, Subd. 2, C. Exempt Activities.*
- B. Development Defined. Except where the context otherwise requires, and in absence of a more limiting provision in this Chapter, development means the performance of any building or mining operations, or the making of any material change in the use or appearance of any structure or land. The following activities or uses shall be taken to involve development unless expressly excluded by this Chapter:
- (1) A change in type of use of a structure or land, or a change from one use group to a use in another group designated in this Chapter;
 - (2) A reconstruction or alteration of the size, or material change in the external appearance, or a structure on land;
 - (3) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure on land;
 - (4) Commencement of mining or excavation on a parcel of land;
 - (5) Demolition or moving of a structure or removal of trees required by this Chapter;
 - (6) Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land;

- (7) In the connection with the use of land, the making of any material change in noise levels, thermal conditions, emissions of waste material, or other objectionable element;
 - (8) Commencement or change in the location of street graphics or use of land, and the commencement or change in the location of advertising on the external part of a structure;
 - (9) Alteration of a shore, bank, floodplain of a stream, lake, pond, or artificial body of water;
 - (10) Reestablishment of a nonconforming or conditional use that has not been used for one (1) year;
 - (11) Departure from the normal use for which development permission has been granted, or failure to comply with the conditions of this Chapter, granting the development permission under which the development was commenced or is continued; or
 - (12) Earth fill or other filling activities for the purpose of raising the elevation of a lot or site for the purpose of future development.
- C. Exempt Activities. The following operations or uses do not constitute development for the purposes of this Chapter:
- (1) The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right-of-way;
 - (2) Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal, or construction on an established right-of-way of any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like;
 - (3) Work for the maintenance, renewal, improvement, alteration of any structure, if the work affects only the interior of the color of the structure or decorations of the exterior of the structure, but does not otherwise materially affect the external appearance of the structure;
 - (4) The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling;
 - (5) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products or for other agricultural purposes, except the growing or storage of livestock;
 - (6) A change in the use of land or structure from a use within a use group specified in this Chapter to another use in the same use group; or
 - (7) Official public information street graphics, installed by or at the discretion of the City of Cloquet, Carlton County, or the State of Minnesota.

Subd. 3 General Types of Development Reviews and Approvals. There shall be the following three (3) types of reviews and approvals associated with development in the City of Cloquet:

- A. Public Hearing. Development or actions that require special opportunities for broad public input require a public hearing pursuant to *Subd. 6: General Procedures Associated with Public Hearings*.
- B. Informational Meeting. Development that requires action by an elected or appointed body, but does not require a public hearing, shall require an information meeting pursuant to *Subd. 7: General Procedures Associated with Informational Meetings*.
- C. Administrative Review and Approval. Development or action that does not require public review, but is administratively reviewed and approved pursuant to *Subd. 8: General Procedures Associated with Administrative Reviews and Approvals*.

Subd. 4 General Development Review Elements and Procedures.

- A. Pre-Application Meeting. Prior to the submission of an application as required by this Chapter, a pre-application meeting may be required by this Chapter or encouraged by the Zoning Administrator or other Authorized Agent as follows:
 - (1) Purpose of the meeting. A pre-application meeting is a meeting between a potential applicant and the City Planner/Zoning Administrator or other Authorized Agent(s) of the City. Where beneficial / appropriate review bodies may also be included in a pre-application meeting. The meeting is an opportunity for the applicant to describe what application is being considered, and for the City Planner/Zoning Administrator, review body, or other Authorized Agent, to indicate which application is appropriate and what criteria will be used to determine whether the application should be approved.
 - (2) Meeting format. Unless otherwise specified in this Chapter, there is no required format for a pre-application meeting.
 - (3) Combined meetings. Pre-application meetings may be combined when an applicant anticipates making simultaneous applications for the same project.
 - (4) No approval action. Participation in a pre-application meeting does not imply or assume subsequent approval, approval with conditions, or denial of an application.
- B. Application Forms and Fees. The following provisions shall apply to all required applications pursuant to this Chapter.

- (1) Forms. Applications shall be submitted on forms, with any requested information and attachments, and in such numbers as required by the City, including any checklists for submittals. The City Planner/Zoning Administrator or other Authorized Agent of the City shall have the authority to request any other pertinent information required to ensure compliance with this Chapter. The City Planner/Zoning Administrator or other Authorized Agent shall make the required forms available to all applicants.
 - (2) Application fees. Fees for those applications required by this Chapter shall be in accordance with the City's current fee schedule, which the City Council may update from time to time. The fees are intended to cover the City's actual costs in processing the application and are not refundable. Such costs may include, but are not limited to, filing the application, publishing notices, and mailing notices regarding the application.
- C. Reimbursement for City Review Costs. The following provisions shall apply to all required applications pursuant to this Chapter.
- (1) Review costs. In addition to the costs incurred by the City in processing an application, the City may incur costs to review an application. The cost for all such reviews shall be borne by the applicant. The City reserves the right to require an escrow account be established to provide funds for anticipated review costs.
 - (2) Purpose. The purpose of this section is to provide a procedure to reimburse the city for its cost of review, analysis, and evaluation of development proposals, conditional use permits, comprehensive plan amendments, zoning amendments, and enforcement of the ordinance from which this chapter is derived in cases where, due to the level of complexity of the application under consideration, excessive costs beyond those normally incurred by the city as a result of the administration of the ordinance from which this chapter is derived are incurred. The excess costs result from problems presented in review, analysis, and evaluation which necessitate intensive investigation and research. The intent of this section is to ensure an adequate level of review of these cases and to ensure that the adverse effects of development on the city are minimized and in compliance with goals and objectives of the comprehensive plan and this chapter are obtained.
 - (3) Conditions where reimbursement is authorized. The city may, in its sole discretion, require reimbursement of city costs under the following conditions:
 - (a) When the City Administrator finds multiple Planning Commission and City Council meetings are required to review a particular item

and additional staff time is expended on that item subsequent to the initial meeting.

- (b) When the City Administrator finds it necessary to retain consultants and experts to review requests and advise its staff of specific impacts of a proposal, including but not limited to impacts on traffic, utilities, engineering, and aesthetics or environmental characteristics of the community.
 - (c) When it is necessary for the City Administrator to review a proposal.
 - (d) When the City Administrator finds that other extraordinary costs are incurred by the city as a result of the administration of this chapter.
- (4) Procedure. The following provisions shall apply to all required applications pursuant to this Chapter.
- (a) The city shall notify the applicant that the city will incur additional costs at the earliest possible time and, if possible, provide the applicant with an estimate of the expected additional cost.
 - (b) The applicant shall pay the estimated additional cost to the city by certified check, bank money order, or credit card. If the amount paid to the city initially is insufficient to cover all city costs, the additional amount shall be billed to the applicant. Any money which has not been used to pay additional costs after the applicant's request has been processed shall be refunded to the applicant.
 - (c) No certificate of occupancy for any project subject to this section shall be issued until all money owed to the city has been received.
 - (d) All costs billed under this section shall be based on the actual cost to the city of staff time, overhead, material costs, and actual billings from consultants, experts and attorneys.
- D. Application Deadline. All applications shall be completed and submitted to the City Planner/Zoning Administrator or other Authorized Agent in accordance with a schedule established annually by the City. An application shall not be considered submitted until it has been determined to be complete pursuant to the provisions of this Section.
- E. Application Completeness.
- (1) Completeness requirements. An application shall be considered submitted only after the City Planner/Zoning Administrator or other Authorized Agent has determined it is complete, it is in the required form, it includes all mandatory information (including all exhibits), and it is accompanied by the applicable fee.

- (2) Completeness review period. A determination of application completeness shall be made by the City Planner/Zoning Administrator or other Authorized Agent within fifteen (15) working days of the City's receipt of the application. If the application is not complete then the applicant must be notified in writing of the deficiencies within 15 days.
 - (3) Incomplete application. If the application is determined to be incomplete, the City Planner/Zoning Administrator or other Authorized Agent shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected.
- F. Limit of Time Relating to Final Action. Upon the receipt of a complete application, the City and the applicable review authorities shall review the application and take final action on the application in a timely manner consistent with Minnesota Statutes. Final action means providing the applicant with an approval or a denial within 60 days of receipt of the complete application, unless a statutory exception applies. A denial, in general, is only valid if provided to the applicant in writing (including written reasons for the denial) within the 60 day time period. Failure to properly deny an application is approval of the application by operation of law (*see Minnesota Statutes § 15.99 Time Deadline for Agency Action*). The time allowed for final action may be extended by Minn. Stat. § 15.99.
- G. Limit of Time to Commence Work After Approvals. Approvals made by the applicable approval authorities shall be void after six (6) months from the date of such approval if work on the related project has not commenced.
- H. Limit on Reapplication. If any application is denied by the approval authority as specified in this Chapter, another application or petition for the same permit, approval, or amendment for the same property (or any portion thereof) may not be filed within a period of ninety (90) days from the date of final denial, unless allowed by the appropriate approval body and based on the demonstration of any of the following conditions:
- (1) Change in circumstances. There is substantial change in circumstances relevant to the issues and / or facts considered during the review of the application that might reasonably affect the approval body's application of the relevant standards to the development proposed in the application; or
 - (2) New information. New or additional information is available that was not available at the time of the review that might reasonably affect the approval body's application of the relevant review standards to the development proposed; or
 - (3) Significant difference. A new application is proposed to be submitted that is significantly different from the prior application; or

- (4) Mistake made. The final decision on the application was based on a mistake of fact.

Subd. 5 General Review and Approval Criteria. In reviewing and taking final action on an application or required permit, the review and approval authorities shall consider all approval criteria as specified in this Chapter and shall consider all pertinent facts, public comments, and consistency with all applicable laws.

Subd. 6 General Procedures for Public Hearing and Noticing Requirements. The procedures for holding a public hearing whenever such is required under the provisions of this Chapter shall be as follows:

- A. Setting of Hearings. For all requests brought before the Planning Commission for which a public hearing is required by this Chapter, the Planning Commission shall select a reasonable time and place for the public hearing on the request.
- B. Notice of Hearings. Notice of public hearings shall be given not more than 30 days and not less than 10 days before the hearing by publication at least once in the official newspaper of the City of Cloquet. Such notice shall include the time and place of the hearing, a description of the contents of the request to be heard, and the address or location of the property to which the request applies.

In addition to the general notice to the public, separate notice by letter shall be required for all property owners residing within the area, and for a distance of three hundred fifty (350) feet from the boundaries of such area, where a request concerning amendments to the zoning district boundaries for areas of five acres or less, will be the subject of the hearing. Such notices shall be sent by the Office of the City Planner/Zoning Administrator, and addresses taken from current City records shall be deemed sufficient for such notification.

A copy of the list of owners and addresses to which the notice was sent shall be attested to by the City Planner/Zoning Administrator, and shall be made a part of the records of the proceedings. The failure to give written notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this requirement has been made.

- C. Conduct of Hearings. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Applicants for Variances or Conditional Uses and the owner or owners of the property in or within three hundred fifty (350) feet of the property under consideration for a rezoning action by amendment to this Chapter, shall have the following rights in addition to any others they possess by law:

- (1) The right to have subpoenas issued for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing. Such subpoenas shall be issued by the body in charge of the hearing. Such subpoenas shall be enforceable against persons or for documents which have a substantial evidentiary connection with:

- a. The property to which the request applies;
 - b. Facts which would support or negate the legal standards for granting the request;
 - c. Facts which support or negate the conclusion that property within three hundred fifty (350) feet, excluding all public streets, alleys or other public rights-of-way, will be substantially affected by the decision on the request being heard.
- (2) The right to cross-examine all witnesses testifying.
 - (3) The right to present witnesses on their own behalf.
 - (4) The right to be granted, upon request, one continuance for the purpose of presenting evidence to rebut testimony given by another party.
- D. Administrative Procedures and Recordings at Public Hearings. The body responsible for the hearing shall designate one from among the membership or ex-official membership to record all pertinent data and comments at the hearing for later preparation as a written public record. Such written record shall be filed with the City Clerk within a reasonable period of time, but in no event later than thirty (30) days from the date of the hearing.

The hearing shall be conducted in an orderly manner according to rules of procedure established or accepted by the City. The Chairperson or acting Chairperson of the responsible body shall conduct the hearing and shall require that all participants furnish name, address and position of interest prior to comment on the subject under consideration during such hearing.

- E. Continuance; Determination. The responsible body may close the hearing or schedule a date, time and place for a continuance of the same, subject to the requirements of the matter under consideration. Following closure, the responsible body shall meet to make the appropriate determination which shall be prepared and filed as written public record in the office of the City Clerk.

Subd. 7 General Procedures Associated with Informational Meetings and Notices.

- A. Required Informational Meetings. Whenever this Chapter requires that an informational meeting be held, the informational meeting shall be conducted in accordance with the Minnesota open meeting law as specified in *Sections 471.705 of the Minnesota Statutes and the provisions of this Chapter.*
- B. General Noticing Requirements. Informational meeting notices shall be as follows:
- (1) Published notice. Published notice in the local newspaper designated by the City Council shall not be required, but should generally occur when feasible. The notice should be published at least twenty – four (24) hours, but preferably at least seven (7) days, in advance of the informational meeting.

- (2) Mailed notice. A mailed notice shall not be required, but should generally occur when feasible. The notice should be mailed to the owners of record of real property within three hundred fifty (350) feet of the property under consideration. The notice may be served by its deposit in the municipality, property addressed with postage paid, in U.S. mail at least ten (10) days prior to the date set for the informational meeting, if feasible.
- (3) Posted notice on property. Posted notice on the property shall not be required, but may occur at the discretion of the City Planner/Zoning Administrator or other Authorized Agent of the City.
- (4) Posted notice in public place. At least twenty – four (24) hours, but preferably at least seven (7) days, prior to the date set for the informational meeting.
- (5) Content of Notice. Published or mailed notices shall contain at least the following information:
 - a. The legal description of street address of the property that is the subject of the application;
 - b. The substance of the application, including the type of proposed development and the current zoning district (if applicable);
 - c. The time, date, and place of the informational meeting with a statement that interested parties may appear at the informational meeting; and
 - d. A phone number to contact the City.
- (6) Constructive Notice. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

C. Conduct of Informational Meetings.

- (1) Modification of an application at an informational meeting.
 - a. The applicant may agree to modify the application, including the plans and specifications submitted, in response to questions or comments by persons appearing at the informational meeting or to suggestions or recommendations by the body holding the informational meeting.
 - b. Unless such modifications are so substantial that the approval body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials before it, or unless such modifications are so substantial that a new informational meeting must be noticed and held, the approval body may approve the application with the stipulations that the final approval will not be effective until materials reflecting the agreed

upon changes are submitted to the City Planner/Zoning Administrator or other Authorized Agent of the City.

- (2) Continuing the informational meeting. An informational meeting may be continued without additional mailed or published notice, provided that the motion to continue the informational meeting is made in open session specifies the date and time when the meeting will continue, and notice is provided consistent with *Section 13D of the Minnesota Statutes, dealing with Minnesota open meeting law*.
- (3) Evidence. All findings and conclusions shall be based on reliable evidence as reasonably available.
- (4) Record. A record shall be made of all informational meetings. All documentary evidence presented at informational meetings shall be made part of the record.

Subd. 8 General Procedures Associated with Administrative Review and Approval.

- A. Required Administrative Review and Approval. Wherever this Chapter requires administrative review and approval, the review and approval process shall be conducted in accordance with the provisions of this Chapter.
- B. General Noticing Requirements. There shall be no required noticing associated with administrative review and approval. However, at their discretion, administrative staff may notify adjacent property owners of pending development.
- C. Conduct of Administrative Review and Approval. Administrative staff shall have the opportunity to consult with other staff and government agencies in reviewing and processing an application. The applicant shall have the opportunity to refine the application submittal as necessary to ensure that the application is consistent with this Chapter.

17.2.02 Comprehensive Plan Amendment.

Subd. 1 Applicability. Adoption and amendments to the Comprehensive Plan are allowed by MN Statute 462.355. Amendments to the City's Comprehensive Plan may be made from time to time to help guide the City in establishing and maintaining sound, stable, and desirable development within the city. Amendments may also be made to correct errors in the text or maps of the Comprehensive Plan or to address changed or changing conditions in a specific area or in the city generally.

Subd. 2 Review Process. The review process shall be consistent with *Section 473.859 of the Minnesota Statutes*, Comprehensive Planning and as follows:

- A. Pre-Application Meeting. If a proposed development requires a Comprehensive Plan Amendment, the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to *Section 17.2.01, Subd. 4, A, Pre-application Meeting.*
- B. Initiation. A Comprehensive Plan Amendment may be initiated by any of the following:
 - (1) The Planning Commission;
 - (2) The City Council;
 - (3) The Zoning Administrator or other Authorized Agent; or
 - (4) The property owner or their designated agent.

C. Application Submittal. A complete application shall be submitted to the City Planner/Zoning Administrator or other Authorized Agent pursuant to *Section 17.2.01, Subd. 4, B) Application Forms and Fees and Section 17.2.01, Subd. 4, C, Application Deadline.*

D. Staff Review. The City Planner/Zoning Administrator or other Authorized Agent shall complete the following review tasks:

- (1) Determine if the application is complete pursuant to *Section 17.2.01, Subd. 4, D.: Application Completeness;*
- (2) Notice a public hearing pursuant to *Section 17.2.01, Subd 6: Public Hearing and Noticing Requirements;* and
- (3) Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.
- (4) Be sure the review and approval process time frame complies with MN Statute 15.99 Time Deadline for Agency Action.

E. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:

- (1) The Planning Commission shall hold a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements;* and



- (2) The Planning Commission (considering the approval criteria) shall make a recommendation of approval or denial of the proposed amendment to the City Council.

F. City Council Action.

- (1) After reviewing the recommendation of the Planning Commission, the City Council may order a second public hearing before the City Council pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements.*
- (2) The City Council (considering the approval criteria and the Planning Commission recommendation) shall deny the request or adopt a Resolution that amends the Comprehensive Plan.
- (3) Adoption of a Resolution shall require a 2/3 vote of the entire City Council.

G. Distribution of Approved Amendment. One copy of the adopted Comprehensive Plan Amendment shall be sent to all of the following:

- (1) Every governmental body that is located in whole or part within the boundaries of the City;
- (2) The clerk of every local governmental unit that is adjacent to the City;
- (3) The Cloquet Public Library.

Subd. 3 Approval Criteria. In determining whether to approve, approve with conditions, or deny a Comprehensive Plan Amendment, the following approval criteria shall be considered:

A. Criteria.

- (1) The Comprehensive Plan Amendment helps guide and accomplish coordinated development that is harmonious with existing development in the City of Cloquet, which will be in accordance with existing and future needs, best promote public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
- (2) The Comprehensive Plan Amendment review process has provided adequate opportunity for public review and comment;

17.2.03 Zoning Map Amendment (Rezoning).

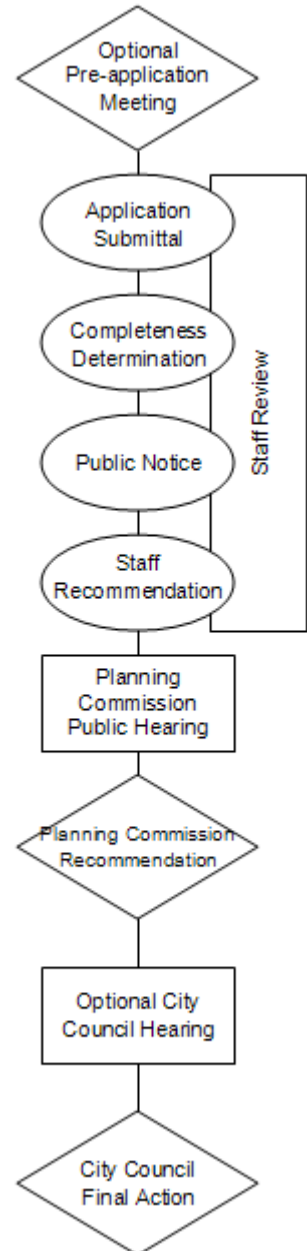
Subd. 1 Applicability.

- A. General Applicability. The Zoning Map may be amended whenever the public necessity, convenience, general welfare, or good zoning practice require. Amendments may also be made to correct errors in the Zoning Map or to address changed or changing conditions in a specific area or within the city generally. All Zoning Map Amendments must be consistent with the Comprehensive Plan and the provisions of this *Section*, except as modified by the special Zoning Map Amendment procedures specified in this *Section*.

- B. Special Zoning Map Amendment Procedures. Due to the special requirements of specific zoning districts, Zoning Map Amendments relating to the following shall comply with the provisions specified below:
- C. Planned Unit Development (PUD) Overlay District. The creation of the Planned Unit Development (PUD) Overlay District shall be pursuant to *Section 17.2.09: Creation of a Planned Unit Development Overlay District*.

Subd. 2 Review Process.

- A. Pre-application Meeting. If a proposed development requires a Zoning Map Amendment (rezoning), the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to *Section 17.2.01, Subd. 4, A: Pre-application Meeting*.
- B. Initiation. A Zoning Map Amendment may be initiated by any of the following:
 - (1) The property owner or their designated agent;
 - (2) The Planning Commission;
 - (3) The City Council; or
 - (4) The City Planner/Zoning Administrator or other Authorized Agent.
- C. Application Submittal. A complete application shall be submitted to the City Planner/Zoning Administrator or other Authorized Agent pursuant to *Section 17.2.01, Subd. 4, B: Application Forms and Fees and Section 17.2.01, Subd. 4, C: Application Deadline*.
- D. Staff Review. The City Planner/Zoning Administrator or other Authorized Agent shall complete the following review tasks:
 - (1) Determine if the application is complete pursuant to *Section 17.2.01, Subd. 4, D: Application Completeness*;
 - (2) Notice a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*;
 - (3) Review the application, considering the approval criteria and prepare a report to the Planning Commission with a recommendation for final action.
 - (4) Be sure the review and approval process time frame complies with MN Statute 15.99 Time Deadline for Agency Action.



E. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:

- (1) The Planning Commission shall hold a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*; and
- (2) The Planning Commission (considering the approval criteria) shall make a recommendation of approval or denial of the proposed amendment to the City Council.

F. City Council Final Action.

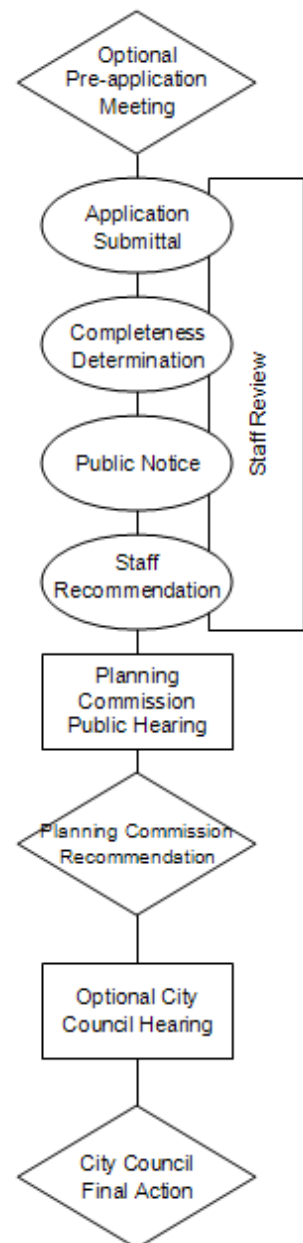
- (1) After reviewing the recommendation of the Planning Commission, the City Council may order a second public hearing before the City Council pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*;
- (2) The City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested Ordinance amending the Zoning Map.
- (3) Approval, or approval with conditions, shall require a majority vote and sometimes a 2/3 vote of the entire City Council as determined by MN Statute.

Subd. 3 Approval Criteria for a Zoning Map Amendment.

In determining whether to approve with conditions, or deny an application for a Zoning Map Amendment (rezoning), the following criteria shall be considered:

A. Criteria.

- (1) The Zoning Map Amendment is consistent with the Comprehensive Plan;
- (2) The Zoning Map Amendment promotes public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
- (3) The Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- (4) The property to be amended (rezoned) is suitable for the uses permitted by the Zoning District that would be applied by the proposed Zoning Map Amendment.



17.2.04 Zoning Ordinance Text Amendment.

Subd. 1 Applicability. The text of the Zoning Ordinance may be amended whenever the public necessity, convenience, general welfare, or good zoning practice require. Amendments may also be made to correct errors in the text of the Zoning Ordinance or to address changed or changing conditions affecting the City. All text amendments must be consistent with the Comprehensive Plan.

Subd. 2 Review Process.

- A. Pre-Application Meeting. If a proposed development requires a text amendment to the Zoning Ordinance, the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to *Section 17.2.01, Subd. A.: Pre-application Meeting*.
- B. Initiation. A text amendment may be initiated by any of the following:
- (1) The Planning Commission;
 - (2) The City Council;
 - (3) The City Planner/Zoning Administrator or other Authorized Agent; or
 - (4) The property owner or their Authorized Agent.
- C. Application Submittal. A complete application shall be submitted to the City Planner/Zoning Administrator or other Authorized Agent pursuant to *Section 17.2.01, Subd. 4, D: Application Deadline*, and include the following:
- (1) The Applicant's name and address;
 - (2) The precise working of any proposed amendment to the text of this Chapter; and
 - (3) In the event that the proposed amendment would change the zoning classification of any property:
 - a. A legal description and street address of the property proposed to be re-classified,
 - b. The name and address of the owner or owners of the said property;
 - c. The present zoning classification and existing uses of the property proposed to be reclassified,
 - d. The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof, and
 - e. A map, drawn to scale, clearly showing the property proposed to be reclassified and its present zoning classification and existing uses.
- D. Staff Review. The City Planner/Zoning Administrator or other Authorized Agent shall complete the following review tasks:
- (1) Determine if the application is complete pursuant to *Section 17.2.01, Subd. 4, D: Application Completeness*;

- (2) Notice a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*; and
 - (3) Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.
 - (4) Be sure the review and approval process time frame complies with MN Statute 15.99 Time Deadline for Agency Action.
- E. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:
- (1) The Planning Commission shall hold a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*; and
 - (2) The Planning Commission (considering the approval criteria) shall make a recommendation of approval or denial of the proposed amendment to the City Council.
- F. City Council Final Action.
- (1) After reviewing the recommendation of the Planning Commission, the City Council may order a second public hearing before the City Council pursuant to *Section 17.2.01, Subd. 6.: Public Hearing and Noticing Requirements*.
 - (2) The City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested Ordinance amending the Zoning Map.
 - (3) Approval, or approval with conditions, shall require a majority vote of the entire City Council.

Subd. 3 Approval Criteria. In determining whether to approve with conditions, or deny an application for a text amendment to the Zoning Ordinance, the following criteria shall be considered:

A. Criteria.

- (1) The text amendment is consistent with the Comprehensive Plan;
- (2) The text amendment promotes public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
- (3) The text amendment is compatible with the present zoning and conforming use of the property and the character of the neighborhoods.

17.2.05 Creation of a Planned Unit Development (PUD) Overlay District.

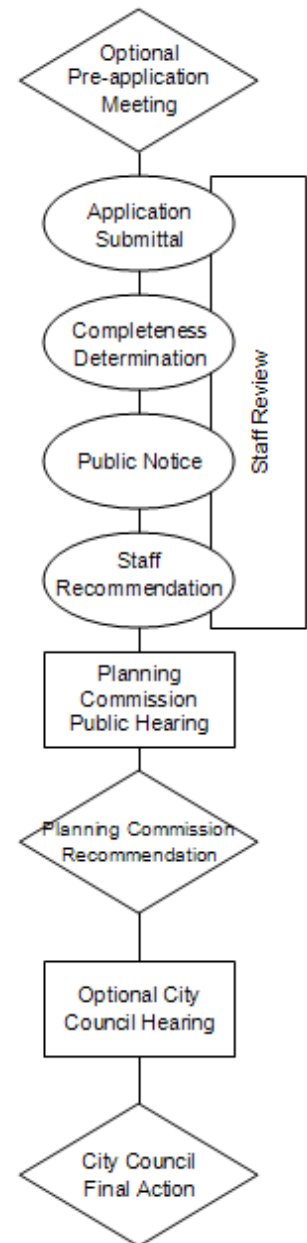
Subd. 1 Applicability. A tract of land proposed to be developed as a Planned Unit Development (PUD) shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easements, and other provisions with the County.

The provisions of this Section are generally intended for application to larger and / or unique sites where a flexible approach to zoning regulations would facilitate more efficient use of the site and protection of natural resources achieved through clustering development and other innovative site planning and design techniques.

Subd. 2 General Review Process. The creation of a PUD Overlay District requires a Zoning Map Amendment pursuant to *Section 17.2.05: Zoning Map Amendment (Rezoning)*. In addition, the review process for the creation of a PUD Overlay District involves two phases: review of a PUD – Preliminary Plan (PUD-PP) and review of a PUD- Final Plan (PUD-FP). The following describes each review phase. An applicant has the option to submit an application for a PUD- Final Plan at the same time as an application for a PUD- Preliminary Plan.

Subd. 3 PUD- Preliminary Plan Review Process.

- A. Pre-application Meeting. The property owner of a proposed development that is intended to proceed as a PUD is encouraged to request a pre-application meeting pursuant to *Section 17.2.01, Subd. 4, A: Pre-application Meeting*.
- B. Initiation. Application for a PUD-Preliminary Plan (PUD-PP) shall be initiated by the property owner or their designated agent. The application shall have control of all property in the proposed PUD. An application for a Preliminary Plat shall be submitted in conjunction with the Preliminary Plan.
- C. Application Submittal. A complete application shall be submitted to the City Planner/Zoning Administrator or other Authorized Agent for approval of a PUD-Preliminary Plan pursuant to *Section 17.2.01, Subd. 4, B: Application Forms and Fees* and *Section 17.2.01, Subd. 4, C: Application Deadline*. The application shall contain the following information and the information required for a Preliminary Plat per Chapter 13, Subdivision Code:
 - (1) Legal description of the tract of land;
 - (2) Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development;
 - (3) Evidence of the financial capability of the applicant to complete the proposed development;
 - (4) Plans drawn to convenient scale, showing the current zoning classification and existing land use of the tract, and those tracts directly adjacent to it, and any significant topographical or physical features of the tract;



- (5) Three copies of preliminary plans, drawn to a convenient scale, showing the following information:
 - a. Land use and development densities;
 - b. The size, arrangement, and location of parcels;
 - c. The proposed general location of buildings or groups of buildings;
 - d. The location of public and private streets;
 - e. The location of recreational areas and open space, and description about who will own and maintain;
 - f. A general landscaping plan;
 - g. A general grading plan, indicating onsite storm water management facilities and indicating the amount and location of off-site drainage;
 - h. Identification of mature vegetation on the site and a proposal to preserve such vegetation worthy of protection;
 - i. Identification and / or delineation of wetlands and floodplains within the site and a proposal to protect such areas from encroachment or degradation;
 - j. Statistical data on the size of the development, density / intensity of various sub-areas, and expected phasing or staging.
 - k. A description of the intended organizational structure for a property owner's association, if any; and
 - l. A description of the deed restrictions or restrictive covenants, if any.
 - m. A subdivision preliminary plat application.
- (6) When the proposed development includes provisions for common open space or recreational facilities, a statement must be submitted, describing the provisions that are to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and / or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by – laws of such entity shall be submitted;
- (7) Copies of restrictive covenants that are to be recorded with respect to property included in the proposed development.
- (8) When the development is to be constructed in stages of units, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit. When a development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be

provided in the entire development as the stages or units completed or under development bear to the entire development.

- (9) When it deems it to be necessary, the Planning Commission may require a traffic survey setting out and analyzing the effect that the development will have upon traffic in the streets and thoroughfares adjacent to and in the proposed development;
- (10) A statement showing the relationship of the proposed development to the Comprehensive Plan and future land use plan of the City;
- (11) A statement as to why the proposed development will not cause substantial injury to the value of other property in the neighborhood; and
- (12) A statement as to how the proposed development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations.
- (13) Context map. A map of the project including its relationship to the surrounding properties, topography, or other prominent site features;
- (14) Statement. A statement as to why the Planned Unit Development (PUD) zoning is proposed. The statement shall identify reasons why Planned Unit Development (PUD) zoning is preferable to development under standard zoning districts.
- (15) Additional plans. The Planning Commission or City Council may require other special studies, plans, or additional information that would aid in consideration of the proposed development.

D. Staff Review. The City Planner/Zoning Administrator or other Authorized Agent shall complete the following tasks:

- (1) Determine if the application is complete pursuant to *Section 17.2.01, Subd. 4, D: Application Completeness*;
- (2) Notice the public hearing pursuant to *Section 17.2.01, Subd. 6.: Public Hearing and Noticing Requirements*;
- (3) Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action; and
- (4) Be sure the review and approval process time frame complies with MN Statute 15.99 Time Deadline for Agency Action.

E. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:

- (1) The Planning Commission shall hold a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*; and

- (2) The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions or denial to the City Council.

F. City Council Final Action.

- (1) After reviewing the recommendation of the Planning Commission, the City Council may order a second public hearing before the City Council pursuant to *Section 17.2.01, Subd. 6.: Public Hearing and Noticing Requirements.*
- (2) The City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and the PUD- Preliminary Plan. The ordinance associated with the PUD- Preliminary Plan is an interim zoning classification that does not enable any development until the PUD- Final Plan is approved.
- (3) Approval, or approval with conditions of the PUD- Preliminary Plan shall require a majority vote of the entire City Council.

Subd. 4 PUD – Specific Implementation Plan Review Process.

- A. Initiation. Application for PUD- Final Plan (PUD – FP) shall be initiated by a property owner or their designated agent. The Applicant shall have control of all property in the proposed PUD. An Application for a Final Plat shall be submitted with the Final Plan application.
- B. Application Submittal.
 - (1) A complete application shall be submitted to the City Planner/Zoning Administrator or other Authorized Agent for approval of a PUD- Final Plan pursuant to *Section 17.2.01, Subd. 4, B.: Application Forms and Fees* and *Section 17.2.01, Subd. 4, C: Application Deadline.* The application shall contain all the information required for the Preliminary Plan review specified in this Section, except that the information shall be in final and detailed form. In addition, the applicant shall submit all other required plans for review and action this will include a subdivision final plat application as required in Chapter 13, Subdivision Code.
 - (2) The application shall be submitted within twelve (12) months of approval of the PUD- Preliminary Plan. Failure to provide the PUD- Final Plan within twelve (12) months of approval of the PUD- Preliminary Plan shall result in the automatic repeal of the previously approved PUD – Preliminary Plan.
- C. Staff Review. The City Planner/Zoning Administrator or other Authorized Agent shall complete the following tasks:
 - (1) Determine if the application is complete pursuant to *Section 17.2.01, Subd. 4, D: Application Completeness;* and
 - (2) Review the PUD – Final Plan. If the PUD- Final Plan is consistent with the PUD – Preliminary Plan, then the City Planner/Zoning Administrator

or other Authorized Agent shall prepare a report and a recommendation to the Planning Commission that directs the Planning Commission to hold an informational meeting to take their final action on the plan.

- (3) If the PUD – Final Plan is not consistent with the PUD – Preliminary Plan, then the City Planner/Zoning Administrator or other Authorized Agent shall prepare a report to the Planning Commission that identifies the discrepancies and directs the Planning Commission to hold a public hearing pursuant to the public hearing requirements for the PUD – Preliminary Plan.
- (4) Be sure the review and approval process time frame complies with MN Statute 15.99 Time Deadline for Agency Review.

D. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:

- (1) If the City Planner/Zoning Administrator or other Authorized Agent's report identifies that the PUD – Final Plan is substantially consistent with the approved PUD- Preliminary Plan, then the Planning Commission (considering the approval criteria) shall hold an informational meeting and make a recommendation to the City Council to approve, approve with conditions, or deny the PUD- Final Plan.
- (2) If the City Planner/Zoning Administrator or other Authorized Agent's report identifies that the PUD – Final Plan is substantially inconsistent with the approved PUD – Preliminary Plan, then the Planning Commission shall hold a public hearing pursuant to the public hearing requirements for the PUD – Preliminary Plan. Following the public hearing, the Planning Commission (considering the approval criteria) shall make a recommendation to the City Council to approve, approve with conditions, or deny the PUD – Final Plan.

E. City Council Final Action.

- (1) After reviewing the recommendation of the Planning Commission, the City Council may order another public hearing before the City Council pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements.*
- (2) The City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and approving the PUD – Final Plan. The ordinance associated with the PUD – Final Plan shall incorporate the Specific Implementation Plan, including any conditions or restrictions that may be imposed by the City Council.
- (3) Approval, or approval with conditions, shall require a majority vote of the entire City Council.

Subd. 5 Approval Criteria. In determining whether to approve, approve with conditions, or deny a PUD- Preliminary Plan or a PUD- Final Plan, the Planning Commission and City Council shall consider the approval criteria for a Zoning Map

Amendment as specified in *Section 17.2.05* as well as the following approval criteria with special consideration given to whether the plan would or would not be in the public interest:

A. Criteria.

- (1) Comprehensive Plan. Consistency with the City of Cloquet Comprehensive Plan.
- (2) Consistency with this Chapter. The extent to which the plan departs from the provisions of this Chapter otherwise applicable to the subject property, including, but not limited to, density, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest.
- (3) Provisions for services. The manner in which the plan does or does not make adequate provisions for public services / utilities, traffic, and recreational amenities.
- (4) Open space. The nature and extent of open space, the reliability and sufficiency of the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities proposed in the plan.
- (5) Effect on the neighborhood. The relationship, beneficial or adverse, of the Planned Unit Development project upon the neighborhood in which it is proposed to be established.
- (6) Phasing. In the case of a plan that proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan.
- (7) Relationship to existing structures. In developed areas, the suitability of the proposed structures in relation to existing structures to remain and anticipated future development of the area.

Subd. 6 Conditions that may be attached to a PUD. The City Council may attach any conditions to the approval of a PUD – Preliminary Plan and / or the approval of a PUD-Final Plan that it deems necessary to address any of the following conditions or other applicable conditions not herein listed:

A. Conditions.

- (1) Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type and intensity of activities that may be conducted;
- (2) Control and sequence of development, including when it must be commenced and completed;
- (3) Control the duration of the use of development and the time within which any structures must be removed;
- (4) Ensure that development is maintained properly in the future;
- (5) Designate the exact location and nature of development; and

- (6) Establish more detailed records by submission of drawings, maps, plats, or specifications.

Subd. 7 Effect of the PUD – Final Plan Approval. The approved PUD – Final Plan, together with the conditions and restrictions imposed by the City Council, shall constitute the final zoning for the subject property. The zoning provisions applicable to the underlying zoning districts shall continue to be applicable where consistent with the PUD – Final Plan.

Subd. 8 Building Permit Restrictions. Development permits and building permits for a Planned Unit Development shall not be issued until the PUD – Final Plan is approved by the City Council. No building permit shall be issued for any structure within the PUD – Final Plan until the City Planner/Zoning Administrator or other Authorized Agent certifies that it conforms to the provisions of the PUD – Final Plan and all other applicable provisions of this Chapter. Any change of the PUD – Preliminary Plan or the PUD – Final Plan prior to approval of the PUD – Final Plan shall be submitted to the City Planner/Zoning Administrator or other Authorized Agent. If the City Planner/Zoning Administrator or other Authorized Agent determines that the change constitutes a substantial modification, the applicant or developer will be required to amend the PUD – Final Plan, and if necessary, the PUD – Preliminary Plan, following the review procedures set forth in this section. If in the opinion of the City Planner/Zoning Administrator or other Authorized Agent, such changes do not constitute a substantial alteration of either of the PUD- Preliminary Plan or the PUD – Final Plan, the change may be accomplished by approval of the City Planner/Zoning Administrator or other Authorized Agent. Such approved changes or modification shall be documented and recorded in the official file of the City on the Planned Unit Development.

Subd. 9 Expiration. If substantial development progress has not occurred within twelve (12) months of a PUD – Final Plan approval, the City Council, following a Planning Commission recommendation, may revoke the PUD- Preliminary Plan and the PUD – Final Plan approval and revert the site zoning to its previous zoning district classification.

17.2.06 Conditional Use Permit.

Subd. 1 Applicability. A conditional use permit is required for development that would generally not be appropriate within a district, but might be allowed within certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require the imposing of conditions before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.

Subd. 2 Review Process.

- A. Pre-Application Meeting. If a proposed development requires the issuance of a conditional use permit, the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to *Section 17.2.01, Subd. 4, A: Pre-application Meeting*.
- B. Preliminary Appearance. Prior to filing a formal application for a conditional use permit as hereinafter provided, a prospective applicant may, by letter to the Chairman of the Planning Commission, request a preliminary appearance before the Planning Commission at one of its regular public meetings to generally acquaint the Planning Commission with the proposed request for a conditional use and to obtain the preliminary views of the Commission prior to the expenditure of funds necessary to prepare the complete documentation required for a formal application.

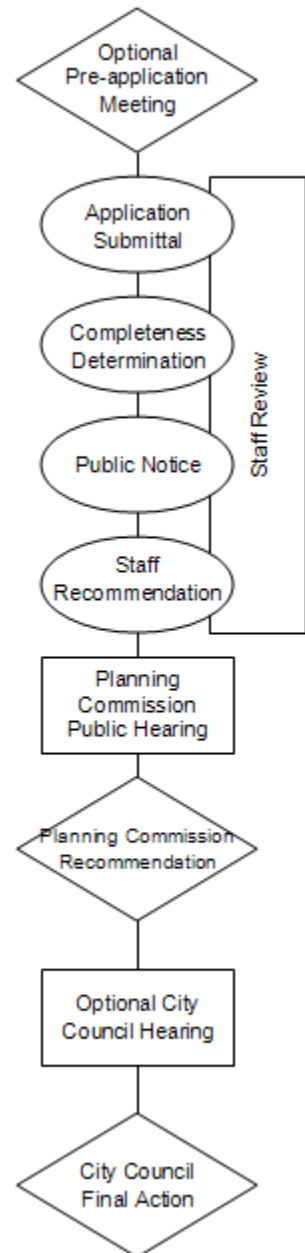
At such preliminary appearance, the prospective applicant shall present such information and plans as he shall deem necessary to generally acquaint the Planning Commission with his proposal.

At such preliminary hearing, the members of the Planning Commission may make such inquiries and express such views concerning the proposal as they shall deem appropriate. The Planning Commission may, by written order, excuse the prospective applicant from submitting any specific item of information or document required, which it may find to be unnecessary to the consideration of the application to be filed.

- C. Initiation. Initiation of a conditional use permit may be made upon application of the property owner or their designated agent.
- D. Application Submittal. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to *Section 17.2.01, Subd. 4, B: Application Forms and Fees* and *Section 17.2.01, Subd. 4, C: Application Deadline*.

Except as specifically excused by a written order of the Planning Commission, a copy of which order shall be attached to the application, the application shall contain the following information and be accompanied by the following submissions, as well as such additional information and submissions as may be prescribed by rule of the Planning Commission:

- (1) Legal description of the tract of land;



- (2) A statement showing the relationship of the proposed development to the Comprehensive Plan and future land use plan of the City;
 - (3) A statement as to why the proposed development will not cause substantial injury to the value of other property in the neighborhood; and
 - (4) A statement as to how the proposed development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations.
- E. Staff Review. The Zoning Administrator or other Authorized Agent shall complete the following tasks:
- (1) Determine if the application is complete pursuant to *Section 17.2.01, Subd. 4, D: Application Completeness*;
 - (2) Notice a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*; and
 - (3) Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.
 - (4) Be sure the review and approval process time frame complies with MN Statute 15.99 Time Deadline for Agency Action.
- F. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:
- (1) The Planning Commission shall hold a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*; and
 - (2) The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions, or denial to the City Council.
- G. City Council Final Action.
- (1) After reviewing the recommendation of the Planning Commission, the City Council may order a second public hearing before the City Council pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*;
 - (2) The City Council shall review the request, the Planning Commission's recommendation, and the approval criteria and take action to approve, approve with conditions, or deny the request.
 - (3) A Conditional Use Permit may be approved by an affirmative vote of a simple majority of the City Council.

Subd. 3 Approval Criteria. In determining whether to approve, approve with conditions, or deny a request for issuance of a conditional use permit, the Planning Commission and the City Council shall consider all relevant factors specified in other

applicable sections of this Chapter, including standards for specific requirements for certain land uses and activities. In addition, the following approval criteria shall apply:

A. Criteria.

- (1) Consistency with the Comprehensive Plan. The relationship of the proposed use to the goals, objectives, and policies of the City of Cloquet Comprehensive Plan.
- (2) Compatibility. The compatibility of the proposed use with existing development within three hundred (300) feet of the proposed use and within five hundred (500) feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible.
- (3) Importance of services to the community. The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any, and without undue inconvenience to the developer, and the availability of alternative locations equally suitable.
- (4) Neighborhood protections. The sufficiency of terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood.
- (5) Conformance with other requirements of this Chapter. The conformance of the proposed development with all provisions of this Chapter.
- (6) Other factors. Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Planning Commission or the City Council feels are necessary for review in order to make an informed and just decision.

Subd. 4 Conditions that may be attached to a Conditional Use Permit. The Planning Commission may recommend and the City Council may attach any conditions to the approval of a conditional use permit that deems necessary to address any of the following conditions or other applicable conditions not herein listed:

A. Conditions.

- (1) Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type of intensity of activities that may be conducted;
- (2) Control the sequence of development, including when it must be commenced and completed;
- (3) Control the duration of use of development and the time within which any structures must be removed;
- (4) Ensure that development is maintained properly in the future;
- (5) Designate the exact location and nature of development; and

- (6) Establish more detailed records by submission of drawings, maps, plats, or specifications.

Subd. 5 Additional Information.

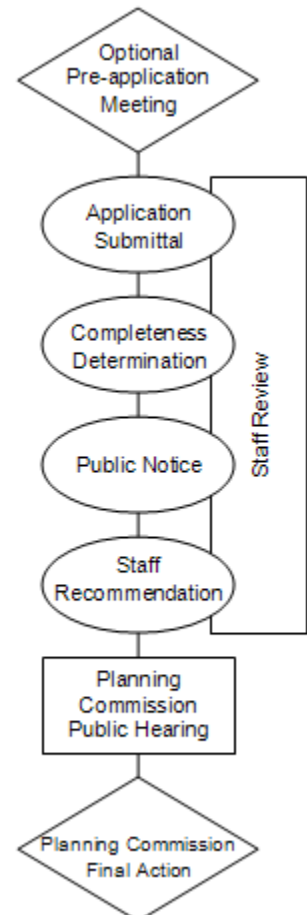
- A. A conditional use permit shall be valid for a period of one year (except when issued specifically for a Planned Development, in which case the period of validity shall extend to eighteen (18) months), after which the same shall be revoked in the event that any proposed construction, alteration or operation has not been started in accordance with the terms of such permit.
- B. A conditional use permit, once issued, shall be transferable in the event of change of property ownership or control providing, however, that those conditions attached to the original permit shall be applicable to the responsible agent following such change. It shall be the duty of the original permit holder to advise the party assuming control regarding the conditions of such permit.
- C. Any decision of the City Council shall be final subject to appeal recourse to District Court in accordance with State Law. Such appeal must be filed within sixty (60) days of the date of said decision. Failure to file an appeal within such time period shall render the appeal void.
- D. No reapplication of any case denied by the City Council may be made within one (1) year of the date of such denial.
- E. A conditional use permit which has been validly acted upon within the time period allowed above by establishment of the conditional use, shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than one year for any reason, and without further action required by the City.

17.2.07 Variance.

Subd. 1 Applicability. The Planning Commission, acting as the Board of Adjustments and Appeals, may authorize variances from the provisions of this Chapter which are based on amended Mn. Stat. 2010 Sec. 394.27, Subd. 7 and Mn. Stat. 462.357, Subd. 6.

Subd. 2 Review Process.

- A. Pre-application Meeting. If a proposed development requires the approval of a variance, then the property owner or their designated agent is encouraged to request a pre-application meeting with the City Planner/Zoning Administrator or other Authorized Agent pursuant to *Section 17.2.01, Subd. 4, A: Pre-application Meeting*.
- B. Initiation. Initiation of a variance may be made upon application of the property owner or their designated agent.
- C. Application Submittal. A complete application shall be submitted to the City Planner/Zoning Administrator or other Authorized Agent pursuant to *Section 17.2.01, Subd. 4, B:*



Application Forms and Fees and Section 17.2.01, Subd. 4, C: Application Deadline.

D. Staff Review. The City Planner/Zoning Administrator or other Authorized Agent shall complete the following review tasks:

- (1) Determine if the application is complete pursuant to *Section 17.2.01, Subd. 4, D: Application Completeness*;
- (2) Notice a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*; and
- (3) Review the application, considering the approval criteria, and prepare a report to the Planning Commission, acting as the Board of Adjustments and Appeals, with a recommendation for final action.
- (4) Be sure the review and approval process time frame complies with MN Statute 15.99 Time Deadline for Agency Action.

E. Planning Commissions Final Action. The Planning Commission, acting as the Board of Adjustments and Appeals, shall complete the following tasks:

- (1) The Planning Commission shall hold a public hearing pursuant to *Section 17.2.01, Subd 6: Public Hearing and Noticing Requirements*; and
- (2) The Planning Commission, acting as the Board of Adjustments and Appeals, shall take action to approve, approve with conditions, or deny the variance request based on the approval criteria specified in this Section. In granting any provision under this Section, the Planning Commission shall designate such conditions that will secure substantially the objectives of the regulations or provisions in the application of which the variance is granted as to light, access to direct sunlight for solar energy systems, air, character of the neighborhood, conformity to the Comprehensive Plan, and, generally, the public health, safety, comfort, convenience, and general welfare.
- (3) Approval, or approval with conditions, shall require a majority vote of four (4) or more of the members of the Planning Commission.

Subd. 3 Approval Criteria. Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Economic considerations alone do not constitute practical difficulties. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustments may impose conditions in the granting of variances; those conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance may be granted unless all of the following conditions exist:

A. Practical Difficulties.

- (1) The property owner proposes to use the property in a reasonable manner not permitted by an official control;
- (2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (3) The variance, if granted, will not alter the essential character of the locality.

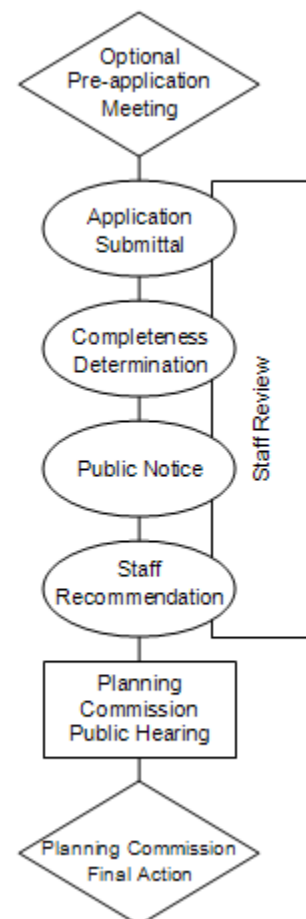
Subd. 4 Appeals. Any decision of the Planning Commission shall be final subject to appeal recourse to District Court in accordance with State Law. Such appeal must be filed within thirty (30) days of the date of decision. Failure to file an appeal within such time period shall render the appeal void.

17.2.08 Appeal of an Administrative Decision.

Subd. 1 Applicability. The Planning Commission, acting as the Board of Adjustments and Appeals, shall hear and decide appeals from and review any order, requirement, decision or determination made by the City Planner/Zoning Administrator or other Authorized Agent in the enforcement of this Chapter, where it is alleged that there is an error.

Subd. 2 Review Process.

- A. Initiation. Any appeal may be taken to the Planning Commission by any person or by any officer, department, board or commission of the City affected by a decision of the City Planner/Zoning Administrator. Such appeal shall be taken within fourteen (14) days of the action complained of by filing with the City Planner/Zoning Administrator or other Authorized Agent, and with the City Administrator a notice of appeal specifying the grounds thereof. A nonrefundable filing fee, established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany the notice of appeal filed with the City Administrator. The Administrative Officer shall forthwith transmit to the Planning Commission all of the papers constituting the record upon which the action appealed from was taken.
- B. Application Submittal. A request for an appeal of an administrative decision shall be made in writing to the City Planner/Zoning Administrator or other Authorized Agent. The request shall provide sufficient information for the Planning Commission to make an informed and just decision.
- C. Staff Review. The City Planner/Zoning Administrator or other Authorized Agent shall complete the following tasks:
 - (1) Within seven (7) days of receipt of a request for an appeal of an administrative decision, the City Planner/Zoning Administrator or other Authorized



Agent shall review the evidence and make a report of the facts to the Planning Commission.

- (2) Be sure the review and approval process time frame complies with MN Statute 15.99 Time Deadline for Agency Action.

D. Planning Commission Final Action. The Planning Commission shall complete the following tasks:

- (1) Conduct a public meeting.
- (2) Following the close of the public meeting, the Planning Commission shall render a decision on the appeal.
- (3) Any decision of the Planning Commission in accordance with this Section may be appealed to District Court within thirty (30) days of the date of said decision in accordance with applicable state law. Failure to file an appeal within such time period shall render the appeal void.
- (4) No reapplication of any case denied by the Planning Commission may be made within one (1) year of the date of such denial.

Subd. 3 Approval Criteria. In determining whether an administrative official's actions were appropriate, the Planning Commission, acting as the Board of Adjustments and Appeals, shall consider the details of the case presented by the Applicant and the administrative officials, and the Commission shall consider the requirements of this Chapter. All findings and conclusions shall be based on reliable evidence.

17.2.09 Discontinuance or Vacation of a Public Right of Way.

The process for Discontinuance or Vacation of a Public Way is pursuant to Minnesota Statute 412.851 as may be amended from time to time.

17.2.10 Site Plan Approval.

Subd. 1 Applicability. Site Plans conforming to the following requirements shall be required whenever any person proposes to place any structure for which a building permit is required under any other Section of this code, on any tract or parcel of land with the exception of one and two-family dwellings and their associated accessory buildings. Site Plans for one- and two- family dwellings and associated accessory buildings shall be reviewed by City Staff only to assure compliance with applicable zoning requirements.

Subd. 2 Review Process.

A. Sketch Plan. Applicants may present a sketch plan to the City Planner/Zoning Administrator prior to filing a formal application. The plan shall be conceptual but shall be drawn to scale with topography of a contour interval not greater than two (2) feet and may include the following, as determined by the City Planner/Zoning Administrator:

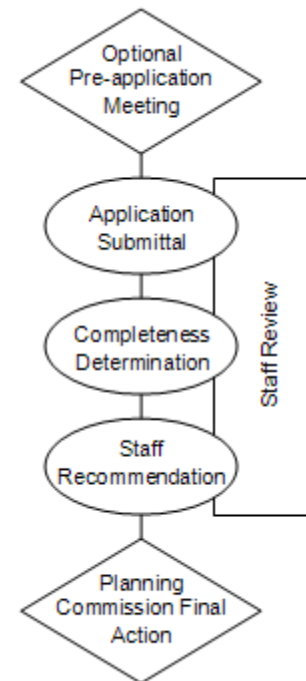
- (1) The proposed site with reference to existing development on adjacent properties, at least to within two hundred (200) feet;
- (2) General location of existing and proposed structures;

- (3) Tentative street arrangements; both public and private;
- (4) Amenities to be provided such as recreational areas, open space, walkways, etc;
- (5) General location of parking areas;
- (6) Existing and proposed public sanitary sewer, water and storm drainage;
- (7) A statement showing the proposed density of the project with the method of calculating said density also shown.

The City Planner/Zoning Administrator shall have the authority to refer the sketch plan to the Planning Commission and / or City Council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the City Planner/Zoning Administrator, Planning Commission, and / or City Council shall be considered advisory only and shall not constitute a binding decision on the request.

B. Minor Projects. The following shall be considered minor projects and subject to review procedures as indicated:

- (1) Zoning Staff Review Only.
 - a. Building projects that comprise less than 10% building footprint expansion.
- (2) Administrative Review per *Section 17.2.01*.
 - a. Building projects that comprise a 10%-30% building footprint expansion.
 - b. Plantings / landscaping. (Example: the planting of trees, shrubs, sod and the like).
- (3) Procedure: Administrative Review approval of eligible site plans shall be subject to the following procedural requirements:
 - a. Plan review will be a coordinated review by other City departments and divisions as determined by the City Planner/Zoning Administrator;
 - b. Site Plans involving properties within approved Planned Unit Developments shall be subject to applicable evaluation in this Section.
 - c. Any variance proposal will automatically require the entire application to be processed in accordance with the Planning Commission review and approval provisions of *Section 17.2.11: Variance*.
 - d. Administrative approval including all applicable conditions and requirements shall be made in writing by the City Planner/Zoning



Administrator. The applicant, in addition to all other applicable requirements, shall submit a written acknowledgement of that approval prior to the commencement of any development and prior to the issuance of any permit.

- e. Any unresolved dispute as to administrative interpretation of City Code, Ordinance, or policy requirements may be formally appealed pursuant to this *Chapter*.
- C. Major Projects. A major project is defined as one or both of the following and subject to review as prescribed in this *Section* require review and approval by the Planning Commission and City Council.
- (1) Construction on an existing parcel of new structures that may or may not be in conjunction with site improvements or redevelopment site of vacant undeveloped lands, and / or;
 - (2) Building projects that comprise more than a 30% building footprint expansion;

Subd. 3 Site Plan Review Requirements for Major Projects Only.

A. Requirements.

- (1) Certificate of Survey;
- (2) Request for site plan approval, as provided within this Section, shall be filed with the City Planner/Zoning Administrator on an official application form. Such application shall be accompanied by a fee as determined by the City Council. Such application shall be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Planner/Zoning Administrator, fully explaining the proposed change, development, or use and a list of property owners within three hundred fifty (350) feet of the subject property in a format prescribed by the City Planner/Zoning Administrator if adjacent to residentially zoned property. A notice shall be mailed out to those property owners a minimum of 10 days prior to the Planning Commissions public meeting, this is not a public hearing. The request shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.
- (3) Proof of Ownership or Authorization. The applicant shall supply proof of ownership of the property for when the site plan approval is requested or supply written authorization from the owner (s) of the property in question to proceed with the requested site plan approval.
- (4) The City Planner/Zoning Administrator shall coordinate the review of the site plan, and provide general assistance in preparing a recommendation on the action to the Planning Commission and the City Council.
- (5) The Planning Commission and City staff have the authority to request additional information from the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and /

or to establish performance conditions in relation to all pertinent Sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

- (6) The applicant or a representative thereof may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
- (7) The Planning Commission shall recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Section. The Planning Commission shall forward its recommendation to the City Council. The Planning Commission may recommend approval, approval with modifications, or denial of the site plan. In the event of a recommendation for denial, the Planning Commission shall provide the reasons for its decision.
- (8) Upon receiving the report and recommendations of the Planning Commission the City Administrator shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- (9) The applicant or a representative thereof may appear before the City Council in order to present information and answer questions concerning the proposed request. The City Council may hold one or more additional informational meetings prior to the approval or denial of the site plan. The City Council may require modifications to the site plan as a condition of approval provided such modifications are consistent with the provisions of this Chapter.
- (10) Approval of the site plan shall require passage by a majority vote of the City Council.
- (11) Denial. If an application for site plan approval is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed use fails to meet the standards and intent of this Chapter.
- (12) Expiration of Approval. Approval of a site plan shall remain valid for one (1) year. Failure to commence development in accord with an approved site plan within one (1) year after the date of approval shall result in revocation of approval. An extension of site plan approval for up to twelve (12) months may be granted by the City Council.
- (13) Site Plan Amendment. Any approved site plan may be amended in accordance with the standards and procedures established herein, including payment of fees; provided that the City Planner/Zoning Administrator may waive such procedures for those minor changes listed in this Section. Such minor changes shall not be made unless the prior written approval for such change is obtained from the City

Planner/Zoning Administrator. No fees shall be required for such minor changes as follows:

- a. Moving building walls within the confines of the smallest rectangle that would have enclosed such original approved building(s). Relocation of building entrances or exits, shortening of building canopies;
- b. Changing to a more restrictive commercial or industrial use, provided there is no reduction in the amount of off-street parking as originally approved;
- c. Substituting plant species, provided a nursery or landscape architect certifies the substitute species is similar in nature and screening effect;
- d. Changing type and design of exterior lighting fixtures, provided a certified engineer or architect certifies there will be no change in the intensity of light at the property boundary;
- e. Increasing peripheral yards;
- f. Other acceptable changes / modifications as approved by the Zoning Administrator or other Authorized Agent.

Subd. 4 Criteria for Approval. The City Council shall approve the site plan if it finds that the plan meets the following standards:

A. Criteria.

- (1) Consistency with the City's adopted Comprehensive Plan;
- (2) Compliance with all applicable Ordinances including, but not limited to provisions for parking, landscaping and screening.
- (3) Reasonable accommodation of unique geologic, geographic or historically significant characteristics;
- (4) Consideration of adjacent and neighboring properties through adequate design and provision for such matters as surface water drainage, building location and orientation, parking and access drives, lighting, and trash storage;
- (5) Reasonable consideration for the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

Subd. 5 Application for Site Plan Review and Approval. Application for Site Plan review and approval shall include the following information:

A. Application.

- (1) Existing conditions: topography at 2-foot contours, significant woodlands, wetlands and water bodies, existing structures and easements;

- (2) Contextual setting: identification of existing land uses, zoning, and street systems within three hundred (300) feet of the site perimeter and identification of existing structures on all adjacent parcels;
- (3) Proposed grading and drainage;
- (4) Proposed location and dimensions of all proposed structures, public and private streets or drives, and exterior parking and drives areas and walkways;
- (5) A staging plan and proposed schedule if the project is to be developed incrementally over time;
- (6) Proposed landscaping plan as per *Section 17.5.04*;
- (7) Proposed screening as per *Section 17.5.03* with site cross sections to show the effectiveness of screening;
- (8) Calculations of total gross site acreage, net developable acres, percentage of lot coverage, percentage of impervious surface coverage, usable open space and proposed density in terms of lot area / unit and units / developable acre (for multi-family development), required and provided parking;
- (9) Proposed building elevations and materials for proposed structures;
- (10) Proposed lighting plan indicating the planned area of exposure and the effective illumination in foot candles;
- (11) Proposed signage;
- (12) Proposed recreation areas and facilities.

Subd. 6 Site Plan Review Requirements and Performance Standards. All site plans for development activities defined above shall be reviewed by the Planning Commission and approved by the City Council according to the following design / performance standards. Modifications of these standards may be granted by the City Council if the Council finds that a modification would result in a more suitable development plan for a particular site and that such modification is in keeping with the general spirit of this Chapter.

- A. Curbs. Interior concrete curbs shall be constructed within the property to separate driving and parking areas from landscaped areas and control surface drainage.
- B. Walkways. Surfaced walkways shall be provided from parking areas, loading zones, recreation areas, and walkways along City streets to the entrances of buildings.
- C. Trash Storage. Any exterior storage of trash and recyclables shall be enclosed within a container and completely screened by a wall constructed of the same materials as the principal building. A trash storage facility shall be setback a minimum of five (5) feet from the property line or right of way line.
- D. Parking Structures. Detached accessory parking structures shall be constructed of the same materials as the principal structure.

- E. Lighting. On-site lighting shall be provided as necessary for security, safety, and traffic circulation. Lighting shall be designed and installed in conformance with the standards set forth in *Section 17.5.12* of this Chapter.
- F. Usable Open Space. Each multi-family development complex shall have a minimum usable open space area equal to three hundred (300) square feet for each dwelling unit. A portion of the open space area, unless specifically designed for senior citizens, shall include a paved recreation area and children's play equipment. The recreation area shall be located a minimum of one hundred (100) feet from any water body, wetland or ponding area.

17.3 Review and Approval Authorities

17.3.01 General Provisions.

Subd. 1 Intent. This Section establishes review and approval authority under this Chapter of the City Code. Specific requirements for each type of application or permit are described in *Section 17.2: Application, Review, and Approval Procedures*.

Subd. 2 Conformity with Development Regulations. Every official and employee with the City of Cloquet vested with the duty or authority to issue a permit, certificate, or license under this Chapter shall not issue such for any use, building, or purpose that conflicts with any provision of this Chapter. Any permit, certificate, or license issued in conflict with the provisions of this Chapter shall be null and void.

Subd. 3 Other Review and Approval Authorities and Powers and Duties. This Chapter may reference various review and approval authorities that are not specifically described in this Section. Such lack of description shall not invalidate such review and approval authorities. Furthermore, the review and approval authorities may have additional powers and duties beyond those specified in this Chapter.

17.3.02 City Planner/Zoning Administrator.

Subd. 1 Establishment of Office. There is hereby established the Office of City Planner/Zoning Administrator.

Subd. 2 Powers and Duties of the City Planner/Zoning Administrator or other Authorized Agent. The City Planner/Zoning Administrator or other Authorized Agent shall properly administer and enforce this Chapter. In addition and in furtherance of such authority, the powers and duties of the City Planner/Zoning Administrator or other Authorized Agent shall include, but not be limited to, the following:

- A. Examine all applications pertaining to the use of land, buildings, or structures, and grant approval of permits or take other appropriate action on such applications when in conformance with the provisions of this Chapter.
- B. Keep a record of all non-conforming uses within the several zoning districts in the City.
- C. Periodically inspect buildings, structures, and uses of land to determine compliance with the terms of this Chapter.
- D. Notify in writing any person responsible for violating a provision of this Chapter, indicating the nature of the violation and ordering the action necessary to correct it.
- E. Order discontinuance of illegal use of land, buildings or structures; order removal of illegal buildings, structures, additions, or alterations; order discontinuance of illegal work being done; or take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.
- F. Maintain permanent and current records of this Chapter, including all maps, amendments, conditional uses and variances.

- G. Maintain a current file of all permits, zoning certificates, certificates of zoning compliance and notices of violation, discontinuance or removal, for such time as necessary to ensure a continuous compliance with the provisions of this Chapter, and on request, provide information to any person having a proprietary or tenancy interest in any specific property or to any individual seeking an understanding or clarification of the regulations and procedures stipulated in this Chapter.
- H. Attend all scheduled Planning Commission meetings and hearings in an ex-officio capacity. The responsibility for drafting recommendations, resolutions and decisions for the public record may be assigned to the Zoning Administrator at the option of the chairperson of the Commission.

17.3.03 Building Official.

Subd. 1 Establishment of Office. There is hereby established the Office of the Building Official to include the positions of Building Official and such other inspectors as the City Council may from time to time provide to supervise the construction of buildings and permanent equipment of buildings. Such officials shall be selected by the Mayor with approval of the City Council at a salary fixed by the City Council. The Building Official position is also created by adoption of the State Building Code.

Subd. 2 Powers and Duties. The Building Official shall have power and it shall be his or her duty to enforce the provisions of this Chapter and of all other laws and lawful orders of the State of Minnesota and of all ordinances of the City of Cloquet relating to buildings. The Building Official may appoint other Authorized Agents who shall have the power and duty to enforce all, or specific portions of, said ordinances and laws. In addition and in furtherance of such authority, the powers and duties of the Building Official or other Authorized Agent shall include, but not be limited to, the following:

- A. Assist with the enforcement of zoning, health, and safety codes;
- B. Inspect buildings, grounds, construction, maintenance, and repair activities to ensure compliance with this Chapter and Minnesota Statutes;
- C. Enter upon any private or public premises during any reasonable hours to make inspections thereof;
- D. Review job specifications and plans;
- E. Issue permits and citations and keep the following permit records in his or her office:
 - (1) Applications for building permits numbered consecutively;
 - (2) The number, description, and size of all buildings erected during his or her term of office indicating the type of material used and the cost of each building;
 - (3) All inspections made;
 - (4) All removal and condemnations of buildings; and
 - (5) All fees collected by him or her showing date of their receipt and delivery to the City Treasurer.

- F. Make a monthly report and an annual report to the City Council regarding activities of the Office of the Building Official; and
- G. Perform other functions as required by the City Administrator or the City Council.

17.3.04 Planning Commission

The Planning Commission is a Commission appointed by the Mayor of Cloquet with the approval of the Council. All duties, responsibilities and procedures are specified in *Chapter 2, Section 2.2.01* of the City Code of the City of Cloquet.

17.3.05 City Council

The City Council Members are members elected by and represent their respective wards as representatives on the City Council. The duties, responsibilities and procedures are specified in *Chapter 2, Section 2.1.03* of the City Code of the City of Cloquet.

17.4 General Standards

17.4.01 General Standards. Except as hereinafter provided: No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

Subd. 1 Compliance. No building or other structure shall hereafter be erected or altered:

- A. to exceed in height;
- B. to accommodate or house a greater number of families;
- C. to occupy a greater percentage of lot area;
- D. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than therein required; or in any other manner contrary to the provisions of this Chapter.

Subd. 2 Area Requirements. No part of a yard, or other open space, or off-street parking or loading spaces required for or in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, except where specifically exempted by a district provision in this Chapter.

No yard or lot existing at the time of passage of this Chapter shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

Subd. 3 Minimum Requirements. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Wherever the requirements of this Chapter are in variance with the requirements of any other lawfully adopted rules, regulation ordinances, deed restriction or covenants, the most restrictive or that imposing the higher standards, shall govern.

Subd. 4 Dwelling on Any Lot of Record. In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of this Chapter irrespective of its area or width, provided the applicable yard and other open space requirements are satisfied or modified by the Planning Commission as set forth in *Section 17.2.11: Variance*.

Subd. 5 Height Limitations Not Applicable. The height limitations stipulated in this Chapter shall not apply to the following:

- A. Essential Service Structures, Architectural Features, Etc.
 - (1) Church spires.
 - (2) Belfries.
 - (3) Cupolas and domes.

- (4) Monuments.
- (5) Water towers.
- (6) Fire and hose towers.
- (7) Observation towers.
- (8) Transmission towers.
- (9) Chimneys.
- (10) Smoke stacks.
- (11) Flag poles.
- (12) Radio and television towers.
- (13) Masts and serials.
- (14) Parapet walls extending not more than four (4) feet above the limiting height of the building.

- B. Elevator Penthouses, etc. Elevator penthouses (elevator machinery loft), monitors, and scenery lofts, provided no linear dimension of any such structure exceeds fifty percent (50%) of the corresponding street lot line frontage. Fire hose or cooling towers, elevators, gas holders or other structures incorporated into a principal structure where a manufacturing process requires a greater height shall be accepted.

Subd. 6 Yards and Frontage Limitations Not Applicable. The yard and frontage limitations stipulated elsewhere in this Chapter shall not apply to the following:

- A. Average Depth of the Front Yard – Front Yard Observed. In any district where front yards are required and where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard that is greater or less than the required front yard in the district, no building housing a principal use as defined by this Chapter shall project beyond the average front yard so established. Where such varying average front yard setback has been so established, no variance action by the Planning Commission shall be required for structure placement. Accessory buildings and uses shall maintain the normal front yard setback requirement of the district in which located unless a variance of those requirements is obtained in accordance with *Section 17.2.11: Variance*.

Subd. 7 Yard Space, General. Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located except as specified below. The required yard space for any building, structure, or use shall be contained on the same lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or districts which the principal use is permitted. Any required yard space shall be open from thirty (30) inches above the ground to the sky except as specified in *Subd. 9 of this Section*.

Subd. 8 Placement of Single and Two-Family Residential Structures on Large Lots. In any residence district where a single or two-family structure is to be developed on large lots which could later be subdivided and still meet the dimensional and area requirements for

another lot for the district in which it is situated, it is desirable but not mandatory for such structure to be placed in a manner which would permit such later subdivision.

Subd. 9 Yard Space Encroachments – Projections into Yards. The following projections may be permitted into any front, rear or exterior side yard adjoining a street lot line:

- A. Cornices, sills, belt courses, eaves and other ornamental features to a distance of not more than two (2) feet six (6) inches.
- B. Fire escapes to a distance of not more than four (4) feet six (6) inches.
- C. Landings and uncovered porches, when constructed more than six (6) inches above the ground level at the building line, to a horizontal distance of not more than eight (8) feet, but in no case shall it be closer than five (5) feet to the property line, provided said landing or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet six (6) inches may be placed around such structure.
- D. Bay windows and chimneys to a distance of not more than three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) the length of the building wall on which they are located.
- E. Attached car ports or canopies to a distance of not more than four (4) feet six (6) inches but in no case shall it be closer than five (5) feet to the property line..
- F. Balconies, in residential districts, to a distance of not more than four (4) feet into yards of less than twenty (20) feet and to a distance of not more than eight (8) feet into yards of more than twenty (20) feet; provided that said balconies do not occupy, in the aggregate, more than one-third (1/3) the length of the building wall on which they are located.

Interior Side Yards: Subject to the limitations for features projecting into front yards, said features may also project into required yards adjoining interior side lot lines, provided that the distance shall not exceed one-fifth (1/5) of the required least width of such side yard and not more than three (3) feet in any case.

Subd.10 Yard Space Exception, Steep Slopes.

In any Residential District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree or percent of slope that is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Chapter, such garage may be located within such front yard, but not in any case closer than twenty (20) feet to the street line.

Subd. 11 Erection of More than One Principal Structure on a Lot. In any district, no more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot. A Planned Unit Development may allow more than one principal structure on a lot.

Subd. 12 Animals other than Domestic House Pets/Animals.

- A. A. No animals, other than domestic house pets/animals, as defined in *Section 17.1.05*, shall be permitted in any zoning district other than the FR Farm Residential District. Chickens (laying hens) may be kept in all residential districts as an accessory use. See each specific district for the requirements.
- B. No structure (excluding a doghouse, chicken coop and pen area) or uses of land intended for the care and grooming of animals other than domestic pets/animals, as defined in *Section 17.1.05*, shall be permitted in any zoning district except the FR-Farm Residential District.

Subd. 13 Controls Applicable to the Moving of Buildings – All Districts.

- A. No existing principal buildings shall be relocated on any different and separate building site within the City without the prior approval of the City Planner/Zoning Administrator or other Authorized Agent. Any person desiring to relocate any building shall first file a request therefore and apply for a permit and pay a filing fee as stipulated by the City Planner/Zoning Administrator. The City Planner/Zoning Administrator shall review the permit and shall take action on the request.
- B. The City Planner/Zoning Administrator or other Authorized Agent, in making their decision, as to whether to grant or not to grant a permit to relocate a building within or into the City limits, shall, but will not be limited to, consider the following factors:
- (1) Whether the new proposed location is large enough in area for the relocation of the building thereon and if such relocation conforms in all respects with the Zoning Ordinance of the City of Cloquet.
 - (2) Whether the building will conform in architectural style or size with any existing buildings in the new location. If not, whether it would be detrimental to the economic development of the area to permit said relocation.
 - (3) Whether modification is required and is possible as a condition of the granting of the permit.
 - (4) Whether a permit should be issued conditioned upon the petitioner performing any other act or acts deemed necessary by the Commissioners and / or Council to fulfill the intent of this requirement.
- C. The City Planner/Zoning Administrator or other Authorized Agent shall determine that if it is in the best interest of the City to grant the permit, it shall do so and shall sign said permit.

Subd. 14 Controls Applicable to the Storage of Firewood, Lumber, and Wood Products Used in Construction – All Residential Districts except FR - Farm Residential District.

- A. Standards. In the interest of protecting public health and safety, wood piles must be erected, located, and maintained in a safe and orderly fashion and in accordance with the minimum standards established by this Section. These standards shall apply to the storage of wood on residential properties within the City except for the exemptions noted below. These standards shall apply to any wood or wood product usually used

or intended to be used as firewood in the residence or any accessory structure, as well as any lumber and other wood products used in construction. In enacting these standards, it is not the intention of the City to absolve individual property owners from responsibility for their own protection and the protection of others, nor is it the intention to create any additional rights of action against the City.

- B. Conditions of Storage. Firewood, lumber and other wood products shall be stored in the following fashion:
1. In neat and secure stacks;
 2. The height of the wood pile over three (3) feet high shall be no more than twice its width. The maximum height allowed is seven (7) feet;
 3. In a manner and location to minimize possible problems of rat or other pest infestation;
 4. No wood shall be stored in a front yard or yard that is commonly considered the front yard. On corner lots, the front yard is that yard which corresponds to the street address of the property;
 5. The maximum amount of wood that may be stored is twenty-four (24) cords, but in no event shall the amount stored result in exceeding the maximum percentage of lot coverage as specified in *Section 17.6.24: Tabulation of Dimensional and Special Requirements for Zoning Districts*.
- C. Exceptions. Wood storage under the following circumstances shall be exempt from the conditions outlined above:
1. Wood stored or kept in covered structure impervious to the elements;
 2. Temporary storage of logs for up to thirty (30) days outside of the required areas of setback from property lines and street rights-of-way is allowed for the purpose of cutting and splitting logs to a size useable in the residence's wood burning device;
 3. Temporary storage for up to thirty (30) days of lumber and other wood products used in construction is allowed outside of the required areas of setback from property lines and street rights-of-way.
- D. Non Conforming Wood Piles. Any wood pile existing at the time of enactment of these regulations and not in conformance with these minimum standards must be removed or placed in compliance with these provisions within six (6) months of said enactment. Wood piles established after the date of enactment of these regulations shall be done so in conformance with these minimum standards.
- E. Variances. A variance of any part of these regulations may be granted by the Planning Commission in accordance with *Section 17.2.11* of this Chapter only upon presentation of evidence that (1) the essential character of the neighborhood will not be altered by granting the variance, and (2) special and unique circumstances exist relative to the property in question which prevent strict adherence to the regulations.

17.4.02 Performance Standards.

Subd. 1 Compliance Required. No land or building in any district shall be used or occupied in any manner so as to create a dangerous, injurious, noxious or otherwise objectionable element; also fire, explosive, or other hazard; excessive noise or vibration; smoke, dust, odor or other form of air pollution; also generate heat, cold, dampness, electrical or other condition or element in such a manner, or in such amount, as to adversely affect the surrounding area of adjoining premises, provided that any use permitted or not expressly prohibited by this Chapter may be undertaken and maintained if it conforms to the regulations of this Section limiting objectionable elements at the point of the determination of their existence.

Subd. 2 Points of Measurement. The determination of the existence of any Objectionable Element shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent; provided, however, that the measurements necessary for enforcement or performance standard set forth in this Section shall be taken at property line boundaries.

Subd. 3 Performance Standard Regulations. The following provisions, standards and specifications shall apply:

- A. Fire and Explosion Hazard. All activities involving, and all storages of, inflammable and explosive materials shall be provided at conveniently accessible places, with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires shall be prohibited at any place. The relevant provisions of State and local laws and regulations shall apply in all cases.
- B. Radioactivity or Electric Disturbances. No activities shall be permitted which emit dangerous radiation at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance. Radioactive emissions shall be further subject to applicable federal and state regulations.
- C. Noise. At the points of measurement, the sound pressure level of noise radiated from a facility at night time, during the hours of 10:00 p.m. to 7:00 a.m., shall not exceed fifty (50) decibels (sound pressure level decibels re 0.0002 dynes / cm²), or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above 300 cycles per second. The sound pressure level shall be measured with a Sound Level Meter (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, publication 224.3 – 1944) and an Octave Band Analyzer (American Standard Specification for an Octave – Band Filter Set for the Analysis of Noise and Other Sounds, publication 224.10 – 1953) that conforms to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.) periodic character (humming, screech, etc.) or shrillness.

For facilities which radiate noise only during a normal daytime working shift, the allowable decibel level given above shall be increased twenty (20) decibels, or ten

(10) decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is the higher. Sirens, whistles, bells, etc., which are maintained and utilized solely to serve a public purpose (such as fire sirens) are excluded from the above regulation.

- D. Vibration. No ground vibration shall be permitted which is discernable without instruments at the points of measurement for ordinance enforcement.
- E. Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart (published by McGraw-Hill Publishing Company, Inc., and copyrighted 1954, being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 3 of said chart may be emitted for four (4) minutes in any thirty (30) minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity.
- F. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be unreasonably noxious at the points of measurement. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, 'Odor Thresholds', in Chapter 5, 'Air Pollution Abatement Manual', copyrighted 1951 by Manufacturing Chemists' Assn., Inc., Washington D.C.
- G. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property, or which can cause any excessive soiling, at any point. Noxious emissions shall be measured as to degree of severity following the guidelines and standards of the Pollution Control Agency (PCA).
- H. Glare. No direct or structural or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise shall be permitted so as to be visible at the points of measurement. This restriction shall not apply to signs otherwise permitted by the provisions of this Chapter.
- I. Heat. Every use and activity shall be so operated that it does not raise the ambient air temperature more than two degrees Fahrenheit (2° F) at or beyond the point of measurement.
- J. Liquid or Solid Wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground except in accord with standards approved by the Department of Health of the State of Minnesota or standards equivalent to those approved by such department for similar uses, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

Subd. 4 State Standards. The State of Minnesota Pollution Control Standards shall take precedence over the above regulations except where City standards are higher. Current State

regulations shall be kept on file in the office of the City Planner/Zoning Administrator, and shall be the determining standard in resolving questions regarding performance standards.

Subd. 5 Compliance. In order to ensure compliance with the performance standards set forth above, the City Planner/Zoning Administrator, with approval of the City Council, may require the owner or operator for any use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigations and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the City. Where compliance is determined, incurred costs shall be divided equally between the use and the City; where a violation exists, said use shall remit full payment for all incurred costs.

17.4.03 Outside Storage / Display – All Districts.

Subd. 1 Outside Storage.

- A. Passenger automobiles and trucks not currently licensed by the State, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of ninety-six (96) hours, and all materials stored outside in violation of the City Ordinances are considered refuse or junk and shall be disposed of pursuant to City regulations.
- B. Any accumulation of refuse not stored in containers which comply with City Code, or any accumulation of refuse including car parts which has remained on property for more than one (1) week is hereby declared to be a nuisance and may be abated by order of the City Planner/Zoning Administrator, as provided by Minnesota Statutes.
- C. In all zoning districts, outside storage, including but not limited to equipment storage and the parking of vehicles, shall be prohibited as a principal use of property.
- D. Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the City, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, industrial manufacturing, testing, or storage of items used with or in a business, commercial or industrial enterprise, unless otherwise approved by the City Planner/Zoning Administrator or other Authorized Agent.
- E. The City Council may order the owner of any property to cease or modify open storage uses including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

Subd. 2 Residential Zoning Districts.

- A. Personal Property. All personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following:
 - (1) Basketball hoop provided it is set back at least four (4) feet from any lot line.
 - (2) Stacked firewood for the burning supply of the property pursuant to *Section 17.5.06 and Section 17.4.01 Subd. 15.*

- (3) Construction and landscaping materials or equipment, if these are used or intended for use on the premises within a period of three (3) months, unless there is an active building permit issued for improvements on the property, or as otherwise approved by the City Planner/Zoning Administrator or other Authorized Agent.
- (4) Agricultural equipment and materials, if these are used or intended for use on the premises within a period of twelve (12) months.
- (5) Off-street parking of licensed passenger automobiles and personal vehicles pursuant to *Section 17.5.11*.
- (6) Recreational equipment.
- (7) Recreational vehicles and recreational camping vehicles, provided they are located in a side or rear yard, or in a designated driveway or parking area that is surfaced in compliance with *Section 17.5.11*.
- (8) One non-vehicular ice-fishing house may be located in a rear or equivalent rear yard, provided it is set back at least six (6) feet from any lot line.

Subd. 3 Commercial, Public / Institutional and Industrial Zoning Districts.

- A. Outside Storage / Display. Exterior storage and display shall be governed by the respective zoning district in which such use is located.
- B. Additional Standards. All exterior storage shall be located in the rear or side yard, shall be screened with materials of ninety percent (90%) or more opacity, and shall screen views from adjoining properties and public streets except for the following:
 - (1) Merchandise being displayed for sale in accordance with zoning district requirements.
 - (2) Materials and equipment currently being used for construction on the premises.

17.4.04 Non-Conformities.

Subd. 1 Intent. Within the district established by this Chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this Chapter was passed or amended, but which would be prohibited under the terms of this Chapter or future amendment.

It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this Chapter that non-conformities shall not be enlarged upon, expanded nor extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

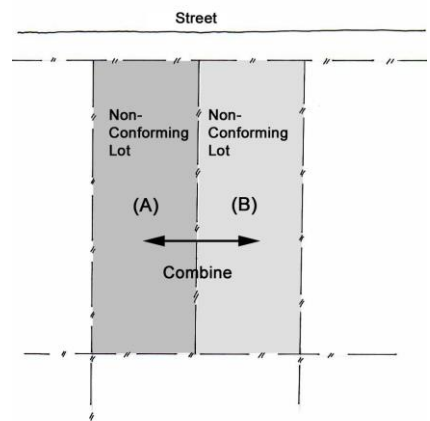
A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Chapter by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, or by the addition of other uses, if such additions are a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

Subd. 2 Non-Conformities.

- A. Non-conforming Lots of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory buildings may be erected on any undeveloped single lot of record at the effective date of adoption or amendment of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of lot coverage and / or yard requirements shall be obtained only through action of the Planning Commission acting as the Zoning Board of Adjustment and Appeals.

If in the case of two (2) or more contiguous lots or parcels of land under single ownership, any individual lot or parcel does not meet the minimum requirements of this Chapter, such individual lot or parcel shall not be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots so that the combination of lots will equal one or more parcels of land meeting the full requirements of this section



or the provisions of the zoning district in which the property is located, whichever is more restrictive. In no circumstances will there be approval of any proposal for multiple lot developments based upon lots of record, and not conforming with the provisions of the existing zoning district.

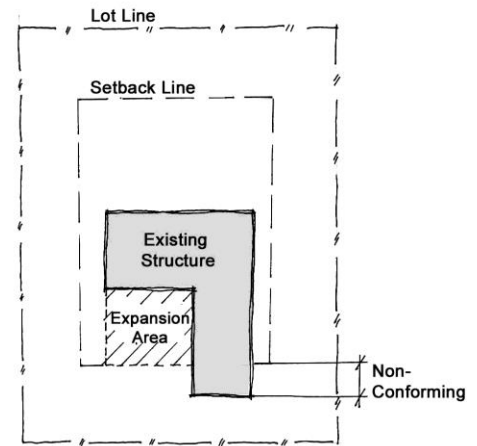
- B. Non-Conforming Uses of Land. Where the effective date of adoption or amendment of this Chapter, lawful use of land exists that is no longer permissible under the terms of this Chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter.

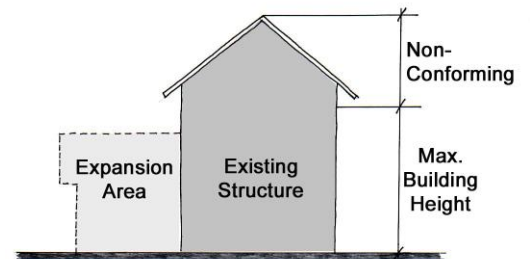
- (2) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Chapter.
- (3) If any such non-conforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.

C. Non-Conforming Structures. Any structure existing on the effective date of this Chapter, which is not in conformity with the regulations contained in this Chapter, shall be allowed to continue, subject to the following:

- (1) Nothing in this Chapter shall prevent the placing of a structure in safe condition when the Building Official declares said structure unsafe.
- (2) When any lawful non-conformity in any district is discontinued for a period of more than twelve (12) months or is changed to a conforming use, any future use of said structure or land shall be in conformity with the provisions of this Chapter.
- (3) Non-conforming structures may not be enlarged or altered in a way that increases their non-conformity unless in compliance with the following:



- (a) Expansion or alteration of a structure found to be non-conforming may be permitted provided the expansion complies with the requirements of this Chapter.



- (3) Whenever a lawful non-conforming structure has been damaged by fire, flood, explosion, earthquake, war, riot, act of God or similar occasion, it may be reconstructed, and used as it was before, if it is reconstructed within twelve (12) months after such calamity. If the damage to the building or structure is fifty percent (50%) or more of its fair market value, the owner may, within six (6) months, apply for a building permit to reconstruct a non-conforming structure for its use prior to the damage.
- (4) Any structure which will, under this Chapter, become non-conforming but for which a building permit has been lawfully granted prior to it becoming non-

conforming, may be completed in accordance with the approved plans; provided construction has started within sixty (60) days of the date it became non-conforming and continues to completion within one year. Such structure shall thereafter be a legally existing non-conforming structure.

- (5) A lawful non-conforming use of a structure or parcel of land may be changed to a similar or more restrictive non-conforming use. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use.
- (6) Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
- (7) Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or bulk of the building except that a garage may be added if none previously existed.
- (8) A lawfully existing non-conforming structure, or structure containing a legally existing non-conforming use may expand if the following criteria are satisfied:
 - a. A complete building permit application shall be submitted to the Building Official, found satisfactory and issued prior to the commencement of any work on the expansion.
 - b. The structure expansion shall meet all of the bulk standards for the Zoning District within which the structure is located. A variance may be applied for, if the structure expansion could not meet the respective bulk standards. The variance application and its review by the City shall be regulated according to *Section 17.2.11: Variance*.
 - c. If any expansion is requested under this sub-section, the City may impose standards and / or conditions upon the underlying non-conforming use or structure for purposes of health, safety or welfare.

- D. Repairs and Maintenance. On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current appraised market value of the building, provided that the cubical space content of the building as it exists at the time of passage or amendment of this Chapter shall not be increased.

Nothing in this Chapter shall be construed so as to prevent the restoration of a non-conforming structure to a safe condition when said structure is declared to be hazardous or unsafe by authorized City Administrative officials. Such restoration shall not extend the non-conforming structure in any manner, except as reasonably required to eliminate the hazardous or unsafe conditions.

17.4.05 Violations and Penalty.

Subd.1 Complaints Regarding Violations. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the City Planner/Zoning Administrator. The City Planner/Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Chapter.

Subd. 2 Violation and Penalty. Any person, firm or corporation who violates disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter, is guilty of a misdemeanor and, upon conviction thereof, shall be fined and / or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offences. Each act of violation and every day on which a violation occurs or continues is a separate violation.

17.5 Special Provisions

17.5.01 Accessory Buildings.

Subd.1 Requirements.

- A. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory, unless a permit to construct the principal building has been issued.
- B. No accessory building shall have more than one level nor shall it exceed the height of the principal building in all zones (excludes agricultural buildings in the FR District). A loft in an accessory structure is not considered a level if the floor area of the loft is less than fifty percent (50%) of that of the main level of the accessory structure. The City Council may allow accessory structures with more than one level pursuant to the Conditional Use procedures of this Code.
- C. In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply with the requirements of this Chapter applicable to the main building, or to another accessory building.

An accessory building, unless attached to and made a part of the main building shall not be closer than five (5) feet to the main building or to another accessory building.

- D. Accessory buildings either detached or attached to the dwelling, in all residential districts except F-R, Farm Residential District, are subject to the following limitations:
 - (1) All accessory buildings larger than 200 square feet shall be designed, constructed and finished of materials generally similar or compatible to the principal building on the lot.
 - (2) Accessory buildings constructed primarily of canvas, plastic fabric, or other similar non-permanent building materials shall be prohibited.
 - (3) Detached accessory buildings shall not be placed in any front yard, and shall comply with all the applicable setback requirements.
 - a. Exceptions. In the SR District, detached accessory buildings may be located in the front yard if the following conditions are met:
 - 1. The lot size shall be at least one acre in size.
 - 2. The principal building shall be existing as of June 1, 2010.
 - 3. The detached accessory building shall meet the front yard setback for a principal building in the SR District.

- 4. The detached accessory building shall be fully screened by existing vegetation, or new vegetation shall be installed to screen said accessory building to 90% opacity year-round.
- (4) Accessory buildings in the R-1 and R-2 Districts, and for one- and two-family dwellings in the R-3 District, shall be restricted in size in accordance with the formula in Table 17.45-1, listed below, based upon total lot size.
- (5) Accessory buildings in the SR District shall be restricted in size to no larger than 100% of the ground floor square footage of the principle dwelling on the lot.
- (6) Accessory garages for multi-family buildings shall be restricted in size to one (1) stall of three hundred (300) square feet per stall per dwelling unit of the principle building on the lot.

Table 17.45-1: Maximum Size of Accessory Buildings in R-1 and R-2 District	
<u>Size of Lot</u>	<u>Maximum Size of Accessory Building</u>
Less than 10,000 sq. ft.	672 sq. ft. *
10,000 sq. ft. to 1 acre	1,000 sq. ft.*
Larger than 1 acre to 1.5 acre	1,200 sq. ft. *
Larger than 1.5 acres	1,500 sq. ft. *

* Or 100% of the ground floor area of the dwelling unit on the same lot therewith, whichever is less.

- E. The square footage of accessory buildings shall be determined by the dimensions of the building enclosed walls. In the absence of walls, such as a carport or a wood pile shelter, square footage shall be measured by the area enclosed by the roof, minus any overhang less than three (3) feet wide. Any roof overhang wider than three (3) feet, whether or not enclosed walls are present, will be considered as an extension of the main building. The area covered by such extended overhang will be considered as part of the building's overall square footage measurement.
- F. A site plan and zoning permit shall be required for all accessory buildings. A fee shall be determined by the City Council for such application from time to time.

17.5.02 Required Yards and Open Space.

Subd. 1 Yards and Open Space. No yard or other open space shall be reduced in area or dimension so as to make such yard or open space less than the minimum required by this Chapter, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

No required yard or open space allocated to a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.

Subd. 2 Encroachments. The following shall not be considered to be encroachments of yard requirements:

- A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, provided they do not extend more than two and one-half feet into any required setback.
- B. Terraces, steps, uncovered porches, patios, stoops or similar structures, provided they do not extend above the height of the ground level of the principal building, and do not extend to a distance less than five feet from any lot line.
- C. Window or similar bays not to exceed a depth of three feet nor to contain an area of more than thirty square feet; fire escapes not to exceed a width of three feet.
- D. Fences and walls as regulated by *Section 17.5.05* of this Chapter.
- E. Detached outdoor picnic shelters, gazebos and recreational equipment and access drives, except as regulated hereinafter.
- F. Balconies, breezeways, sun porches, three season porches and the like which extend above the height of the ground level of the principal building shall be subject to required setbacks.

Subd. 3 Patio, Deck, Terrace, and Similar Uses.

- A. Patio. A patio shall be no closer than five (5) feet to any property line.
- B. Deck and / or Terrace. Decks and terraces shall comply with the minimum required setback of the principal building from the front, corner street side, and side parcel lines. Decks and terraces shall comply with the required setback of the principal building from the rear parcel line, but in no case shall a deck or terrace be required to be more than twenty-five (25) feet from the rear parcel line.
- C. Porch. A porch shall meet the required setbacks of the principal building.

Subd. 4 Sport Court, Play Equipment, and Similar Uses. Sport courts, play equipment, and similar uses shall meet the same setbacks required for an accessory building. However, sport courts, play equipment, and similar uses shall not count towards the maximum

allowable area of accessory buildings on a site but do count towards the maximum impervious surface requirements.

17.5.03 Screening. The screening required in this Section shall consist of a fence, wall, landscaping or earth berm but shall not extend within fifteen (15) feet of any public street. Natural features, such as differences in elevation, tree masses or similar features may negate the need for man-made screening in certain areas.

Subd. 1 Residential Districts. Screening shall be required in Residential Districts where:

- A. Any off-street parking lot contains more than five parking spaces
- B. Any material and equipment is stored other than recreational equipment, construction and landscaping materials currently being used on the premises or the off-street parking of automobiles and pick-up trucks
- C. Recreational vehicles over thirty (30) feet in length are stored for more than seventy-two (72) hours. Such vehicles shall be visually screened from adjacent properties and public streets. Such screening shall be at least six (6) feet in height and at least fifty percent (50%) opaque.

Subd. 2 Commercial and Industrial Districts. Screening shall be required in Commercial and Industrial Districts where:

- A. Any structure, parking or storage is adjacent to and within one hundred feet of property zoned for residential use.
- B. Any side yard of a business or industry is across the street from a residential zone.
- C. Any materials and equipment are stored outside except for those being used for construction on the premises.
- D. Height of screening for parking areas adjacent to residential or public properties shall be at least four (4) feet but no more than six (6) feet above the level of the parking lot. Minimum opacity shall be seventy-five percent (75%).
- E. Height of screening for loading facilities within view from public streets or adjacent to residential or public properties shall be ten (10) feet above the loading facility. Minimum opacity shall be ninety percent (90%).
- F. Trash storage facilities and mechanical equipment shall be screened from all lot lines and public streets. Screening shall be high enough to completely screen from property lines, but not less than five (5) feet or greater than ten (10) feet. Minimum opacity shall be ninety percent (90%). A trash storage facility shall be setback a minimum of five (5) feet from the property line or right of way line.
- G. Materials. Required screening may be achieved with any combination of the following: earth mounds, walls, fences, shrubs, compact evergreen trees, or dense deciduous hedge. In general, plant materials are preferred as opposed to walls and fences. If walls and fences are used, they shall be architecturally harmonious with the principal building. Color of freestanding fences and walls shall be compatible with natural surroundings; earth tone colors are encouraged.

- H. Location. Required screening shall be located on the same lot as the facility to be screened. It shall not be located within street rights-of-way, nor within fifteen (15) feet of any street or driveway opening onto a street.

Subd. 3 All Districts.

- A. Screening shall be required in all Districts where waste material is stored in containers other than an enclosed building.
- B. All screening shall be maintained by the property owners so as not to be unsightly, a nuisance or create a hazard or safety problem.

17.5.04 Landscaping Requirements.

Subd. 1 Intent. It is the intent of the City of Cloquet to preserve its significant natural resources as a complement to existing and future urbanization. In particular, steep slopes, very steep slopes, woodlands, wetlands and drainage ways shall be preserved in their natural state for their functional and ecological value as well as for their positive impact upon proximate urban development. It is the intent of the City to require significant landscaping / planting in open or disturbed areas as a normal part of land development. Specific requirements shall be as set forth in this *Section*.

Subd. 2 Landscape Plan Required. A landscape plan shall be provided for all new Industrial / Business / Office / Commercial / Multiple-Family Residential / and Public / Semi-Public facilities and developments. The applicant for a building permit shall submit a landscape plan prepared by a landscape architect, nursery designer or other qualified person in accordance with the provisions of this Section.

The landscape plan shall include the following information:

- A. General. Name and address of developer / owner; name and address of landscape architect, designer; date of preparation; date and description of all revisions; name of project or development.
- B. Site Plan. A scale drawing of the site based upon a survey of property lines with indication of scale and north point; name and right-of-way of proposed and existing streets; location of all proposed utility easements and rights-of-way; location of existing and propose buildings; parking areas; water bodies; proposed sidewalks.
- C. Landscape Plan. A scale drawing of proposed landscaping for the site based upon a survey of property lines with indication of scale and north point; existing and proposed topography at two (2) foot contour intervals; delineation of both sodded and seeded area; location and identification of proposed landscape or man-made materials used to provide screening from adjacent and neighboring properties; location and identification of all planting (trees, shrubs, flowers, ground cover, etc.) existing trees and shrubbery to remain; details of fences, retaining walls, berms and other landscape improvements; location of landscape islands and planter beds with identification of plant material used; and location and details of irrigation systems.
- D. Certain types of stormwater improvements that are landscaping in nature may qualify for stormwater utility credit (to be evaluated by City Engineer). Listed below are

certain stormwater best management practices that meet the city’s landscaping requirements; these areas are not required to be irrigated:

- (1) Rain Gardens. Residential or commercial rain gardens designed and vegetated to capture and soak in stormwater.
- (2) Green Roofs. Green roofs filter, absorb and detain rainfall. The specialized soil and plants reduce runoff by holding back and slowing down water that would otherwise flow into the storm drains.
- (3) Ribbon Curbs. Ribbon curbs, or curbless parking areas / streets, slope into adjacent vegetated areas and allow rain from paved areas to drain into rain gardens or vegetated swales. By reducing curbs and gutters, there are fewer infrastructure costs and water can drain into the structure and soak into the ground.

E. Planting Schedule. A table containing the common and botanical names, size of plant materials, root specifications, quantities and special planting instructions.

Subd. 3 General Requirements, All Districts.

A. Required Landscaping: All disturbed areas of developed lots which are not devoted to off-street parking, loading and driving areas, sidewalks, patios, gardens and similar uses, shall be landscaped with grass, ground cover, trees, shrubs or other ornamental landscape material. Minimum amount of green space on each site shall be twenty-five percent (25%) of the total lot. Undisturbed areas containing existing viable natural vegetation may be left in their natural state but shall be kept free of litter, debris and noxious or unsightly weeds.

B. Sodding, Seeding and Ground Cover. In newly developed areas, sod shall be required within street boulevards, within front and side yards which have been disturbed, and within all yards adjacent to collector and arterial streets. Seeding or other acceptable ground cover shall be required in rear yards. Seeding may be permitted in future expansion areas shown on approved plans.

C. Slopes and Berms. Final slopes greater than the ratio of 3/1 (35%) shall not be permitted without special approval or treatment, such as special seed mixtures or reforestation, terracing or retaining walls. Berming used to provide screening of parking lots and other open areas shall not have slopes in excess of 3/1 (35%).

D. Minimum Size of Required Trees or Shrubs.

Overstory Deciduous Trees	
One and Two-family lots	1-1/2” diameter
All other lots	2-1/2” diameter
Understory Deciduous Trees	1-1/2” diameter
Coniferous Trees	6 feet tall
Major Shrub planting	5 gallons

E. Species. All required overstory trees shall be comprised of species which are classified as overstory trees by the American Nurseryman’s Association. Trees which

are considered as half trees, shrubs, understory trees or ornamental trees shall not be included in the count of require overstory trees. No more than fifty percent (50%) of the required number of overstory trees shall be composed of one species.

- F. Placement of Plant Materials. No trees or shrubs shall be allowed within any drainage and utility easement or immediately adjacent to any driveway or street intersection when it would interfere with motorists or view of the street at maturity. Any trees planted must be seven (7) feet or greater from the curb or edge of road. Plant material centers shall be located at least three (3) feet from fences or property lines.
- G. Time Requirement for Installation. The landscaping required by this *Section* shall be installed to the satisfaction of the City within one (1) growing season of building completion or occupancy, whichever is first. In the event building occupancy occurs after September 15, installation shall be required by July 1 of the following year. A Financial Guarantee shall be provided in the amount of 125 percent of the cost to assure the installation of the landscaping.
- H. Responsibility. The developer shall be responsible for installation of required trees and plant material unless there is no developer involved, in which case the property owner shall be responsible. For three years after planting, the property owner shall be responsible for timely replacement of any dead trees, shrubs and ground cover required by this *Section* and shall maintain all materials in a sightly and healthy growing condition without cost to the City.

Subd. 4 Requirements for One- and Two- Family Lots and Subdivisions.

- A. Tree Planting. In addition to general requirements for landscaping in all districts as set forth above, all new residential subdivisions and all new one and two family dwellings shall be required to plant three (3) trees per single family lot and five (5) trees per two family lot. At least one tree per lot shall be an overstory tree. Multiple varieties shall be required for new subdivisions.

Minimum size of trees and planting time requirement shall be as set forth above. In the event the required trees are not installed as a part of a subdivision's public improvements, such trees shall be installed as part of the building permit requirements. Credit for preservation of existing trees may be given as determined by the Zoning Administrator.

- B. Where practical in newly developed areas, planted earth berms shall be provided along collector and arterial streets to minimize negative impacts upon residential properties from adjacent high traffic volumes. Plant material shall consist of tree and shrub types which most effectively provide a visual screen, as determined by the Zoning Administrator.

Subd. 5 Requirements for Commercial, Industrial, Public and Multiple Family Areas.

In developed areas other than one and two family lots, the following shall be required:

- A. Minimum Number of Trees per Lot. The minimum number of overstory trees shall be not less than the perimeter of the lot divided by fifty (50) or 1,000 square feet of gross floor area of the building whichever is greater. In addition, a full complement of

understory trees and shrubs shall be provided to complete a quality landscape treatment of the site.

B. Credit for Existing Trees: Sites containing significant existing trees which will be retained may be given a credit against the number of required trees. Significant trees are defined as coniferous trees six (6) feet or more in height, overstory deciduous trees eight (8) inches or more in diameter, or understory deciduous trees four (4) inches or more in diameter. Examples of acceptable overstory trees are oak, maple, basswood and ash. Examples of acceptable understory trees are crab apple, Russian olive, river birch and amur maple. The amount of credit will be based upon location and size as determined by the Zoning Administrator. Credit shall not be given for dead, diseased or damaged trees.

C. Certain types of stormwater improvements that are landscaping in nature may qualify for stormwater utility credit (to be evaluated by City Engineer). Listed below are certain stormwater best management practices that meet the city's landscaping requirements:

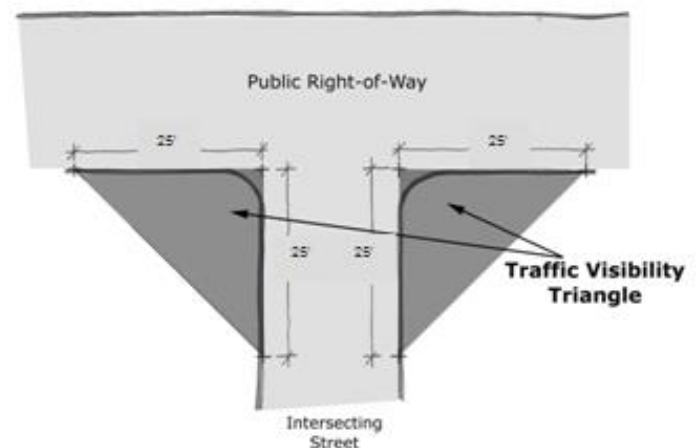
- (4) Rain Gardens. Residential or commercial rain gardens designed and vegetated to capture and soak in stormwater.
- (5) Green Roofs. Green roofs filter, absorb and detain rainfall. The specialized soil and plants reduce runoff by holding back and slowing down water that would otherwise flow into the storm drains.
- (6) Ribbon Curbs. Ribbon curbs, or curbsless parking areas / streets, slope into adjacent vegetated areas and allow rain from paved areas to drain into rain gardens or vegetated swales. By reducing curbs and gutters, there are fewer infrastructure costs and water can drain into the structure and soak into the ground.

- E. Planting Islands. Planting islands shall be required where necessary to visually break up expanses of hard surface parking areas as determined by the Zoning Administrator. Planting islands shall occupy at least five percent of the parking area.
- F. Irrigation. To ensure continued maintenance and health of plant materials, an irrigation system shall be required in all multifamily (greater than four unit housing), commercial, and industrial districts.

17.5.05 Fences. Fences shall be permitted in all yards subject to the following:

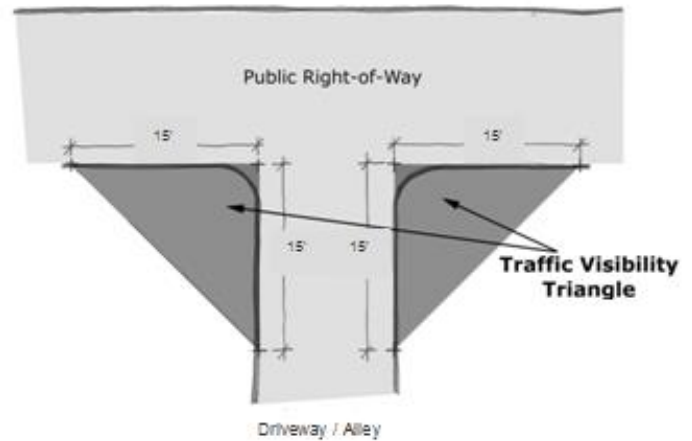
Subd. 1 Residential Districts. Fences in Residential Districts may be located on any lot line to a height of four feet. Exception: A fence up to six feet in height may be erected on the side, corner side and rear lot lines behind the nearest front corner of the principal building, provided that the fence meets the following requirements:

- A. No fence shall be permitted which poses a danger to vehicular traffic or pedestrians by obscuring the view from any street, alley, or driveway. No fence over three feet



(3') high shall be permitted in the following site triangles:

- (1) The sight triangle at the intersection of two streets described as beginning from a point at the paved edge (or face of curb) of the intersection, two sides of which extend a distance of twenty-five (25) feet along the edge of each street and the third side being a line connecting the other sides.
- (2) The sight triangle at the intersection of a driveway or alley described as beginning from a point at the paved edge (or face of curb) of the intersection, one side of which extends a distance of fifteen (15) feet along the edge of the driveway or alley, another side of which extends a distance of fifteen (15) feet along the paved edge (or face of curb) of the street, and third side being a line connecting the other sides.



- B. All fences must be located entirely outside of the street right-of- ways and in no case shall they be located closer to the paved edge of a street (or face of curb) than five feet.
- C. All fences placed across City utility easements must provide a gate for maintenance purposes.
- D. For the purpose of this fence ordinance, the City Planner/Zoning Administrator shall determine the rear lot line on through lots. In residential districts where the front yards of neighboring properties abut the street at the rear lot line of the subject property, a fence within thirty (30) feet of the street right-of-way at the rear lot line of the subject property shall not exceed four feet in height.
- E. Fence heights are measured to the top of the structure including any adornments that may be in place.

Subd. 2 Commercial, Public, Public / Institutional and Industrial Districts. Fences in Commercial and Industrial Districts may be erected on the lot line to a height of six (6) feet; to a height of eight (8) feet with a security arm for barbed wire if a Conditional Use Permit is obtained, pursuant to *Section 17.2.10*.

Subd. 3 Finishes. The finished side of fences shall face abutting property.

Subd. 4 Review. A zoning permit and site plan shall be required for all fences two feet six inches (2'6") or more in height. Exception: Fences in the F-R, Farm Residential District intended as livestock and / or field enclosures shall not require a zoning permit. A fee determined by the City Planner/Zoning Administrator shall be required to process the zoning permit.

Subd. 5 Fence Maintenance. Every fence shall be constructed in a high quality manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not by reason of age, decay, accident, or otherwise be allowed to become and remain in a state of disrepair so as to be or tend to be a nuisance to the injury of the public or any abutting property. Any fence that is dangerous by reason of its construction or state of disrepair or is otherwise injurious to the public safety, health, or welfare is a nuisance; any such fence that has become or tends to be a nuisance shall be repaired or removed as necessary to abate the nuisance caused.

17.5.06 Outdoor Wood-Fired Furnace. All outdoor wood-fired furnaces shall comply with the following provisions:

Subd. 1 Burning Requirements. An outdoor wood-fired furnace shall burn only clean firewood. All other materials including, but not limited to the following, shall not be burned in an outdoor wood-fired furnace pursuant to *Minnesota Statute 88.171: Open Burning Prohibitions*:

- A. Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes;
 - (1) Waste oil or other oily wastes;
 - (2) Asphalt and products containing asphalt;
 - (3) Treated or painted wood, including, but not limited to, plywood, composite wood products or other wood products that have been painted, varnished, or treated with preservatives;
 - (4) Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, or plastic containers;
 - (5) Rubber, including rubber tires or synthetic rubber-like products; or
 - (6) Newspaper, corrugated cardboard, container board, office paper, and other materials.
- B. An outdoor wood-fired furnace shall meet the setback requirements for an accessory structure in the applicable zoning district.
- C. An outdoor wood-fired furnace shall have a chimney that extends at least fifteen (15) feet above the ground surface. The chimney shall be constructed of block or of a galvanized-type metal that will not rust.
- D. An outdoor wood-fired furnace shall be separated from adjoining properties by a fence that is a minimum of six (6) feet in height.
- E. An outdoor wood-fired furnace installed prior to the adoption of this Chapter or an outdoor wood-fired furnace on property in the FR Farm Residential District that has an area of five (5) acres or more, shall be exempt from the chimney and fencing provisions of this *Section*.

- F. If the use of an outdoor wood-fired furnace creates a human health hazard or a public nuisance as determined by the Building Inspector, City Planner/Zoning Administrator, or other Authorized Agent of the City, continued use of said outdoor wood-fired furnace shall be prohibited until all necessary corrections have been made to the satisfaction of the City.

17.5.07 Mobile Storage Structures/Shipping Containers. Any assembly of materials which is so designed, constructed or reconstructed to make it portable and capable of movement from one site to another, designed to be used without a permanent foundation, designed with the purpose of storing tangible property and not for occupancy by persons, and to have one dimension exceeding ten (10) feet.

Subd. 1 Procedure for Residential Properties. The erection of a mobile storage structure shall require an administrative permit as may be issued by the City Planner/Zoning Administrator, except as otherwise provided by this Chapter.

Subd. 2 Special Requirements for Residential Properties.

- A. Location. Mobile storage structures may be located as a temporary structure on property within the City.
- B. Time Limitations. Mobile storage structures are allowed for a period not exceeding 48 hours in duration on a public street and not exceeding three weeks on private property, from time of delivery to time of removal. Exceptions for special circumstances may be granted by the City Planner/Zoning Administrator.
- C. Placement. No more than one mobile storage structure may be located on a specific piece of property within the City at one time. Such temporary structure may not be located on a specific property more than two times in any sixty-calendar-day period. Such temporary structure shall be located no closer than ten (10) feet to the property line unless on a driveway and must be placed on an impervious surface. Such structure may not be placed in a fire lane, or on a sidewalk. Such structure may not exceed eight feet six inches in height, ten (10) feet in width or twenty (20) feet in length. It shall be the obligation of the owner or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure.
- D. FR – Farm Residential District. On lots larger than 2-acres no more than one mobile storage structure/shipping container up to 40 feet in length or two up to 20 feet in length are allowed. The container(s) must be screened from view from the public right of way.

Subd. 3 Commercial/Industrial Properties. The erection of a mobile storage structure/shipping container is allowed on commercial and industrial properties. The storage structures do not need to meet the architectural and material design standards that may apply to the property. The storage structures can only be used by the businesses that are located on the site and not rented out for other users on the site. Containers may be kept on the site for purposes of being for sale or rental purposes off the site.

- A. Location. Mobile Storage structures/shipping containers are considered an accessory structure and must be located on property with a principal structure and meet the setback requirements for an accessory structure.
- B. Placement. No more than 10 mobile storage structures/shipping containers may be located on a piece of property within the City at one time unless they are being offered for sale or rental off site. Such structure may not be placed in a fire lane or on a sidewalk and must meet the minimum setbacks for an accessory structure in the zoning district they are located in.

17.5.08 Home Occupations. An accessory use of a dwelling carried on for gainful employment which is clearly incidental and subordinate to the use of the dwelling as a residence.

Subd. 1 Intent. It is the intent of this *Section* to provide for those customary home occupations of a primarily service character which may not be detrimental to the desired low intensity residential environment of Cloquet's neighborhoods. The basic philosophy underlying the following regulations is that preservation of a quiet residential environment and the use of dwellings for living purposes is primary, and conduct of home occupations is secondary.

Subd. 2 Permitted Home Occupation / Criteria and Standards. Customary home occupations as defined herein shall be permitted as accessory uses within the Residential Districts of the City of Cloquet subject to the following criteria and standards.

- A. A home occupation may include such uses as professional offices, small service establishments or offices, and home crafts which are typically considered accessory to a dwelling unit. Examples are architects, artists, writers, manufacturers' representatives, music teachers, beauticians, seamstresses, and food crafts.
- B. A state license day care or residential facility as defined and regulated by State law is considered a permitted single family use, and shall not be subject to home occupation regulations set forth herein.
- C. It is intended that retail sales of goods and products shall not be permitted with the following exceptions:
 - (1) Articles made or originating on the premises such as home crafts;
 - (2) Articles incidental to a permitted commercial service such as shampoo sold by a beautician or barber;
 - (3) Sales conducted by mail.
- D. It is intended that manufacturing, defined as the conversion of raw materials to finished products, shall not be permitted except for minor, unobtrusive activities such as home crafts and clothes making.
- E. No unreasonable use of materials or mechanical equipment, not recognized as being part of and compatible with normal household use, shall be permitted.
- F. The use shall not generate pedestrian or vehicular traffic beyond that reasonable or normal to the district in which located.

- G. It shall not involve the unreasonable or inappropriate use of commercial vehicles for delivery of occupational materials to or from the premises.
- H. A home occupation may be carried on within the accessory or principal building with the following exceptions:
 - (1) No more than twenty-five percent (25%) of livable floor area of a principal residence shall be used for such purpose.
 - (2) No more than fifty percent (50%) of the floor area of an accessory structure shall be used for such purpose.
- I. No special space within the principal building shall be designed or arranged for such use so that it would require any major internal or external alterations or involve construction features not customary to dwellings (either by color, materials, or construction, lighting, sound or noise, vibration, or electrical interference, etc.).
- J. There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.
- K. Only persons residing in the dwelling and a maximum of one non-resident equivalent shall be engaged in the home occupation. A non-resident equivalent shall be defined as one or more persons who work a combined total of 40 hours per week in the residence, but no more than one such employee may be allowed on the premises at any one time.
- L. There shall be no exterior evidence of the occupation including:
 - (1) No exterior display of articles for sale;
 - (2) No sign except as permitted for a dwelling in the district;
 - (3) No exterior storage of equipment or materials used in the occupation.
- M. There shall be no detriment to the residential character of the neighborhood due to noise, odor, smoke, dust, gas, heat, glare, vibration, toxic or noxious emission, electrical interference, customer traffic, number of deliveries, hours of operation or any other annoyance resulting from the home occupation.

Home occupations for handicapped persons that do not meet these conditions may be reviewed by the Planning Commission which may modify or waive the above requirements.

Subd. 3 Particular Home Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:

- A. Automobile repair operations.
- B. Funeral homes.
- C. Restaurants.
- D. Stables, kennels, animal or veterinary hospitals.
- E. Antique dealers.

Subd. 4 Enforcement. While the City does not issue a permit for a Home Occupation, activities that exceed the criteria above will be reviewed by staff. In the event a home

occupation becomes non-compliant with the standards and criteria established above, the City shall have the authority to cause the non-conforming feature to desist or be removed.

17.5.09 Bed and Breakfast Homes

Subd. 1 Intent. The City recognizes that certain single-family dwellings, because of their size, location, historic significance, architectural design, etc., may be suitable for use as a Bed and Breakfast Home. This section will establish minimum standards for such operations so as to protect the health, safety and welfare of guests in such homes, as well as the neighborhood in which they are located.

Subd. 2 Definitions.

- A. Bed and Breakfast Home. A single-family dwelling containing not more than five (5) guest rooms providing lodging accommodations to transient guests by prior arrangement, for compensation. It may or may not include serving of meals to guests.
- B. Transient. A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture or business. For the purpose of this *Section*, accommodations for transients shall be limited to no longer than thirty (30) calendar days at one location.

Subd. 3 Permits.

- A. A Bed and Breakfast Home shall require a Conditional Use Permit in accordance with *Section 17.2.10* of this Chapter if located in the FR, R-1 or R-2 Zoning Districts. A Bed and Breakfast Home shall be a permitted use in the R-3, NC, and RC Zoning Districts, subject to compliance with the minimum requirements stipulated in *Subd. 4* below.
- B. A Conditional Use Permit, if required, shall be issued only if the conditions identified in *Section 17.2.10*, and as further identified in this *Section*, are met.
- C. Bed and Breakfast Homes located in the R-3, NC, and RC Zoning Districts must comply with the stipulations contained in this *Section*, in addition to those requirements of their respective Zoning Districts.
- D. A Building / Zoning Permit shall be required for all Bed and Breakfast Home operations, in addition to any other permits required by this Chapter. A Certificate of Occupancy shall be required before beginning operation of a Bed and Breakfast Home operation.
- E. Any other permits, licenses, certifications, etc. as may be required by other state or local agencies or authorities must be acquired and maintained in accordance with applicable law.

Subd. 4 Minimum Requirements for Bed and Breakfast Homes.

- A. Site Plan. An accurate scaled drawing indicating the major features of the property on which the Bed and Breakfast Home is located must be submitted with any permit application. The site plan shall contain the following minimum information: lot dimensions, location and use of all existing and proposed buildings and structures

including sizes, outdoor storage, off-street parking areas, general drainage plan, landscaping, and any other information to aid in evaluating the site.

- B. Off-Street Parking. Off-street parking shall be provided as stipulated in *Section 17.5.11* of this Chapter. A minimum of two (2) parking spaces are required for the primary dwelling, plus one (1) additional space for each rental unit. Off-street parking may be either enclosed or unenclosed or both. Parking spaces and areas shall comply with the minimum requirements this Chapter for size, location, screening, etc.
- C. Minimum Lot Size. The minimum lot area shall be six thousand (6,000) square feet plus one thousand (1,000) square feet for each guest room. Areas not covered by buildings, access drives or parking spaces shall be landscaped.
- D. Occupancy. Maximum occupancy shall be no more than two (2) adults per guest room, plus the owner's or manager's family.
- E. Owner or Manager Residency. The owner or manager of the Bed and Breakfast Home must reside in the home, and must be in residence when rooms are being rented and occupied by paying guests.
- F. Alcoholic Beverages. Serving of alcoholic beverages shall be as regulated by state law.
- G. Building Alterations. Any alterations to the interior or exterior of the Bed and Breakfast Home shall not compromise the primary residential character of the building.
- H. Signs. One on-site identification sign may be permitted, not to exceed twelve (12) square feet in area. Such sign may be freestanding, or incorporated into the exterior façade of the building. The sign design must match the architectural features of the building.
- I. Private Parties. Bed and Breakfast Homes may be used for small scale private parties, such as wedding receptions, graduation parties, birthday parties, etc. Occupancy and conduct of such gatherings shall be as regulated by the Fire Code and Chapter 7 of the Cloquet City Code respectively, and any other applicable code, statute or ordinance.

17.5.10 Swimming Pools.

Subd. 1 Intent. The intent of this Subsection is to ensure that swimming pools, as defined by this Chapter, are constructed and maintained in a manner that protects the health, safety, and welfare of the intended users of the swimming pool. It is also the intent of this Subsection to ensure swimming pools have adequate barriers to deter children and other unauthorized persons from gaining unsupervised access to the swimming pool.

Subd. 2 Required Permits. All swimming pools as defined by this Chapter shall be consistent with the swimming pool barrier requirements of this Chapter. In addition, any swimming pool with a capacity of over three thousand (3,000) gallons or with a depth of over three (3) feet of water shall require the issuance of a development permit and building permit.

Subd. 3 Required Plans. An application for a development permit and building permit shall include the following information:

- A. The type and size of pool; and
- B. A site plan indicating the location of the pool; the location of the dwelling and/or other buildings on the subject parcel; other improvements on the parcel; location of the filter unit, pump heating unit, and wiring indicating the type of such units (if applicable); location of back flush and drainage outlets; grading and/or surface drainage plan; location of existing overhead or underground utilities; drainage and utility easements, and any other existing features as may be necessary to determine whether the proposed pool is consistent with this Chapter.

Subd. 4 Setbacks. The setback shall be measured at the edge of the waterline. Swimming pools shall comply with the following setbacks:

- A. Swimming pools shall not be located less than ten (10) feet from any side or rear property line.
- B. Swimming pools shall not be located within the front yard.
- C. Swimming pools shall not be located less than six (6) feet from any principal structure.
- D. Swimming pools shall not be located less than ten feet from any portion of a septic system or a well.
- E. Swimming pools shall not be located less than ten (10) feet from any overhead utility lines or less than five (5) feet from any underground utility lines.
- F. Swimming pools shall not be located within any existing easements.

Subd. 5 In-Ground Pools. In the case of in-ground swimming pools, necessary precautions shall be taken during construction to avoid damage, hazards, or inconvenience to adjacent or nearby property and to avoid erosion, dust, or other infringements on adjacent property from the stockpiling of excavated material.

Subd. 6 Back Flush Water or Pool Drainage Water. Back flush water or water from pool drainage shall be directed into the street storm water system or onto the owner's property unless otherwise authorized by the Building Inspector or other Authorized Agent.

Subd. 7 Mechanical Equipment. The filter unit, pump, heating unit, and any other noise making mechanical equipment shall be located at least thirty (30) feet from any adjacent residential structure and at least five (5) feet from any parcel line.

Subd. 8 Swimming Pool Barriers. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected, and approved prior to filling the swimming pool with water. The barrier shall comply with the following:

The barrier shall either surround the swimming pool or the property and shall be sufficient to make the swimming pool inaccessible to unsupervised children.

The barrier, including gates therein, shall be constructed in accordance with the requirements of the Minnesota State Building Code.

All gates shall be secured when the swimming pool is unattended. Ladders for swimming pools shall be removed when not in use and steps to decks abutting swimming pools shall be locked with gates when unattended.

A natural barrier, hedge, pool cover, or other protective device approved by the Planning Commission may be used provided that the protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate, and latch described herein.

17.5.11 Off-Street Parking and Loading.

Subd. 1 Intent. The intent of this *Section* is to alleviate or prevent congestion of the public right-of-way and to promote safety and general welfare of the public by establishing minimum requirements for off-street parking and loading and unloading of motor vehicles in accordance with use of various parcels of land and / or structures.

Subd. 2 General Provisions. The following provisions apply in all districts.

- A. Maintaining existing spaces. Upon effective date of this chapter, existing off-street parking spaces and loading spaces shall not be reduced in number unless doing so exceeds the requirements set forth herein for a similar use.
- B. Minimum size regulations. Each space shall contain a minimum area of not less than three hundred (300) square feet including access drives, a width of not less than nine (9) feet, and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles it is designed to serve. The minimum dimensions allowable for a loading space or truck berth shall be twelve (12) feet in width and sixty-five (65) feet in depth.
- C. Reduction and use of parking and loading space. Off-street parking facilities existing at the effective date of this Chapter shall not subsequently be reduced to an amount less than that required under this Chapter for a similar new building or use. Off-street parking facilities provided to comply with the provisions of this Chapter shall not subsequently be reduced below the requirements of this Chapter. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent. Temporary / seasonal sales areas are

allowed in off-street parking areas up to 20 spaces, but not more than five (5) percent of the total parking spaces.

- D. Accessible parking. All parking shall comply with the Building Code accessibility requirements or the Americans with Disability Act (ADA), as deemed necessary. Accessible parking cannot be used for temporary / seasonal sales.
- E. Computing requirements. In computing the number of such parking spaces required the following rules shall govern:
- (1) Floor space shall mean the gross floor area of the specific use.
 - (2) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
 - (3) Other uses: For uses not specifically listed in this Chapter, uses for which a specific number of spaces have not been defined or for joint parking facilities serving two or more different uses, the Planning Commission shall determine the number of spaces to be required by utilizing the requirements of the most similar use. Issuance of building permits for the above situations shall be subject to approval of all site plans.
- F. Yards. Off-street parking and loading facilities shall be exempt from the front yard and rear yard regulations for the use district in which the parking is located, except that:
- (1) In any of the Residence Districts, no parking space shall be located within twelve (12) feet of any front property line; or within five (5) feet of any side or rear property line unless authorized by the City Planner/Zoning Administrator or other Authorized Agent.
 - (2) In an HI Industrial District, no parking or loading space shall be located in any front yard or in any side yard or rear yard that abuts any of the Classes of Residence Districts, and in no instance shall parking or loading space be located within five (5) feet of a side or rear property line, except for railroad loading areas or except in the case of parking space which abuts parking space on the adjoining property in which case no setback shall be required.
 - (3) Placement of loading docks and berths shall be limited to side and rear yards, except that where a dock or berth is so designed as to be fully enclosed and incorporated within a principal structure, including any vehicles being loaded or unloaded, such dock or berth may be placed in a front area.

Subd. 3 Design, Construction and Maintenance.

A. Access.

- (1) All off-street parking spaces shall have access from private driveways or parking lot aisles and shall not depend on a public street for access to parking spaces or for circulation within the parking lot. Backing onto a public street from a parking space, other than for parallel parking spaces on the street, is prohibited. This requirement applies to parking for all uses except single and two-family dwellings and townhouses where parking is accessed by individual

driveways. The width of the driveways and aisles shall conform to the dimensional requirements as regulated in this *Section* and shall be so located as to cause the least interference with traffic movement.

- (2) The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard. No driveway in the R-3 Residence District, all Commercial Districts except the NC District, and all Industrial Districts shall be closer than fifty (50) feet from any right-of-way line of a street intersection. In R-1, R-2 and NC Districts, the minimum distance shall be twenty (20) feet.
 - (3) In the R-3, NC, LI and HI Districts, direct access from parking areas for more than eight (8) vehicles shall be provided to a collector street as shown on the adopted City Land Use Plan or to a related service road.
- B. Approval of parking plans. Except for single-family and two-family dwellings, before any construction occurs on any new, enlarged, reduced, reconfigured, or altered parking lot, plans for the parking lots shall require review and approval by the City. When the parking lot is in conjunction with the application for a new structure, expansion of an existing structure, or expansion of a use of land, parking lot plans shall be a part of the site plan review and approval process as specified in *Section 17.2.14*. The parking lot plans shall be shown on a site plan drawn to scale and shall include: a layout of spaces, accessible spaces, drive aisles and access drives with dimensions; construction materials; grading and drainage; screening; landscaping; signage; lighting; and a tabulation of the number of spaces required relative to square footages of specific uses on the site and the number of spaces provided.
- C. Curbing. Interior concrete curbs shall be constructed within the property to separate driving and parking areas from landscaped areas and control surface drainage. All open off-street parking areas designed to have head-in parking along the property line shall provide a curb not less than five (5) feet from the property line. The curbing requirement applies to parking in all uses except private single and two-family dwelling and townhomes unless requested by the City Engineer for drainage purposes.
- D. Fire access lanes. Fire access lanes shall be provided as required by the Building and Fire Code.
- E. Landscaping. Landscaping and maintenance shall comply with *Section 17.5.04* of this Chapter.
- F. Lighting. Any lighting used to illuminate an off-street parking area shall be in accordance with *Section 17.5.12*.
- G. Location of parking spaces. All required off-street parking spaces in all districts shall be on the same lot as the principal building, unless allowed through the issuance of a Conditional Use Permit (CUP), pursuant to *Section 17.2.10*. Combined or joint parking facilities may be provided for one (1) or more buildings or uses provided that the total number of spaces shall be determined as provided in *Subd. 6, Schedule of Parking Requirements*, below.

- H. Maintenance of off-street parking spaces. It shall be the joint responsibility of the operator and owner of the principal use, uses, and / or building to maintain, in a neat and adequate manner, the parking spaces, drive aisles, landscaping, screening and fences.
- I. Marking of spaces. To assure full parking capacity as designed, except in single-family, two-family, and townhouse development, spaces shall be marked with painted lines four (4) inches wide in accordance with the approved Site Plan. Accessible parking spaces shall be marked with a symbol and sign that are in accordance with the Americans with Disabilities Act (ADA).
- J. Queuing of vehicles. Parking and circulation shall be designed to avoid the queuing of vehicles within the public right-of-way. Gates or other access limiting devices shall not be installed until the city finds that the devices will have no adverse impact on the public right-of-way.
- K. Screening. Screening of parking lots and driveways into parking lots shall be required as specified in *Section 17.5.03*.
- L. Surface and drainage.
 - (1) For multiple-family residential uses, commercial and industrial Districts, parking areas and access drives shall be either an asphalt or concrete surface with proper surface drainage.
 - (2) The operator of the principal building or use shall maintain parking and loading areas, access drives, and yard areas in a neat and adequate manner.
 - (3) Alternative surface materials may be permitted in those circumstances where it can be shown that vehicular traffic is exceptionally light (ie. less than two vehicles per hour), or that the parking area in question is restricted to only employee parking or long term parking (ie. two hours or longer). Such alternative materials shall be treated, maintained and graded to minimize dust and provide good surface water drainage. Such materials shall consist of a minimum of Class 5 gravel as classified by the Minnesota Department of Transportation specifications, crushed rock, brick, or similar materials designed to meet the criteria described above. However, all access and circulation drives must be paved with a dust-free, all-weather surface providing proper surface drainage.

Subd. 4 Parking Provisions in Residential Districts. The following provisions shall apply to parking in all Residential Districts unless otherwise stated:

- A. Location of parking spaces and driveway aisles.
 - (1) Same lot as principal building. Required off-street parking space in all Residential Districts shall be on the same lot as the principal building.
 - (2) Multiple-family dwellings shall have their required parking within 200 feet of the main entrance to the principal building being served.
- B. Parking setbacks.

- (1) Front yard. No parking space shall be located within twelve (12) feet of a front property line unless located on a designated driveway leading directly into a garage or one (1) surfaced space located on the side of a driveway adjacent to the dwelling.
- (2) Corner lots. Off-street parking shall not be located in required side yard abutting a street on a corner lot.
- (3) Side or rear yards. Off-street parking and driveways shall not be located within five (5) feet of any side or rear lot line and cannot impede drainage. Off-street parking and driveways, if placed in an easement, must be approved in writing by the holder of the easement.
- (4) Use of parking facilities. Off-street parking shall be used solely for the parking of vehicles not to exceed one (1) ton capacity.

C. Screening of parking facilities.

- (1) All parking and driveways adjacent to parking areas for multiple-family dwellings shall be screened, as required in *Section 17.5.03*, from all adjacent property.
- (2) All parking and driveways adjacent to parking areas for nonresidential uses in Residential Districts shall be screened, as required in *Section 17.5.03*, from all adjacent property.

D. Types of Vehicles Prohibited on Residential Lots. Except for the purpose of loading or unloading or rendering a service, the following commercially licensed motor vehicles and recreational vehicles shall be prohibited from being parked or stored outside on residential lots or within a platted residential district:

- (1) Commercially licensed vehicles with a manufacturer’s nominal rated carrying capacity of over one ton and commercially licensed trailers.
- (2) Boats and unoccupied trailers over 25 feet in length.
- (3) Other recreational vehicles (motor homes, camper trailers, etc.) over thirty-six (36) feet in length.

E. Types of Vehicles Permitted to be parked on Residential Lots. The following motor vehicles and recreational vehicles shall be permitted to be parked or stored outside on residential lots subject to the requirements set forth below. When commercial vehicles, motor vehicles, or recreation vehicles below are numerically exceeded on a platted residential lot, they must be stored elsewhere in the city on either farm residential, suburban residential, commercial or industrially zoned property.

<i>Type of Vehicle</i>	<i>Permitted Location</i>	<i>Numerical Restrictions</i>
a. Passenger automobiles, vans and trucks with carrying capacity of one ton or less	On the designated driveway or hard surfaced parking area	Two commercially licensed vehicles (must not block sidewalk, no exterior evidence of a

		business)
b. Large recreational vehicles such as travel trailers, motor homes, and pickups with slip-in campers 36 feet or less length *	Same as above	One per lot
c. Motorboats, sailboats and unoccupied trailers 25 feet or less in length	Same as above, and also in the rear yard subject to setbacks for accessory buildings. Not in corner side yards	No restrictions
d. Other smaller recreational vehicles as defined herein such as motorcycles, snowmobiles, jet ski, etc.	Interior side and rear yards subject to setbacks for accessory buildings. Not in corner side yards	No restrictions

* Recreational vehicles over thirty (30) feet in length which are stored on residential lots for more than seventy-two (72) hours shall be subject to screening requirements of *Section 17.5.03*.

- F. Other Regulations. Other general regulations applicable to parking or storing motor vehicles and recreational vehicles on residential lots are as follows:
- (1) All vehicles stored on a residential property shall be owned by the residents of such property.
 - (2) A motor home or travel trailer stored on a property shall not be occupied while on the premises.
 - (3) Graphics on vehicles, particularly commercially used vehicles, shall be subject to sign regulations of this Chapter.

Subd. 5 Driveways – All Districts. All driveways to or from public streets shall be subject to the following restrictions:

- A. Driveway Widths: Back of curb to back of curb.

<u>Type</u>	<u>Min. Feet</u>
One Way	12
Two Way	24
- B. Maximum Driveway Width at Street Curb: Thirty (30) feet, measured along street curb lines excluding the radius at the intersection of the driveway and street.
- C. Minimum Driveway Angle to Street: Thirty (30) degrees when street is one way or divided otherwise sixty (60) degrees.
- D. Minimum Distance Between Driveways: Twenty (20) feet, between curb ends measured along street curb line.

- E. Minimum Distance of Driveway from Street Intersections: No driveway in the R-3 Residence District, all Commercial Districts except the NC Neighborhood Commercial and all Industrial Districts shall be closer than fifty (50) feet from any right-of-way line of a street intersection. In the R-1, R-2 and NC Districts, the minimum distance shall be twenty (20) feet.

Subd. 6 Table: Schedule of Parking Requirements.

<i>Use / Use Category</i>	<i>Parking Spaces Required</i>	<i>Loading Spaces Required</i>
Residential		
Single Family Dwelling	2 per dwelling unit	-----
Two Family Dwelling; Townhouse	2.0 per dwelling unit	-----
Multiple Family Dwelling (except elderly)	2 per dwelling unit	1 per complex building
Multiple Family Dwellings which are specifically designed and occupied exclusively by persons 60 years of age or older	1 per dwelling unit	1 per complex building
Hotel / Motel	1 per rental unit plus 1 per employee	1
Mobile homes (see also: MHC Manufactured Home Community [Mobile Home Park] District)	2.0 per mobile home stand	
Educational, Cultural, and Institutional		
Churches, Auditoriums and Other Places or Assembly	1 per 4 seats in principal assembly room plus 2 per classroom	Under 100,000 sq. ft – 1 Over 100,000 sq. ft. – 2
Elementary, Middle and Nursery Schools	3 per classroom. Adequate space shall be allowed for the dropping off and/or picking up of students as determined by the City Planner/Zoning Administrator.	1
Senior High Schools	One space for each two students based on the design capacity. This requirement may be reduced at the City Planner/Zoning Administrator discretion to reflect facility use and/or parking policy. Adequate	1

	space shall be allowed for the dropping off and/or picking up of students as determined by the City Planner/Zoning Administrator.	
Hospitals, Convalescence or Nursing Homes	1 per 4 beds plus 1 per 2 employees or professional staff members	Under 10,000 – 1 10,000 to 50,000 – 2 Each part of 50,000 over 50,000 – 1 additional
Public Library, Art Galleries, Museums, Etc.	1 per 300 sq. ft. of floor area	1
Commercial (except CC District)		
Automobile or Machinery Sales	6 per 500 sq. ft. of floor area over 1,000 sq. ft.	Less than 2,000 – None 2,000 to 5,000 – 1 5,000 to 10,000 – 2 10,000 to 20,000 – 3 20,000 to 40,000 – 4 40,000 to 70,000 – 5 Each part of 50,000 over 70,000 – 1 additional
Bowling Alley	3 for each alley/lane	
Car Wash, Machine	6 per lane	
Clinics	1 per 200 sq. ft. floor area	
Funeral Homes	1 for every 5 seats with minimum of 20 spaces	
Furniture and Appliance Stores	1 for every 400 sq. ft. of floor area	
Offices, Banks and Public Administration	1 per 250 sq. ft. of floor area	
Restaurants, Night Clubs, Clubs	One space for each 40 square feet of floor area of dining and bar area and one space for each 80 square feet of kitchen area.	
Retail Stores	1 per 250 sq. ft. of floor area	
Service Garages and Manual Car Wash	4 per service stall	
Shopping Center	1 per 250 sq. ft. of floor area	
All other Commercial	1 per 300 sq. ft. of floor area	
Industrial, Warehousing and Wholesaling	That space which is only used for office space shall comply with office space requirements and 1 space per each 2,000 sq. ft. of floor area for warehouse, plus 1 space for each 350 sq. ft. for manufacturing. Proof of parking shall be shown on	

	<p>site plans for provided minimum of one parking space for each 400 sq. ft. of floor space so that adequate parking is provided in the event a more labor intensive use is installed.</p>	
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* Floor space shall mean the gross floor area of the specific use. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

17.5.12 Lighting.

Subd. 1 Intent. The intent of this *Section* is to create standards for outdoor lighting so that it does not interfere with the reasonable use and enjoyment of property within the City. It is the intent of this *Section* to encourage, through regulation of types, kind, construction, installations, and use of outdoor electrically powered illuminating devices, lighting practices and systems which will reduce light pollution while increasing nighttime safety, utility, security and productivity.

Subd. 2 Exemptions. The standards of this *Section* shall not apply to the following:

- A. Temporary holiday lighting. This *Section* does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
- B. Civic event lighting. This *Section* does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
- C. Airport lighting. Required for the safe operation of airplanes.
- D. Emergency lighting. By police, fire, and rescue authorities.

Subd. 3 Nonconforming Uses.

- A. All outdoor lighting fixtures lawfully existing and legally installed prior to the effective date of this *Section* are exempt from the regulations contained in this *Section*.
- B. Whenever an outdoor light fixture that was existing on the effective date of this chapter is replaced by a new outdoor light fixture, the new fixture must meet the standards of this *Section*.

Subd. 4 Method of Measuring Light Intensity. The foot candle level of a light source shall be taken after dark with the light meter held six (6) inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.

Subd. 5 Performance Standards.

- A. Residential / Agricultural District Standards. In all Residential / Agricultural Districts any lighting used to illuminate an off-street parking area or other structure or area shall be arranged to deflect light away from any adjoining residential property or from the public street.

- (1) Shielding. The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity as defined in subsection (B) below.
 - (2) Intensity. No light source or combination thereof which cast light on a public street shall exceed one (1) foot candle meter reading as measured from the centerline of the street, nor shall any light source or combination thereof which casts light on adjacent property exceed 0.4 foot candles as measured at the property line.
- B. Commercial and Industrial Districts. Any lighting used to illuminate an off-street parking area or other structure or area shall be arranged to deflect light away from any adjoining property or from the public street.
- (1) Shielding. The luminaries shall contain a cutoff that directs and cuts off the light at an angle of ninety (90) degrees or less.
 - (2) Intensity. No light source or combination thereof which cast light on a public street shall exceed one (1) foot candle meter reading measured from the centerline of the street, nor shall any light source or combination thereof which cast light on adjacent property exceed 0.4 foot candles as measured at the property line.
 - (3) Height. The maximum height above the ground grade permitted for light sources mounted on a pole is twenty-five (25) feet except by Conditional Use Permit (CUP) as regulated in *Section 17.2.10*. A light source mounted on a building shall not exceed the height of the building, and no light source shall be located on the roof unless the light enhances the architectural features of the building and is approved by the City Planner/Zoning Administrator.
 - (4) Location. The light source of an outdoor light fixture shall be set back a minimum of five (5) feet from a street right-of-way and five (5) feet from an interior side or rear lot line.
 - (5) Hours. The use of outdoor lighting for parking lots serving commercial and industrial businesses is restricted according to the following:
 - a. Outdoor lighting that serves businesses that do not operate after dark must be turned off one (1) hour after closing except for approved security lighting.
 - b. For those businesses that offer services after dark, outdoor lighting may be utilized during the nighttime hours, provided the business is open for service. Once the business closes, the outdoor lighting must be turned off one (1) hour after closing except for approved security lighting.
- C. Outdoor Recreation. Outdoor recreational uses, such as, but not limited to, sports fields, tennis courts, skating rinks, tubing hills, and snow skiing areas have special requirements for nighttime lighting. Due to these unique circumstances, a Conditional Use Permit, pursuant to *Section 17.2.06*, shall be required for all new outdoor lighting fixtures that do not meet the regulations stated above.

(1) No outdoor recreation facility, whether public or private, shall be illuminated after 11:00pm unless the lighting fixture conforms to this *Section*.

- D. Uplighting. Uplighting, as defined in *Section 17.1.05*, is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and the light fixture(s) will not cause light to extend beyond the structural shield, except as specifically permitted in this *Section*.

Subd. 6 Prohibitions. The following outdoor light fixtures are prohibited within the City:

- A. Search lights.
- B. Flashing lights.
- C. Strobe lights.

Subd. 7 Submission of Plans. The application for any permit requiring outdoor lighting must submit evidence that the proposed outdoor lighting will comply with this *Section*. The submission shall contain the following in addition to other required data for specific permit:

- A. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
- B. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices which may include, but are not limited to, catalog cuts by manufacturers and drawings (including sections where required)'
- C. Photometric data, such as furnished by manufacturers, or similar, showing the angle of the cutoff or light emissions.

17.5.13 Signs.

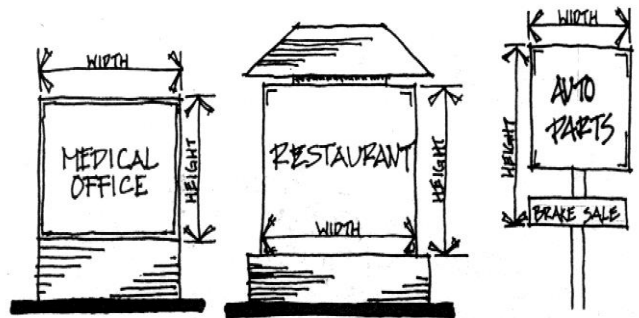
Subd. 1 Intent. It shall be the intent of the provisions of this chapter to achieve the following objectives:

- A. To establish standards which would permit businesses in the city a reasonable and equitable opportunity to identify themselves;
- B. To preserve and promote civic beauty and not allow signs which would detract from this objective because of unusual size, shape, height, location, condition, cluttering or illumination;
- C. To ensure that signs in the city shall not create a safety hazard;
- D. To preserve and protect the value of land and buildings, and to preserve and protect landscapes;
- E. To ensure that every sign has good scale and proportion in relationship to the site and function, as well as the signage and use of neighboring properties;
- F. To ensure that signs be designed as an integral architectural element of the building and site.

Subd. 2 Definitions. For the purpose of this *Section*, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. Advertising Sign. A sign or billboard which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises.
- B. Allied Business. Same or similar business with common name such as new and used auto sales.
- C. Area Identification Sign. A freestanding sign which identifies the name of a commercial or industrial complex consisting of three or more businesses.
- D. Area of Sign.

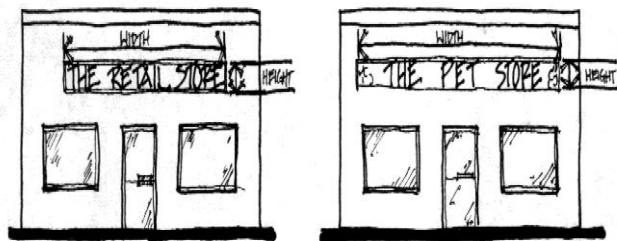
(1) Area of Freestanding sign. This means the area of the actual sign. It does not include embellishments such as the monument base, pole covers, framing or decorative roofing provided that there is no advertising copy on or attached to such embellishments. If the freestanding sign is double faced (up to a 90 degree angle), only one face is used to calculate sign area.



FREE STANDING SIGN

(2) Area of wall sign. This means the total area of the sign, including all structures framing the sign, background embellishments or area contained within a rectangle or square drawn completely around the display surface, even if the sign consists of individual letters and / or graphics.

WALL SIGN



- E. Awning. An attached canopy or similar structure designed to provide cover for entrances, walkways and windows.
- F. Balloon Sign. An inflatable balloon or device used to draw attention to a business or product.
- G. Banded Areas. That portion of a building generally located along the front which is constructed for purposes of attaching building signs in a consistent and coordinated manner.
- H. Banner. A temporary display of information on material such as canvas or plastic.
- I. Bench Sign. A sign attached to or a part of a sitting bench.

- J. Billboard Sign. See ADVERTISING SIGN.
- K. Building Sign. A sign attached to the exterior wall of a building.
- L. Business Sign. A sign which directs attention to the business or profession conducted on the premises. A “For Sale”, “For Lease”, or “Information” sign shall also be deemed a Business Sign. In order to be considered a Business Sign rather than an advertising sign, all of the gross surface area of the sign must pertain to the major functions or name of the business, the trade names of primary products or goods manufactured or sold on the premises.
- M. Changeable Sign. A sign or portion of a sign with separate inset letters, pictures and / or symbols which can easily be removed and which are periodically changed. See also READER BOARD SIGN.
- N. Construction Sign. A sign used temporarily at the construction site identifying the contractors, financier, supplier, and / or builder.
- O. Copy Area. See AREA OF SIGN.
- P. Development Project Sign. A temporary sign located on the site of a new development, listing owners, developers, builders, and similar identifying information.
- Q. Directional Sign. A sign erected upon private property to provide pedestrian or traffic directions and which may bear a company logo or color scheme in addition to the directional arrow or word message and may contain no additional advertising information.
- R. Driveway Median. A raised median intended to divide or channel vehicular traffic.
- S. Double Face Sign. A sign displaying identical information on opposite sides.
- T. Flashing Sign. Any illuminated sign on which the artificial light is not maintained both stationary and constant in intensity and color at all times when a sign is in use excluding electronic reader board signs and electronic video signs.
- U. Freestanding Sign. Any pylon or ground sign that is not part of the principal structure.
- V. Gasoline Pump Island Canopy. A structure that provides shelter over gasoline pump islands.
- W. Grade of Sign. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and a line five (5) feet from the sign.
- X. Ground Sign. A sign, which is not a pylon sign, erected upon or supported by ground and not attached to any building.
- Y. Identification Sign. A sign which bears the name and / or address of the occupant of the building.
- Z. Illuminated Sign. Any sign which has characters, letters, figures, design or outline illuminated by electric lights or luminous tubes as part of the sign proper.

- AA. Informational Sign. A sign, not intended to be viewed from off-site, that identifies building functions and is attached thereto, such as car wash bay or drive-in window.
- BB. Major Anchor / Center Sign. A specially designed, masonry clad, freestanding sign used to identify single-tenant buildings that are in excess of 100,000 square feet or multi-tenant centers in excess of 150,000 square feet in building size.
- CC. Menu Board. A sign listing drive-up items in conjunction with a business serving customers in a car.
- DD. Monument Development Sign. A ground sign intended to permanently identify by name a residential development.
- EE. Moving Device. A device which moves or rotates to attract attention for advertising purposes.
- FF. Multi-Occupancy Building. A building designed to be occupied by two or more separate businesses.
- GG. Non-Commercial Signs. Any sign that presents a message that is political, philosophical, social or personal and does not advertise or sell a service, product or other commercial undertaking.
- HH. Pennant. A small flag used for decorative purposes or to attract attention.
- II. Political Sign. A sign which displays information pertaining to an upcoming public referendum, governmental district, city, county, state or national election.
- JJ. Portable Sign. A sign so designed as to be movable from one location to another and not permanently attached to the ground or to any immobile structure. A PORTABLE SIGN may consist of a panel supported by legs or wheels and / or a mobile structure such as a trailer, panel truck, semi-truck trailer or other device whose primary function during a specific time period is to be stationary and used as a sign.
- KK. Promotional Sign. A temporary sign which shall not exist for more than thirty (30) days which promotes civic events or promotions limited to city recognized activities, events and / or celebrations.
- LL. Pylon Sign. A free-standing sign erected upon a single post or posts or shafts that converge at a common base with the posts not more than fifteen (15) feet apart, with the display portion mounted on top thereof.
- MM. Readerboard Sign. A sign with separate inset electronic panels, letters and / or symbols or changeable copy which can be easily removed and which are or is periodically changed. Electronic message boards are considered reader board signs if a single message is displayed for not less than seven (7) seconds and the text messages are in colored lights. See also CHANGEABLE SIGN.
- NN. Real Estate Sign. A sign intended to aid on the sale, rental or lease of real property.
- OO. Rear Identification Sign. A sign located adjacent to the rear entrance to individual businesses to clearly identify the location for 'deliveries'. This identification sign shall not be considered in computing the maximum permitted sign area for a business.

- PP. Revolving Sign. A sign which rotates at a constant rate of revolutions per minute.
- QQ. Roof Line. That line at which the exterior wall surface of a building structure departs from a vertical plane.
- RR. Setback for a Sign. The shortest distance between a property or public right-of-way line and the surface or main supporting structure of a sign; whichever is closest.
- SS. Sign. An accessory use depicting a name, identification, description, display, illustration, structure, device which is affixed to, or painted, or represented directly or indirectly upon a building or other allowed outdoor surface or a piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.
- TT. Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
- UU. Temporary Sign. Any sign which is erected for a limited time and / or special purpose.
- VV. Traffic Directional Sign. A sign erected by a public agency for the purpose of guiding vehicular and pedestrian traffic in a safe and convenient manner and which bears no advertising information.
- WW. Video Sign. A sign containing electronic panels capable of producing full color video images and intended for this purpose to display full motion video similar to television or motion picture images.
- XX. Visibility Triangle. A triangular area established at the intersection of streets and driveways protected from encroachments greater than 32” tall and intended to protect the line of site of drivers, pedestrians and bicyclists.

Subd. 3 General Requirements. Except as otherwise provided by this *Section*, signs as defined in *Section 17.5.13*, where permitted, shall comply with the following requirements:

- A. Wall signs placed against, painted on, or attached to the exterior walls of buildings shall not extend beyond fifteen (15) inches of the wall surface.
- B. No temporary sign shall be attached to a light standard or the supporting pylon of a freestanding sign. Temporary signs placed elsewhere must be expeditiously removed by the responsible party upon termination of allowable time period specified in the permit of this Chapter.
- C. Advertising and business signs shall not face residential districts where the non-residential property abuts, is across a side street from, or is adjacent to such residential district, except where a residential district is immediately across from the front of the property.
- D. Posting of Bills, Posters, Placards or Circulars.
 - (1) The posting of bills, posters, placards and circulars on any public right-of-way or public property is prohibited. Advertising signs and devices or displays are

prohibited on public property or within public right-of-way except such signs or bills as may be placed by City employees for traffic control, parking, directional or civic purpose and except such signs or bills as may be specifically authorized by the City Council to be placed by persons or groups for civic or quasi-civic promotions.

- (2) No bills, posters or signs are to be posted on private property, fences, trees, walls, rocks, structures or similar appurtenances without permission of the owner and conformity to City Ordinances.
- (3) Political posters and campaign signs are prohibited on public property and public rights-of-way.
- (4) Any sign, poster or advertising placed on public property or on public street right-of-way in violation of City Ordinances may be summarily removed by the City, its employees or agents without notice.
- (5) A violation of this *Section 17.5.13, Subd. 3, D: Posting of Bills, Posters, Placecards or Circulars*, shall be a petty misdemeanor.

Subd. 4 Design Characteristics.

- A. Wind: The effect of special local wind pressures shall be thoroughly considered in the design; but in no case shall the wind load be assumed less than twenty (20) pounds per square foot of net exposed area for roof signs, twenty (20) pounds per square foot for freestanding signs over thirty (30) feet in height and fifteen (15) pounds per square foot for other freestanding signs.
- B. Illumination: No sign shall be illuminated by other than electrical means and electrical devices, and wiring shall be installed in accordance with the requirements of the National Electrical Code. In no case shall any open spark or flame be used for display purposes. The light from any illuminated sign or from any light source, including interior of a building, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, or adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.
- C. Obstruction: No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit-ways, window or door openings used as a means of egress or to prevent free passage from one part of a roof to another part thereof or access thereto. Also, no sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation.
- D. Use of Combustibles: Wood or approved plastic or other materials of combustible characteristics similar to wood may be used for moldings, capping, nailing blocks, letters, latticing and for other purely ornamental features of signs in accordance with the municipal building codes and regulations. Sign facings, themselves, may be made of approved combustible plastics provided the area of each face is not more than one hundred (100) square feet and the wiring for electric lighting is entirely enclosed in

metal conduit and installed with a clearance of not less than two (2) inches from the facing material.

- E. Location: No sign shall be placed in the front five (5) feet of any lot. Where an existing building occupies any part or all of the front five (5) feet of a lot, signs shall be allowed to project up to eight (8) feet from said building face or three (3) feet from the curb, whichever is less, even if extended over the street right-of-way.
- F. Traffic Hazard: No sign shall be erected near or at any intersection of any streets in such manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.

Subd. 5 Sign Requirements by Type

A. Marquees and Fixed Awnings.

- (1) Projection Over Streets – No marquee or fixed awning shall hereafter be so erected as to project over public property within the City of Cloquet until a permit shall have been first secured from the building inspector to erect such marquee or fixed awning.
- (2) Load Capacity – Every marquee or fixed awning shall have its framework constructed of metal or other suitable material approved by the building inspector, and shall be so designed as to safely sustain a load of at least forty (40) pounds per superficial foot of its upper surface. Wherever glass is used as the roof of a marquee or fixed awning, it shall be wire glass and not less than three eights (3/8) of an inch in thickness.
- (3) Extending over Curb – No marquee or fixed awning shall extend nearer than three (3) feet to the curb line, nor be of greater length than the width of the building.
- (4) Minimum Height – No marquee or fixed awning shall, at any point be less than eight (8) feet above the sidewalk, and each marquee or fixed awning shall be provided with proper gutters and rain water leaders to conduct the water from its roof by a water leader underneath the public sidewalk to the street gutter pan.
- (5) Support Required – Except as hereinafter provided, every such marquee or fixed awning shall be supported by properly designed and properly anchored cantilever beams, extending into the building, or by chains or steel rods properly fastened to its outer side or front and extending from thence at an angle of at least forty (40) degrees with the horizontal plane, to the wall of the building, and securely anchored to said wall and to the floor or roof construction or the columns of said building. No marquee or fixed awning shall be supported by columns or other support below the minimum awning height, except where a permit specifically authorizing such support has been approved by the Planning Commission acting as the Zoning Board of Appeals and Adjustments.

- (6) Materials – Marquee signs shall be constructed entirely of metal or other approved noncombustible materials, except that the building inspector may approve acceptable alternate combustible materials upon special application.
- (7) Height- Marquee signs shall not exceed the height of the architectural facing on which it is mounted.
- (8) Length – Marquee signs may extend the full length but in no case shall they project beyond the ends of the marquee.

B. Electric Signs.

- (1) An electric sign, within the meaning of this Chapter, shall be any sign the illumination of which, in whole or in part, is accomplished by electric wiring, materials and / or devices installed on, in or in any manner attached to or connected with such sign.
- (2) Bottoms of signs for outdoor use, or otherwise exposed to dampness, must have sufficient drain holes at least one-quarter (1/4) inch in diameter.
- (3) Transformers, tubing and other electrical sign equipment shall be installed and operated so as to not cause radio and television interferences, and interference with communication systems.
- (4) No section of any sign hereafter erected or attached against the wall of a building shall prevent access to electrical boxes and fittings.
- (5) Before any electric sign is installed in place, or the wiring in the same concealed, the erector or manufacturer thereof shall notify the building inspector who shall make or have made, an inspection of such sign within forty-eight (48) hours. Thereafter, if approved and certified by the inspector, said sign may then be installed in place. After such sign is erected or installed in place, the Building Inspector shall again be notified that a final inspection and acceptance thereof is desired.

C. Projecting Signs.

- (1) Materials – Projecting signs shall be constructed entirely of metal or other approved noncombustible materials except that the Building Inspector may approve acceptable alternate combustible materials upon special application.
- (2) Clearance – A clear space of not less than ten (10) feet shall be provided below all parts of such signs.

D. Freestanding Signs.

- (1) Obstruction to Traffic – No freestanding sign shall be erected so as to obstruct free access to an egress from any building.
- (2) Bottom Clearance – The bottom capping of all freestanding signs shall be at least thirty-six (36) inches above the ground for signs fifteen (15) feet or less in height. Signs exceeding fifteen (15) feet in height must maintain a ten (10) foot bottom clearance.

- (3) Construction materials – No freestanding sign shall be constructed of combustible materials except as approved by the Building Official following special application.

Subd. 6 Maintenance: It shall be the duty of the owner of any sign or awning to maintain the same constantly in a state of good repair and safety. The building official, in making an inspection of any awning or sign, may order special repair to be made in order that the good appearance and safety of the same may be maintained. The building official may order repairs to be done within a set time and in all cases of repairs ordered, the owner shall submit to the City a certificate stating that the designated repairs have been made. In all cases where any sign is imminently or obviously unsafe, the building inspector is authorized forthwith to remove such sign as a public nuisance without any demand for the removal of the same upon the owner or any person maintaining such sign. Notification of such removal action shall be made to the owner or responsible party within ten (10) days of the action taken.

- A. No cloth, paper, or advertising matter shall be permitted to hang loose from any billboard. It shall be the duty of every person maintaining a billboard to keep and preserve the lot or parcel of land on which such billboard is erected, at all times, clean, inoffensive and free and clear of any garbage, refuse, weeds, rubbish, paper or other offensive material of any kind and description, which may be deposited or gather thereon and to keep the same removed at all times for a space equal to twenty (20) feet from any portion of such billboard. Billboards shall be kept in good repair and with displays thereon. No billboard shall be left blank for a period of more than seven (7) consecutive days. Where no client is found for the lease of the available billboard space, the leasor shall provide public service advertising on the billboard.
- B. Any billboard not maintained in accordance with this Chapter may be ordered removed by the Building Official. Notice of removal shall be sent to the owner of the billboard, if known, and if not known then by certified mail to the owner of the parcel of property on which the billboard is located as shown by the public records. If no action is taken in reference to removal within thirty (30) days, the City Council may order the Building Official to physically remove the billboard and the costs of such removal shall become a lien against the property on which it is located.

Subd. 7 Signs Allowed Without a Permit. The following outdoor signs are permissible without a permit or payment of permit fees provided the standards and restrictions in this section are met.

A. Development Project Signs.

- (1) On-site residential. One temporary on-site development project sign shall be permitted for each plat within a subdivision in any residential zoning district (including multiple dwelling) under the following conditions:
- a. The sign shall only be permitted for a residential plat after the final plat has been filed;
 - b. The sign shall be located at least 30 feet from any existing or to be occupied dwelling unit;

- c. The sign shall be removed when the residential plat is 95% built out or the multiple dwelling project is 75% sold or rented; and
 - d. Where more than one builder is involved in a residential plat, there shall be only one sign as described above, which may list the builders for the plat.
- (2) On-Site Commercial and Industrial Signs. One temporary on-site development project sign shall be permitted in any commercial or industrial zoning district under the following conditions:
 - a. The sign shall only be permitted after the final plat has been filed;
 - b. The sign shall not be located upon a developed lot and shall be removed within three months after the lot upon which it is located is developed, whereupon it may be moved to another vacant lot within the subdivision; and
 - c. The sign shall be removed when ninety-five percent (95%) of the lots in the plat are built upon.
- (3) Construction Signs.
 - a. One Family and Two Family Residence Districts. Total number of signs allowed per street frontage shall not exceed one sign for each twenty (20) feet of lot frontage on the public or private street. The aggregate area of all construction signs shall not exceed one hundred (100) square feet. No individual sign shall exceed thirty-two (32) square feet.
 - b. Multi-Family, Commercial and Industrial Districts. Total number of signs allowed per street frontage shall not exceed one sign for every fifty (50) feet of lot frontage on the public or private street. The aggregate area of all construction signs shall not exceed two hundred square feet. No individual sign shall exceed sixty-four square feet.
 - c. This sign or signs only be permitted while development or construction activity is occurring on the project and shall be removed before the building or any part thereof is occupied.
- B. Informational Signs.
 - (1) Informational signs, attached to a building, shall be permitted in order to locate building functions such as a car wash bay or drive-in window.
 - (2) Informational signs shall meet building sign requirements for maximum height, shall be allowed for each bay, door, or window at a size not to exceed six (6) square feet in area each, and shall be in addition to any other business signs permitted by this chapter.
- C. Directional Signs.
 - (1) On-site directional signs, not exceeding a maximum of two square feet per sign, shall be permitted in any multi-family, commercial, industrial or

institutional zoning district for the purpose of directing vehicular or pedestrian traffic in a safe and convenient manner.

- (2) Off-site directional signs may be permitted by the City Council to direct the public to emergency facilities.

D. Real Estate Signs.

- (1) One temporary sign, not over sixteen (16) square feet in surface area, per street frontage advertising buildings for rent and for sale shall be permitted in the front yard or front side of the building. The sign shall be removed within ten (10) days after the property is rented or the closing of the sale.
- (2) Open house signs, which state that a particular house will be open for inspection by the public for a limited number of hours on a specific day, only during the day of the open house. Signs may be placed within a ½ mile radius of the open house except as noted in *subpart 3* below.
- (3) Open house and for sale signs may not be placed within street right-of-way, easements, roadway surface, sidewalks, medians and decorative surfaces, nor within three hundred (300) feet of major arterial street intersections. Any sign so placed is a nuisance and traffic hazard and is hereby determined to be in violation of the sign regulations.

E. Promotional Signs. In promotion of a special civic event recognized by the City Council signs not exceeding thirty-two (32) square feet in area, for each sign, are permissible for no more than sixty (60) days before the first day of an event, celebration or festival and shall be removed immediately upon the completion of the event, celebration or festival. Signs permitted under this division may be located in any zoning district subject to the permission of the property owner.

F. Pump Island Signs. A double faced or single face sign with a single side not in excess of three (3) square feet shall be permitted on each gasoline pump and not intended to be viewed from off-site.

G. Pedestrian Awning or Canopy Sign. A business sign, limited to one (1) foot in height and six (6) feet in length, may be located upon the front of a building or canvas awning provided the awning is attached to the building and meets the minimum building setbacks of the city's zoning chapter. A pedestrian awning or canopy sign may be placed perpendicular to the pedestrian walkway, provided it is at least eight (8) feet above the pedestrian walkway.

H. Rear Entrance Identification Signs. Rear entrance identification signs not exceeding six (6) square feet in copy area shall be permitted as building signs located adjacent to the rear entrance to individual businesses to clearly identify the location for 'deliveries'. The identification sign shall not be considered in computing the maximum permitted sign area for a business.

I. Political Signs.

- (1) Temporary political signs may be placed in regard to an election and shall be permitted on each lot for a period of forty-six (46) days prior to the primary

election through ten (10) days after the general election for which they were applicable.

- (2) In all cases where campaign signs are not removed within the time limit allowed or after notice to be removed by the City, the City may cause the signs to be removed and the cost of removal shall be charged to the person named on the sign.
- J. Club, Lodge, Office Signs. One non-illuminated identification sign not to exceed twelve (12) square feet in area for the following uses: clubs, lodges, fraternities / sororities, and professional offices where permitted.
- K. No Trespass / No Hunting Signs. No trespass, no hunting and similar restrictive signs, not to exceed two square feet in area may be placed upon private property by the owner.
- L. Garage Sale Signs. Signs advertising garage sales shall be limited to a maximum of three days for each sale. Signs shall not exceed three (3) square feet in area and shall not be placed within public rights-of-ways, on any sidewalk, street or driveway median.
- M. Bench Sign. Signs painted upon or otherwise attached to or a part of a sitting bench shall be permitted in any district.
- N. Signs Erected by the City, Council or State.
- O. Address Numbers. Address numbers less than six (6) feet in total copy area shall not be subject to the maximum sign area provisions of this chapter.
- P. Public Interest Landmark Signs. Public interest landmark signs (such as park signs) may be erected on property which is owned or controlled by the City and must be approved by the City Council.
- Q. Civic, Religious Organization, and Other Permitted Non-Residential Uses. One illuminated or non-illuminated sign not to exceed twelve (12) square feet in area. Such sign may include the following uses: offices devoted to business management, professional services, trade associations, labor unions, insurance companies or agencies, banks, financial institutions, real estate offices, funeral homes, etc.
- R. Public and Quasi-Public Use Signs. One illuminated or non-illuminated identification sign or bulletin board not to exceed a total of twelve (12) square feet in area for the following uses: public schools, parochial schools, colleges, public libraries, museums, social and recreational buildings, parks, playgrounds, hospitals, sanitariums, charitable and religious institutions, churches, cemeteries, and governmental office buildings.
- S. Table of Temporary Sign Size Regulations. The table of temporary sign size regulations concerning size requirements shall be as detailed in Subd. 13 of this *Section*.

Subd. 8 Signs Requiring a Permit. The following signs may be erected or maintained, as shown for each zoning district or land use, only after obtaining a permit from the city and payment of permit fees, providing the standards and restrictions in this *Section* or met.

A. Building Signs / Location on Building.

- (1) Building signs shall be permanently affixed to buildings according to the following requirements:
 - a. Prior to issuance of a sign permit, the owner of the building shall designate a signage plan for all sides of single or multi-occupant buildings. The signage plan shall include the maximum height and width of signs, materials and colors to be used on signs and the location and dimensions of the sign area. All building signs shall be affixed to a building wall, within the designated sign area, and shall not exceed the allowable dimensions of this code. All signs proposed by the building owners or tenants shall adhere to the requirements outlined in the signage plan for the building.
 - b. The sign locations designated shall be located no higher than the top of the parapet walls or the overhang of the roof.
 - c. In multi-story buildings, no sign shall be permitted above the ceiling of the first floor, except a sign may be allowed on the second floor of a multi-story building provided that the second floor is the top floor or has an exterior entrance; and except as provided in *subpart 2* below.
 - d. Primary signs shall be placed on the side of the building where the main entrance is located. In buildings with individual entrances, business identification signs shall be placed within ten feet of the main entrance to each business. Businesses located in the West End or Downtown on corner lots *as defined in 17.1.05 Subd. 73* or that have corner visibility exposure and are not significantly setback from the street or sidewalk grid may be allowed to have two building signs per the dimensional requirements of 17.5.13 Subd.14. Signs on the exterior of an enclosed mall shall be located near entrances closest to the business location. Sign locations for each tenant shall be assigned and identified in the signage plan.
 - e. Additional building or identification signs are permitted under the following conditions:
 1. The owner / agent shall submit a master signage plan containing the following information:
 - (a) A dimensioned site plan and elevations of the building or buildings to be included in the master sign plan;
 - (b) Computation of the maximum total sign area, the maximum area for individual signs, the height of the signs, and the number of free-standing signs allowed in the plan under this Chapter; and
 - (c) An accurate indication on the site plan of the proposed location of each present and future sign of any type.

2. The maximum number of signs affixed to a building by each business within the building shall be controlled through the master sign plan and as regulated in *Subd. 14* of this Section;
3. Additional lighted signs are allowed on a side of a building which abuts business or industrially zoned property or a public street which abuts residentially zoned property. Signs proposed to be located on the building face abutting a residentially zoned property must be approved by the Planning Commission as part of the Sign Plan review.
4. The wall of a building where additional signs are located shall have wall materials and / or exterior colors similar to the main entrance wall.
5. In multi-occupant buildings, additional signs shall be affixed to the building at the location identified in the master signage plan.
6. Table of building sign size regulations. Regulations concerning size requirements shall be as detailed in *Subd. 14* of this *Section*. (See Table)

(2) Multi-story building signs.

- a. Building of three stories or more, located in a commercial or industrial district shall be permitted additional building signs in addition to any signs otherwise permitted by this chapter.
- b. The additional building sign shall be a maximum of two signs with each sign not to exceed two square feet of sign area for each 1,000 square feet of gross floor area of the building.
- c. The two additional building signs shall not be located upon the same side of the building.
- d. The two additional building signs shall be similar in size, scale and material.
- e. The two additional building signs shall not extend above the highest outside wall or below the fourth floor of the building.
- f. The two additional building signs shall not extend across more than 40% of the width of the side of the building upon which it is located or 40% of the height for vertical signs.
- g. The additional building signs shall only be permitted after approval by the Cloquet Planning Commission.

(3) Free-standing signs; a pylon or ground sign.

- a. Free-standing signs throughout the City of Cloquet shall be ground signs with the exception that properties abutting Interstate 35 or Hwy

33 may be allowed to erect modified pylon signs if authorized by the Planning Commission.

- b. The base or support structure for free-standing signs shall compliment the design of the building to which it is accessory by incorporating materials such as brick, stone, decorative block, or similar substantial materials used in the construction of the building. The base of ground signs shall be a minimum of two (2) feet in height in all zone districts.
 - c. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, conforming to the design requirements of the adopted building code of the City of Cloquet.
 - d. Regulation concerning size requirements shall be as detailed in *Subd. 14* of this *Section*.
 - e. Regulations concerning setback and height requirements shall be as detailed in *Subd. 15* of this *Section*.
- (4) Monument development signs. A monument sign intended to permanently identify a multiple dwelling or single-family residential development shall be permitted under the following conditions:
- a. There shall be an entity established to the satisfaction of the city such as a homeowners association, which shall be clearly responsible for the perpetual maintenance of the monument sign and its environs with corresponding powers to raise maintenance capital.
 - b. The monument sign shall not exceed thirty-two (32) square feet of copy area.
 - c. The monument sign shall be a minimum of thirty (30) feet from any existing or future residence.
 - d. An easement must be established for the location of the sign.
- (5) Major anchor / center signs.
- a. Major anchor signage. One major anchor / center sign may be permitted to identify tenants or building occupants for a center in excess of 100,000 square feet, subject to subsection (c) below.
 - b. Shopping center signage. Two major anchor / center signs may be permitted for a center in excess of 150,000 square feet, subject to the provisions of subsection (c) below.
 - c. All major anchor / center and shopping center sign structures are subject to the following criteria:
 1. The sign(s) shall be the only freestanding sign(s) permitted for the business or center. Signs may be placed on any lot within the planned unit development of subdivision provided the sign applicant controls the land by easement or title.

2. The sign structure exterior face shall be encased in the same style, color, and approved exterior material used on the face of the principal building. This material shall be concentrated between the finished grade and forty-two (42) inches above the grade.
 3. The sign shall be set back a minimum of ten (10) feet from the property line, sidewalk / trail easement or public street right-of-way line. Signs may be no closer than 250 feet to the nearest freestanding sign on the same side of the right-of-way, nor closer than 50 feet to a corner intersection of two right-of-way lines.
 4. Tall post or pylon signs along the Interstate Highway right-of-way are discouraged. Ground signs are encouraged in lieu of such pylon signs. A pylon sign may be allowed as a second sign. The size of the sign shall be limited to ½ square foot of sign face area per lineal foot of lot width facing all streets on each of two sign faces. Pylon sign height shall not exceed twenty-five (25) feet for developments less than fifty thousand (50,000) square feet, and thirty-five (35) feet for developments fifty thousand (50,000) square feet and larger. Ground signs height shall not exceed ten (10) feet.
 5. All signage shall have identical, internal backlit letters and symbols.
 6. Landscaping plans for the area around the base of the sign shall be completed and reviewed as part of the sign permit approval process.
- (6) Area identification signs. Area identification sign(s) shall be located in the following manner:
- a. Area identification sign(s) shall be located upon the property of the complex it is identifying.
 - b. Area identification sign(s) shall be located along a public street frontage.
 - c. Area identification sign(s) shall be located a minimum of fifty (50) feet apart from any other area identification sign or pylon sign.
 - d. No more than one area identification sign for a particular complex shall be located along the same street frontage.
- (7) Gasoline pump island signs.
- a. Gasoline pump island canopies shall be entitled to two signs in addition to those otherwise permitted on the principal structure.
 - b. Canopy signs shall not exceed ten feet in length or twenty (20) square feet each and shall not be placed on the same side of the canopy.

- c. Lettering on the signs shall not exceed two feet in height or the average height of the letters on the sign attached to the principal structure, whichever is less.
 - d. Canopy signs shall be placed in a manner that will allow a six-inch minimum border between the top, bottom and sides of a canopy face. The sign area is determined by measuring the text only. Stripes or colors do not contribute to the sign area computation.
- (8) Second ground sign. A second ground sign may be allowed when all of the following conditions are met.
- a. The lot must be in commercial or industrial zoning classification.
 - b. The lot must be a through lot with double street frontage, or a corner lot with street frontage on three sides.
 - c. The second ground sign must be located on the side of the lot abutting the minor or interior roadway.
 - d. The ground sign must meet the size, height and setback requirements for the primary ground sign permitted on the site.
 - e. The ground sign shall be in addition to all other permitted ground signs.
- (9) Other signs. The following additional signs are permitted under this *Section*, subject to the restrictions thereof and are intended to serve the business needs of advertising an initial grand opening for a business and other special promotions, sales or events. Portable signs, banners, streamers and / or balloon signs are permitted, upon the issuance of a permit from the City, in commercial, industrial and institutional zoning districts for the purpose of promoting a grand opening, special sales or events.
- a. One non-lighted portable sign or balloon sign not exceeding thirty-two (32) square feet per plane (side) and additional banners, flag banner signs and/or streamers located upon the site of the grand opening, promotions, sales or events shall be allowed at any time of the year for any period of time for any given event so long as the aggregate time that any and all of these “other signs” are present at the business does not exceed one hundred twenty (120) days in any one calendar year. Said “other signs: shall not be located within five (5) feet of any property line. The total number of flag banner signs shall not exceed one (1) per fifty (50) lineal feet of the site abutting a road. A permit issued by the City will include a fee established by resolution of the City Council which shall be based upon each occurrence of the signage described here-in.
 - b. A small portable 2’ x 3’ unlighted free standing sign may be placed adjacent to the building at or near the entrance to the business, intending to only serve to advertise to pedestrian traffic at the building. This sign shall not occupy parking spaces, block sidewalks or

walkways. This sign would be calculated as a part of the allowable building signage and once permitted would be allowed to be used for an unlimited time period within the calendar year. The City shall issue a twelve (12) month permit and reserves the right to refuse the permit if abuse of this *Section* or complaints regarding this signage are received.

(10) Menu boards subject to the following conditions:

- a. A maximum of two menu boards per drive thru lane shall be permitted on a parcel of land with a restaurant providing drive-up window service.
- b. The menu board shall be a maximum of thirty (30) square feet in area and may be in addition to any other signs permitted by this chapter.
- c. The menu board shall be single-sided and oriented in such a manner so that the signs provide information to the patrons using the drive-through facility only, and do not provide supplemental advertising to pass-by traffic.
- d. The menu board signage shall be completely enclosed within one sign area.
- e. Order confirmation signage no greater than one square foot and incorporated into the drive-through speaker pedestal shall not be calculated as part of the menu board signage area. Order confirmation signage greater than one square foot shall be incorporated into menu board and calculated as part of said board's sign area.

(11) Video Signs.

- a. Video signs shall only be allowed as a component of a modified pylon sign and shall not exceed fifty percent of the allowable copy area.
- b. Video signs must be located on the site of the use identified or advertised by the sign.
- c. The leading edge of the sign must be a minimum distance of one hundred (100) feet from an abutting residential district boundary.
- d. Video signs must be separated from other electronic graphic display, electronic changeable copy signs or video display signs by at least thirty-five (35) feet.
- e. Video signs shall be required to automatically adjust in intensity related to ambient light levels.
- f. Audio speakers or any form of pyrotechnics are prohibited in association with a video sign.
- g. The City shall issue a twelve (12) month permit after review and approval of the Planning Commission and reserves the right to refuse

the extension of the permit in the case of abuse of the applicable requirements here-in.

Subd. 9 Prohibited Signs

- A. Advertising or Billboard Signs. No new sign which directs attention to a business, commodity, service or entertainment shall be placed or located within any street rights-of-way. No sign shall be on property other than the premises on which the business, commodity, service or entertainment is located.
- B. Open House, For Sale, Garage Sale Signs and the like. Open house, for sale and garage sale signs and the like may not be placed within street rights-of-way, easements, roadway surface, sidewalks, medians and decorative surfaces, nor within 300 feet of major arterial street intersections. Any sign so placed is a nuisance and traffic hazard and are hereby determined to be in violation of the sign regulations.
- C. Paper Signs. There shall be no paper cardboard or similar signs, notices or flyers, pasted, tacked or otherwise affixed to the exterior wall or window of any building.
- D. Portable or Movable Signs. There shall be no use of a sign so designed as to be movable from one location to another, such as, but not limited to, changeable message signs, reader boards, trailer, panel truck or semi-truck trailer or other device whose function is to be stationary and serve as a sign except as described in *Subd. 8, A, (9): Other Signs*.
- E. Revolving Beacons, Sequential Flashing, Flashing Signs and all Similar Devices. There shall be no use of revolving beacons, sequential flashers or similar devices.
- F. Roof Signs. There shall be no use of roof signs anywhere in the City.
- G. Signs Imitating Official Signs. Signs which imitate an official traffic sign or signal or which contain the words 'stop', 'go slow', 'caution', 'danger', 'warning', or similar words.
- H. Signs Advertising Terminated Businesses. Business signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than ninety (90) days from the date of vacancy.

Subd. 10 Signage Plan. Prior to issuance of a sign permit for other than the replacement of sign faces within an existing cabinet, the owner of the site and / or building shall designate a signage plan for all signs proposed to occur on the site and building. The signage plan shall include the maximum height and width of signs, materials and colors to be used on signs and the location and dimensions of the sign area on the building and yard sign locations. All building signs shall be affixed to a building wall, within the designated sign area, and shall not exceed the allowable dimensions of this code. All free standing signs shall be permanently installed in designated locations and shall not exceed the allowable dimensions of this code. All signs proposed by the building owners or tenants shall adhere to the requirements outlined in the signage plan for the building:

- A. The signage plan shall contain all of the information required for a master signage plan and shall also specify standards for consistency among all signs affected by the plan with regard to color scheme, lettering or graphic style, lighting, location of each sign on the buildings, materials and sign proportions.
- B. Other provisions of the plan may contain other restrictions as the owners of the development or buildings may reasonably determine.
- C. The plan shall be signed by all owners or their authorized agents as required by the City.
- D. A signage plan shall be included with any building permit authorization, site plan review, nonresidential planned unit development, exterior remodel or other official plan required for the proposed development and shall be reviewed simultaneously with other plans.
- E. A signage plan may be amended by filing a new plan that conforms to all of the requirements of the City Code in effect at that time.
- F. Existing signs not conforming to plan. If a new or amended signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into compliance, within five years, all signs not conforming to the proposed amended plan or requirements of this chapter in effect on the date of submission.
- G. After approval of a signage plan, no signs shall be erected, placed, painted or maintained, except in conformance with the plan, and the plan may be enforced in the same way as any provision of this code. In case of any conflict between the provisions of a plan and this code, the code shall control.

Subd. 11 Performance Standards

- A. Lighting Regulations.
 - (1) All illuminated signs shall have an indirect or diffused light source and be designed so as not to direct rays of light onto public streets or adjacent property, thereby creating a nuisance or safety hazard.
 - (2) Electronic message boards used as changeable copy signs or reader boards shall be required to adjust in intensity related to ambient light levels.
 - (3) There shall be no flashing signs or use of flashing message or pictures of any type including electronic message signs and video signs permitted in any district. For the purpose of this *Section*, electronic message signs with smooth transitions such as fading or slow scrolling would not be considered flashing. For the purpose of this *Section* video signs which display consistent images without dramatic changes in either image or intensity intended specifically to draw attention to the sign would not be considered flashing.
- B. Changeable Copy and / or Reader Boards. A maximum of one half of the total copy area allowed for a freestanding sign may be used for changeable copy or reader board.

- C. Placement of Signs on Driveway Island or Entrance. No permanent or temporary sign shall be located upon a driveway median for a distance of a minimum of ten (10) feet from a public street right-of-way.
- D. Change of Sign Message. Upon any change or replacement of more than a sign face within an existing cabinet, the sign will constitute a new sign, requiring a new initial fee and issuance of a new permit. If the sign does not exceed the size requirement as provided in this chapter and the change is in content only, an application and drawings must be submitted, but the fee will not be required.
- E. Nonconforming signs; Continuation of Previously Permitted Signs. Existing signs, other than temporary signs, which were permitted under sign regulations in effect prior to enactment of the Chapter from which this chapter is derived, may be kept as and where they were then located, even though they may not conform to these regulations. Upon replacement of any element of the sign other than the sign faces within an existing cabinet, there must be compliance with these regulations unless the replacement is for the purpose of repair and is 100% identical to the original.
- F. Illegal Sign. When an illegal sign(s) exists upon a parcel of land or business property, the City may refuse to issue a permit for any other sign on that property until the illegal sign(s) is removed.
- G. Exposed Structural Components; Preventing Adverse Effect Upon Adjacent Property. Exposed backs of all signs and the sign structure must be painted a neutral color and otherwise be maintained so as not to have an adverse effect upon the adjacent property.
- H. Signs which Interfere with Traffic Signs, Signals or Devices. No sign shall be installed or allowed to exist, which, by reason of position, shape, color or wording would interfere with the proper functioning of any traffic sign, signal or device.
- I. Maintenance; Refuse and Removal.
- (1) All signs shall be maintained in good condition and the areas around them kept free from debris, bushes, and high weeds and from anything else which would be a nuisance.
 - (2) All business signs shall be removed from the building and property by the owner of the property within ten (10) days after business or use is terminated except for framework that is expected to be used for a future business sign.
 - (3) All signs shall contain current information. Outdated signs or signs with outdated information shall be removed by the owner.
 - (4) When any sign is removed, the enforcing officer shall be notified and the entire surrounding area shall be cleared of all debris and unsightly projections and protrusions.
 - (5) Signs not in compliance with code.
 - a. When a sign placed on private property is not in compliance with this code and has not been removed by the owner or operator of a business, the City shall have the right to remove the sign, after ten (10) days

written notice and charge the cost of the removal to the owner or operator. Where a safety hazard exists, the City may remove the sign without notice.

- b. When a sign placed on public property is not in compliance with this code, the City shall have the right to remove the sign immediately and store the sign for not less than three (3) days, whereupon the City may dispose of the sign in a manner similar to other abandoned property.
- J. Table of Setback and Height Requirements. The minimum setbacks and maximum heights shall be required for all signs, as detailed in *Subd. 15* of this *Section*.

Subd. 12 Sign Administration

- A. Compliance with Chapter. No sign shall be erected, installed, constructed or painted in the City, except in compliance with this chapter and unless it shall conform to and meet the requirements of this chapter.
- B. Enforcing Officer. The City Planner/Zoning Administrator or Authorized Agent(s) shall be the enforcing officer of this chapter.
- C. Permit Fees. The fees for erection permits shall be paid to the City, and shall be assessed on the basis of the surface area of the sign as determined by the Building Official. Such fee shall be as determined from time to time by the City Council.
- D. Variance; Authorized. To provide reasonable flexibility in the sign regulations, the Planning Commission acting as the Board of Adjustment, may approve a variance for a sign otherwise not permitted by these regulations where an exception would not be inconsistent with the intent of the sign regulations.
- E. Variance; Conditions to Granting. No variance shall be granted unless the Planning Commission acting as the Board of Adjustment shall find that either condition (1) or (2) hereinafter set forth exists:
 - (1) All of the following requirements must be met:
 - a. Special conditions exist which are peculiar to the land, structure, building involved and which are not applicable to other lands, structures or buildings in the same district;
 - b. The special conditions and circumstances do not result from the actions of the applicant;
 - c. A literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district and the terms of these sign regulations;
 - d. That granting the variance requested would not confer on the applicant any special privilege for a use not common to other lands, structures or building in the same district; and

- e. The proposed use of the property shall have an appearance what will not have an adverse effect upon adjacent properties and there will be no deterrence to development of vacant land.

(2) Any proposed signage beyond the maximum square footage permitted would have the primary function of providing a public service.

F. Variance; Requests, Fees. All requests for variances shall be made in writing to the City of the form provided by the City and the request shall include the fee specified in the City Council Resolution. All information required when applying for a sign permit, as outlined in this division shall be required before the request for a variance is considered by the Planning Commission acting as the Board of Adjustment.

Subd. 13: TABLE: TEMPORARY SIGN SIZES

The following are size regulations for all temporary signs

<i>Sign Description</i>	<i>Pylon Sign</i>	<i>Ground Sign</i>	<i>Building Sign</i>	<i>Maximum Area (sq. ft.)</i>
Construction	-----	*	-----	*
Real Estate	-----	1	1**	6 in residential district; 32 other districts
Development	-----	1	-----	64 in any district
Noncommercial	-----	1	-----	6
Other		***	***	***
Promotional	-----	Note	-----	32

* see Section 17.5.13, Subd. 7, A (3)

** Multi-tenant spaces may have one (1) building sign per vacant space

*** see Section 17.5.13, Subd. 8, A (9)

Note – As determined by the City Council

Subd. 14: TABLE: SIGNS REQUIRING PERMITS/SIZE REGULATIONS

The following signs may be erected or maintained, as shown for each zoning district or land use, only after obtaining a permit from the City and payment of permit fees, providing the standards of this chapter are met.

<i>District</i>	<i>Pylon Sign*</i>	<i>Ground Sign</i>	<i>Building Sign</i>	<i>Sign Area Ground Sign (sq. ft.)**</i>	<i>Sign Area Building Sign (sq. ft.)**</i>
Agricultural	-----	1	1	40	-----
Residential SF***	-----	1	1	4	4
Residential MF	-----	1	-----	40	-----
Institutional *	-----	1	1	40 sf each building	40 sf each building
Neighborhood Commercial	-----	1	1	.5 sf / lin. ft. of lot width facing street	1 sf / lin. ft. of street frontage facade

Downtown****	-----	1	1	.5 sf / lin. ft. of lot width facing street	1 sf / lin. ft. of street frontage facade
General Business					
Single occupant	*	1	1	.5 sf / lin. ft. of lot width facing street	1 sf / lin. ft. of street frontage facade
Multi-occupant	*	1	1/business	.5 sf / lin. ft. of lot width facing street	1 sf / lin. ft. of street frontage facade
Regional / Shopping Center					
Multi-occupant; under 50,000 sq. ft.	*	1	1/business	.5 sf / lin. ft. of lot width facing street	1 sf / lin. ft. of street frontage facade
Multi-occupant; over 50,000 sq. ft.	*	2	1/business	.5 sf / lin. ft. of lot width facing street	1 sf / lin. ft. of street frontage facade
Light Industrial	-----	1	1	.5 sf / lin. ft. of lot width facing street	1 sf / lin. ft. of street frontage facade
Heavy Industrial	-----	1	1	.5 sf / lin. ft. of lot width facing street	1 sf / lin. ft. of street frontage facade
Planned Unit Development	The Ordinance establishing each planned unit development district shall be used to determine the most applicable zoning district designated for each lot and signs shall be permitted by the most applicable zoning district as determined by the Zoning Administrator.				

* Pylon signs will only be considered on sites with trunk highway frontage

** Building signs listed may also be calculated as percent of wall area of building frontage with 7% considered equal to 1.5 sq. ft. per lin. ft. and 10% equivalent to 2 sq. ft. per lin. ft.

***Business signs for home based businesses with a valid Home Occupation permit – one sign only permitted.

****Businesses located in the West End or Downtown on corner lots *as defined in 17.1.05 Subd. 73* or that have corner visibility exposure and are not significantly setback from the street or sidewalk grid may be allowed to have two building signs, the size of the second building sign will be held to the maximum size allowed along the primary or main building face.

Subd. 15: TABLE: SETBACK AND HEIGHT

The following minimum setbacks and maximum heights shall be required for all signs. All signs shall be placed in a manner to avoid conflicts with visibility triangles at streets, sidewalks, trails and driveways.

<i>Type of Sign</i>	<i>Minimum Setback; Public Street Right-of-Way Line (feet)</i>	<i>Minimum Setback; Other Yards (feet)</i>	<i>Maximum Height (feet)</i>
Advertising	Minimum required building setback	Minimum required building setback	25 ft
Business building	Minimum required building setback	Minimum required building setback	Highest outside wall

Construction	5 ft	5 ft with a minimum of 50 ft from a residence	8 ft
Development; residential, commercial and industrial	5 ft	5 ft with a minimum of 50 ft from a residence	10 ft
Garage sale, political and promotional	5 ft	5 ft	6 ft
Ground sign	5 ft	5 ft	10 ft
Menu boards	20 ft	5 ft	8 ft
Monument Development sign	5 ft	5 ft	8 ft
Pylon sign*	5 ft	5 ft	25 ft – Developments less than 50,000 sf 35 ft – Developments 50,000 sf or more
Real estate	5 ft	5 ft	8 ft
Noncommercial	5 ft	5 ft	8 ft

* A pylon sign must be a minimum of one hundred (100) feet from any other pylon sign. Any pylon or ground sign must be three hundred (300) feet away from any major anchor / center sign. Pylon signs are prohibited in the West End / Downtown Area and are discouraged within the Hwy 33 Corridor.

17.5.14 Design Standards for the West End and Downtown Business Districts

Subd. 1 Intent. The intent of this *Section* is to provide design standards that will preserve and enhance the architectural character that exists in the West End and Downtown Business Districts. The community's business heritage is tied to its buildings, and these buildings contribute significantly to the community's image and identity. These standards are intended to implement the community's vision for the West End and Downtown Business Districts as articulated in the Community Revitalization Master Plan of 1998. These standards shall be applicable to all new construction and uses of land, and to any remodeling, additions and / or renovations to the existing development, which takes place after the effective date of adoption of these standards. Additions, alterations or repairs may be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this *Section*, provided the addition, alteration or repair conforms to that required for a new building or structure. Existing buildings, where the siding material is not in conformance with these standards, may have such non-conforming material replaced with similar material, provided such replacement does not constitute more than fifty percent (50%) of the area of the wall on which it is located. Replacement of more than fifty percent (50%) shall require that all of the material on that wall shall be replaced with conforming materials.

Subd. 2 District Boundaries

- A. The West End Business District shall consist of all properties zoned HC, Historic Commercial District, lying within an area bounded on the north by Avenue A, on the west by Market Street, on the south by Avenue D, and on the east by Trunk Highway #33, as depicted on the Official Zoning Map of the City of Cloquet.
- B. The Downtown Business District shall consist of all properties zoned commercial and / or industrial lying within an area bounded on the north by the Railroad Right-of-Way just north of Avenue B, on the west by Trunk Highway #33, on the south by Avenue F, and on the east by 18th Street, as depicted on the Official Zoning Map of the City of Cloquet. This District shall reflect a 'Central Business District' character and permit a wider range of architectural styles and designs. A 'Central Business District' is characterized by a broad mix of commercial uses and building styles and designs reflective of such an eclectic mix.

Subd. 3 General Provisions

- A. Renovation of existing buildings shall return a building's storefront to as close to its original architectural character as possible. In many cases, this will require removal of inappropriate later façade additions, such as: wood siding cover-ups; ribbed steel siding overlays; large signs, inappropriate to the scale of the building; wood shake mansard roofs; plastic or oddly shaped awnings; window openings in-fills or surrounds designed to reduce the size of the openings; lighting fixtures inconsistent with the era and architectural style; and other features of similar inappropriate character.
- B. The upper stories of a building shall be visually integrated with lower stories through the use of design details, colors and materials.
- C. New construction shall be designed to be architecturally compatible with existing buildings. The creation of a 'false historical look', through the use of materials and features which appear to be historic but are in fact new, is to be avoided. Infill building construction shall reflect the design of adjacent structures in height, materials and style.
- D. Buildings shall be the focus in the Districts, not parking areas, accessory uses or signs. Such features shall be designed, located and arranged to complement the principle building on the property and on adjacent properties.
- E. Formula and 'corporate' architecture (i.e. incorporates symbols or designs which are highly representative of a corporate logo or image, or which utilize the same architectural designs regardless of location), franchise patterns and buildings that are designed as signs shall be prohibited. Building design shall, as much as possible, incorporate characteristics that already exist in the area.
- F. These Standards shall apply primarily to buildings facing Avenue C in the West End Business District and Cloquet Avenue in the Downtown Business District. They shall also apply to corner buildings and those buildings within the block where the sides of the building can be seen from Avenue C and / or Cloquet Avenue. Buildings not facing Avenue C and / or Cloquet Avenue may conform to a lesser standard as an

exception to the rule. This includes buildings facing other streets within the said Districts.

Subd. 4 Dimensional Standards. Building height, lot area, bulk and yard setback requirements shall be those set forth in *Section 17.6.24: Tabulation of Dimensional and Special Requirements for Zoning Districts*, with the following exceptions:

- A. Build-to Line (the line measured from the street right-of-way which at least seventy (70) percent of the primary structure must touch).
 - (1) West End and Cloquet Avenue – 0 feet
 - (2) Avenue B and other side streets – 10 feet
- B. Minimum street frontage build-out (that portion of the primary street frontage which must be occupied by the primary structure at the build-to line).
 - (1) West End and Cloquet Avenue – One hundred (100) percent, except that pedestrian passages and plaza spaces developed in concert with buildings are exempt.
 - (2) Avenue B – Sixty percent (60%)
 - (3) Side streets – Thirty percent (30%)
- C. Minimum lot coverage by structures (plazas, outdoor gatherings or sales areas are not included in minimum coverage calculation).
 - (1) West End and Cloquet Avenue – Forty percent (40%), except that pedestrian passages and plaza spaces developed in concert with buildings are exempt.
 - (2) Avenue B – Thirty percent (30%), except that pedestrian passages and plaza spaces developed in concert with buildings are exempt.
- D. Building footprint size and bay width (the width of a storefront or segment of a continuous façade at which the building must be divided) for the primary structure one each site:
 - (1) West End and Cloquet Avenue – Two thousand (2,000) square feet minimum, ten thousand (10,000) square feet maximum; twenty (20) to forty (40) foot bays
 - (2) Avenue B – Two thousand (2,000) square feet minimum, thirty thousand (30,000) square feet maximum; twenty (20) to sixty (60) foot bays
 - (3) Up to one hundred (100) percent lot coverage, and buildings larger than the maximums permitted in 1. and 2. above, may be permitted by Conditional Use Permit, as stipulated in *Section 17.2.10*, if adequate off street parking is provided through the use of parking ramps, shared parking lots, etc. and if other amenities are incorporated into the building design to effectively substitute for the require landscaping features.

Subd. 5 Parking Standards. General off street parking requirements shall be as specified in *Section 17.5.11: Off-Street Parking*, with the exception as noted in *Section 17.6.13, Subd. 6*,

B: City Center, Special Provisions, Parking. Other parking standards specific to the West End and Downtown Business Districts shall be as follows:

- A. Off street parking shall be located in the side or rear yards only. No more than twenty-five (25) percent of required parking shall be in a side yard.
- B. Parking areas adjacent to street intersections shall be prohibited unless buffered landscaping and appropriate setbacks are provided.
- C. Parking areas and access drives shall not be placed closer than ten (10) feet to any building, and no closer than ten (10) feet to a public sidewalk. Interior walk ways and landscaping complying with the provisions of *Subd. 7* herein shall be installed between parking areas and public rights-of-way that consist of landscaping or ornamental fencing (no berms) that is at least fifty percent (50%) opaque to a height of twenty-eight (28) to thirty-six (36) inches in all seasons.
- D. Joint-use parking facilities that balances high peak and off peak parking demand, and shares spaces between adjoining properties, shall be encouraged.
- E. On street parking that fronts each site shall be included in the calculation of the required number of parking spaces as per *Section 17.5.11: Off-Street Parking*. On street parking on the side of the building shall not be included in this calculation.
- F. Employee parking shall be designated in remote areas of parking areas to allow customer parking nearest the destination. On street parking for employees shall be discouraged.
- G. Access to off street parking areas and sites shall be from cross streets only. No curb cuts shall be allowed on commercial and / or industrial properties on Cloquet Avenue, Avenue B or Avenue C.
- H. Parking ramps or similar structures may be used to fulfill off street parking requirements, provided such structures incorporate design elements consistent with this *Section*.

Subd. 6 Architectural Standards. The Department of Interior ‘Standards for Rehabilitation’ and the Guidelines which accompany them shall be the starting point for storefront and building design, and shall guide the re-use and rehabilitation of any structure in the West End Business District consistent with its historical character. The Standards applicable to the Downtown Business District shall promote a more eclectic character consistent with that which has emerged over the years. New construction shall incorporate such design principles as are consistent with these ‘Standards’ and Guidelines. Because of the sensitive nature of storefront and building design in the West End and Downtown Business Districts, it is strongly encouraged that the design for such work be prepared by a registered architect with particular expertise in such areas. It is the intent of these Standards that buildings fronting on Avenue C and Cloquet Avenue will require a different architectural standard than those fronting on side and other streets within the District. The following Standards are intended to reflect that difference:

- A. Materials. The use of quality building materials and methods to create an enduring stock of buildings shall be required. Acceptable materials and methods shall include:

- (1) Brick, stone, wood, EIFS (exterior insulating finish system) or high quality precast concrete are acceptable as exterior finish material. Wood, high quality metal (matte finish preferred) or synthetic siding may be acceptable as secondary trim or accent materials if used in combination with other acceptable materials, provided such materials do not exceed twenty percent (20%) of the exterior façade which is visible from a 'public way'. Wood frame, steel frame or masonry construction is acceptable. Exceptions will be allowed for high quality synthetic material that mimics brick, masonry, etc. Materials must be durable and property maintained at all times.
 - (2) Materials shall be durable, easily maintained, attractive at close distances, and scaled to pedestrians when structures are within ten (10) feet of public right-of-way or public walkway (i.e. no 'jumbo' brick).
 - (3) Exception for side and other streets. Buildings not fronting on Avenue C and / or Cloquet Avenue may use any materials permitted by applicable Zoning and Building Codes, provided they are durable and properly maintained at all times.
 - (4) Exception for residential buildings. Buildings fronting on Avenue C and / or Cloquet Avenue that are residential in character or use may use materials that will reflect that character. For example, vinyl lap siding may substitute for wood lap siding, provided such material complies with *Subd. 6* above.
 - (5) Accessory structures. Mechanical systems shall be integrated into the design of the building. Trash storage areas that are visible from a public roadway shall be completely enclosed or incorporated as part of the building. Accessory buildings shall be designed to be compatible with the principal building in color, architectural style, building materials, etc.
 - (6) Any outdoor storage of materials and merchandise shall be screened from public view with a fence, wall, or other enclosure, or vegetative screening.
- B. Doors and Windows. Buildings shall relate to people at all publicly visible sides. A 'back door' appearance for service areas and rear entrances from parking lots shall be eliminated or prohibited.
- (1) Facades facing streets or public walkways shall be articulated with windows and doors resulting in a minimum of forty percent (40%) window or door area at street level (sidewalk to twelve (12) feet high).
 - (2) Windows shall have a generally vertical orientation, and shall consist of transparent glass if located at street level. Mirrored glass at street level shall not be permitted.
 - (3) Entries shall be designed to be the highlight of the building.
 - (4) Original window and door openings shall be retained in the case of existing buildings, unless security and functional issues require a change. New doors will be allowed as long as the design complements the overall architectural style of the building. New windows shall have similar mullion arrangement to

the original windows. Newer types of windows, such as casement windows, shall not replace original double-hung windows.

- C. Colors. Colors should be selected from historic analysis of what is found at each site and architectural feature. They should be from a palette of base colors that are earth tones with accent colors that are earth tones or complimentary highlights. Color selections shall be governed as follows:
- (1) Selection shall be from historical color palettes available from all paint manufacturers.
 - (2) For painted buildings, subdued colors shall be used because the sheer mass of a building will make the color appear considerably brighter than on a small paint chip.
 - (3) Use of a multi-colored paint scheme is encouraged where the various colors will highlight ornate architectural detailing.
 - (4) Large expanses of white or light colored walls shall not be allowed.
- D. Details and Restoration. Each property is a unique example of physical features, time and use. Therefore, restoration of any original architectural detailing that has been removed from a building, or covered over, shall be a priority. The following rules shall govern:
- (1) Distinctive features, finishes and craftsmanship that specially characterize a property shall be preserved.
 - (2) Deteriorated features shall be repaired rather than replaced. If replacement is necessary, it shall be selective rather than total, and be substantiated by documented evidence of what was authentically present.
 - (3) Changes that create a false sense of history, or copy elements from nearby or similar buildings shall be prohibited. Colonial details, for example, are almost always inappropriate, since they do not represent the history of the districts.
 - (4) Cleaning shall be done by the gentlest means possible. Chemical treatments and sandblasting shall be avoided, unless it can be conclusively shown that such treatment will not be harmful.
 - (5) New work. Additions or alterations shall not destroy the historic materials that characterize the property, and shall be differentiated from the old, yet shall be compatible with the massing, size, scale and architectural features of the original structure. Such work shall be applied such that, if removed in the future, the essential form and integrity of the historic property and environment will be maintained.
 - (6) Changes to buildings that have acquired historic significance in their own right may be retained and preserved.
- E. Signs and Awnings. The following standards shall supersede and, where necessary, substitute for the provisions found in *Section 17.5.13: Signs*.

- (1) Canvas awnings in the West End Business District or extension of the roof material, for awnings are encouraged. Nylon awnings, or other synthetic materials, as well as those awning structures meant to be illuminated from within, are prohibited. Awnings may be continuous only across 'storefronts' occupied by a single tenant. They shall not be allowed to extend across the face of more than one building, even if the buildings are occupied by the same tenant. Back lit awning signs are permitted if well designed and in keeping with the character of the building. These requirements do not apply to the Downtown Business District.
- (2) Signs shall be incorporated into the building façade, windows or awnings, and shall not exceed one (1) square foot of signs area per lineal foot of street frontage façade (exception buildings located on corner lots *as defined in 17.1.05 Subd. 69* or that have corner visibility exposure and are not significantly setback from the street or sidewalk grid may be allowed a second building sign that is held to the maximum size of what is allowed on the primary or main building face and will be located on the building in accordance with 17.5.13, Signs, Subd.8, Subp. A (1) d). Signs projecting over the sidewalk may be permitted as a second sign, and must be perpendicular to the building front, or be part of a marquee complying with *Section 17.5.13: Signs*. Projecting signs shall be no larger than six (6) square feet in sign area. Window signs must maintain seventy percent (70%) of clear window area in the surface of the window. One sign will be permitted for each public entry (exception: signs that are part of an awning, or within or part of a window, are encouraged and will not be counted in determining the number of signs allowed)
- (3) Tenant signs in multi-tenant buildings shall be no larger than three (3) square feet of sign area per tenant at each public entrance
- (4) Temporary signs up to a maximum of six (6) square feet in area may be permitted for up to twenty-one (21) successive days. One such sign may be permitted per business, and may cover up to fifty percent (50%) of the total window area if placed in a window. Such signs shall not be placed in a public right-of-way, nor be attached to a building.
- (5) Ground signs may be allowed to a maximum size of one half (1/2) square foot of sign area per lineal foot of street facing façade on each of two sign faces. Ground signs shall not exceed a height of seven (7) feet. Pylon or similar free-standing signs are prohibited.
- (6) All buildings must be identified at each public entrance with its full street address in numbers no smaller than two (2) inches nor larger than four (4) inches in height. This signage shall not be included in the total signage allowed.
- (7) Building mounted signs may not exceed the height of the building on which mounted. Signs may not be mounted on top of the roof of the building.

Subd. 7 Landscaping and Lighting Standards

- A. All open areas of properties not used for buildings, off street parking, access drives, plazas or storage shall be landscaped with combination of conifers and deciduous trees, shrubs, flowers, ground covers and grass. Properties without open areas and / or off street parking shall be exempt from such landscaping requirement. Landscape plans shall be prepared by a registered landscape architect or other professional possessing equivalent expertise by training or experience, for all development projects valued at \$50,000 or more. A landscape architect, or other professional, is not required, but is encouraged, for projects valued at less than \$50,000. All landscaping shall be in accordance with the following minimum standards:
- (1) Maintenance of landscaped areas shall consist of all acts necessary to ensure that areas remain useable as originally designed and that no hazards, nuisances or unhealthy conditions exist. The property owner shall be responsible for all such maintenance.
 - (2) Credit may be given for existing trees, buffers or other landscape materials, provided they are maintained in accordance with *Subd. 7, A* above. The City Planner/Zoning Administrator, upon receipt of a written request and submittal of a survey of existing trees, landscaping or buffers, may waive the landscaping requirements to the degree that the waiver is consistent with the intent of this Chapter.
 - (3) Certain types of stormwater improvements that are landscaping in nature may qualify for stormwater utility credit (to be evaluated by City Engineer). Listed below are certain stormwater best management practices that meet the city's landscaping requirements these areas are not required to be irrigated:
 - (a) Rain Gardens. Residential or commercial rain gardens designed and vegetated to capture and soak in stormwater.
 - (b) Green Roofs. Green roofs filter, absorb and detain rainfall. The specialized soil and plants reduce runoff by holding back and slowing down water that would otherwise flow into the storm drains.
 - (c) Ribbon Curbs. Ribbon curbs, or curbless parking areas / streets, slope into adjacent vegetated areas and allow rain from paved areas to drain into rain gardens or vegetated swales. By eliminating curbs and gutters, there are fewer infrastructure costs and water can drain into the structure and soak into the ground.
 - (4) Plant materials shall be provided along property lines, within separation areas in parking areas, and in similar open areas as follows:
 - a. Side and rear yards abutting parking areas shall be screened at a minimum of fifty percent (50%) opacity to a height of twenty-eight (28) to thirty-six (36) inches;
 - b. Trees shall be planted to provide a shade canopy within, throughout and along the edges of off-street parking areas. Such trees shall be

arranged in landscaped islands at least four (4) feet wide to break up the expanse of the parking area in a defined manner, with a goal of achieving fifteen percent (15%) shade coverage when the trees reach maturity; and

- c. Plantings shall not block important architectural, historic or natural features on the site or on adjacent property, nor shall they block the line of sight at driveway access points.

(5) Minimum plant sizes are established as follows:

- a. Canopy trees: 2.5” caliper (diameter or thickness)
@ 6” above ground
- b. Understory / Evergreen trees:
 - Understory: 1.5” caliper (diameter or thickness)
@ 6” above ground
 - Evergreens: 60” in height
- c. Shrubs:
 - Deciduous: 24” in height
 - Evergreen: 18” in height

Plantings in excess of the initial fifty percent (50%) of required plantings may be of any size.

- (6) All plant materials shall conform to the standards of the American Association of Nurserymen, and be planted in accordance with the standards of the American Institute of Architects. Plant species shall be indigent to the area and / or of a hardiness that will assure successful growth. 17.5.15 *Subd. 9: Table: Examples of Acceptable Plantings*, may be used as a guide in this respect.
- (7) No occupancy permit shall be granted for any structure or site required to meet the provisions of this Chapter until these landscaping requirements have been met. However, a temporary occupancy permit may be granted if the owner provides the City with a letter of credit, performance bond, or some other financial guarantee acceptable with the City Attorney, in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of completing the landscape work. Any improvements covered by the financial guarantee must be completed by the owner prior to the following August 1, or the City shall have the right to exercise said guarantee and have the work completed.
- (8) Any modification to the exterior of an existing structure, or the construction of any new structure, or the addition to an existing structure shall require compliance with these landscaping standards, unless exempted by *Subd. 7, A* above. The minimum amount of landscaping shall equal at least three (3) percent of the project cost, or be measured at a ratio of one (1) square foot of

landscaping for each ten (10) square feet of new development. Whichever formula results in the greater amount of landscaping shall govern.

- B. Parking lot and yard lighting shall be of a similar, though not necessarily identical, style as the street lighting within the district. Within each property, lighting shall be of the same height, pole type and color, fixture type and wattage, and mounting height and levels if mounted on the building.

Subd. 8 Review Procedure. Any proposed improvement project subject to compliance with these design standards, and valued at one hundred thousand dollars (\$100,000) or more, shall require plan review and approval by the Cloquet Planning Commission before a building permit for the project shall be issued. Any project valued at less than one hundred thousand dollars (\$100,000) shall be reviewed for compliance with these regulations by the City Planner/Zoning Administrator.

Appeals of City Planner/Zoning Administrator decisions may be made to the Planning Commission in accordance with *Section 17.2.12: Appeals*, of this Chapter. Variances of these rules may be filed in accordance with *Section 17.2.11: Variance*, of this Chapter. Variances shall be granted only upon finding that the proposed variance is consistent with the purpose and intent of these Standards. Cost of compliance by itself, with no additional reasoning, shall not be a valid reason for granting a variance.

17.5.15 Design Standards for the Highway 33 Corridor

Subd. 1 Intent. The intent of this *Section* is to provide design standards that will establish and enhance an architectural character for the Trunk Highway 33 Commercial Corridor. The community's image on Highway 33 must be tied to the character of development that occurs along the corridor. These Standards are intended to define that character, and are intended to implement the community's vision for the Highway 33 Corridor as articulated in the Community Revitalization Master Plan of 1998. These Standards shall be applicable to all new construction and uses of land, and to any remodeling, additions and / or renovations to and of existing development, which takes place after the effective date of adoption of these standards. Additions, alterations or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of this *Section*, provided the addition, alteration or repair conforms to that required for a new building or structure. Existing buildings, where the siding material is not in conformance with these standards, may have such non-conforming material replaced with similar material, provided such replacement does not constitute more than fifty percent (50%) of the area of the wall on which it is located. Replacement of more than fifty percent (50%) shall require that all of the material on that wall shall be replaced with conforming materials.

Subd. 2 District Boundaries. These Standards shall apply to all lands located within the Highway 33 Corridor which are zoned commercial. The Highway 33 Corridor extends from the intersection with Interstate 35 on the south, to the north City limits. The corridor shall not extend more than one quarter mile to the east or west of the highway. The area lying within the West End and Downtown Business District shall be exempted from these standards, since that area is covered by its own standards as stipulated in *Section 17.5.14* of this Chapter.

Subd. 3 General Provisions

- A. Buildings in the Highway 33 Corridor shall be designed to reflect a sense of permanence. New buildings, and additions to existing buildings, may be of steel frame, wood frame, masonry or concrete. They shall have an exterior façade of primarily masonry, concrete, brick or EIFS (exterior insulating finish system, or stucco), and may have metal or wood trim. Metal buildings may be allowed, provided exterior facades which can be viewed from a ‘public way’ (i.e. public or private roadway) are at least fifty percent (50%) masonry, concrete, brick, EIFS or wood. If all sides of a building can be viewed from a ‘public way’, a minimum of two (2) sides of the building shall have exterior facades constructed to this standard. Heavy vegetative screening may substitute on the remaining two sides, subject to compliance with all other requirements of this *Section*. New buildings should be designed whenever possible to maximize land utilization. The concrete block or metal building ‘pillbox’ must be avoided. Exceptions will be allowed for high quality synthetic material that mimics brick, masonry or other appearance as approved by the City Planner/Zoning Administrator. Materials must be durable and properly maintained at all times.
- B. Buildings shall be designed to relate to people at all publicly visible sides. Buildings shall be scaled to pedestrians, with architectural elements designed to establish some rhythm and relief. Single block –form buildings, or the ‘white concrete block’ look, shall be avoided, and the forms shall be broken into smaller increments. Exterior materials shall be muted in color, and shall be of brick, stone or other long lasting material. Windows will be strongly encouraged, and should be positioned to allow views into and out of the building. Canvas awnings should be considered to add detail and interest to the façade.
- C. Development shall be designed to have the appearance of being carved from the forest. The design of the site shall have equal importance to the design of the buildings. Buildings shall be sited relatively close to the street and property lines to define the street edge. Dense plant material shall be used as buffers along the sides. Parking shall be primarily located to the sides or rear of the building, with limited parking allowed in the front. Strict and careful attention shall be made to landscaping and site design to achieve these ends.
- D. Formula and ‘corporate’ architecture, franchise patterns and buildings that are designed as signs shall be strongly discouraged.

Subd. 4 Dimensional Standards. Building height, lot area, bulk and yard setback requirements shall be those set forth in *Section 17.6.24: Tabulation of Dimensional and Special Requirements for Zoning Districts*, with the following exceptions:

- A. Setback at Front Yard: Thirty-five (35) feet minimum; one hundred (100) feet maximum for buildings under twenty thousand (20,000) square feet; one hundred-fifty (150) feet maximum for buildings twenty thousand (20,000) square feet and larger. In designing the site layout, the established setbacks of neighboring properties should be used as a guideline and followed as closely as possible.
- B. Minimum Street Frontage Build-Out. (That portion of the primary street frontage which must have a majority of the primary structure touching the setback line):

- (1) Sunnyside area of Highway 33 North – forty percent (40%)
- (2) Remainder of Highway 33 Corridor – thirty percent (30%)

Exception: Development proposals which cannot meet the above build-out standard will require special review by the Planning Commission to assure that compliance with the goals of this *Section* and the Community Revitalization Master Plan of 1998 will be achieved.

- C. Building footprint size for the primary structure on each site: one thousand (1,000) square feet minimum; seventy thousand (70,000) square feet maximum. Proposals to develop large lots with relatively small buildings (i.e. with less than ten percent (10%) lot coverage) shall require review of the development plan by the Planning Commission to assure compliance with the goals of this *Section* and the Community Revitalization Master Plan of 1998. A phased development plan may be required to show how compliance will be achieved at a future date.
- D. Complexes, or planned developments, of more than one building sized at the maximum allowed footprint may be permitted if designed in accordance with these Standards, and provided the maximum lot coverage stipulated in *Section 17.6.12: Regional (Highway) Commercial District*, is not exceeded. Buildings over seventy thousand (70,000) square feet may be permitted subject to issuance of a Conditional Use Permit as stipulated in *Section 17.2.10*, provided the overall development plan is consistent with these Standards and the general provisions of this Chapter.

Subd. 5 Parking Standards. General off street parking requirements shall be as specified in *Section 17.5.11* of this Chapter. Parking standards specific to the Highway 33 Corridor shall be as follows:

- A. Sites shall be designed to facilitate the location of off street parking in the side and rear yards. Parking spaces located in the front yard shall be buffered from the street with appropriate landscaped screening, and shall be designed with amenities to reduce the visual impact. Examples include, but are not limited to, breaking up the expanse of the parking lot with landscaped islands, decorative lighting designs and patterns, decorative paving materials and layout, etc.
- B. Parking areas adjacent to street intersections shall be prohibited, unless buffered landscaping and appropriate setbacks are provided.
- C. Parking areas and access drives shall not be placed closer than ten (10) feet to any building, and not closer than ten (10) feet to a public sidewalk or street. Interior walk ways and landscaping shall be installed within those separation areas. A visual barrier shall be installed between parking areas and public rights-of-way that consist of landscaping or ornamental fencing (no berms) that is at least fifty percent (50%) opaque to a height of twenty-eight (28) to thirty-six (36) inches in all seasons. For very large parking areas, the accumulated additional separation may be located in a median between two rows of parking.
- D. Joint-use parking facilities that balances high peak and off peak parking demand, and shares spaces between adjacent properties, shall be encouraged. Trade-offs in the required number of off street parking spaces may be considered between adjacent

properties where joint-use parking is factored into the site design (e.g. a movie theater's parking being available to serve a nearby office use during the theater's non-peak hours).

- E. A goal of these Standards is to achieve fifteen percent (15%) shaded coverage of parking areas with mature trees. Calculations for such coverage shall be based upon noontime shade measurements. Landscaping plans shall incorporate this goal into the overall design. Lesser coverage may be considered if the landscaping plan shows that fifteen percent (15%) coverage is not necessary to achieve the general goals of this *Section*.
- F. Access to off street parking areas and sites shall be from side streets or frontage roads only. Direct access from Highway 33 shall not be allowed except in the 'Sunnyside' area of Highway 33 North, and in that area such access shall be restricted to right turn in and out designs that comply with MnDOT standards. The 'Sunnyside' area is bounded by the St. Louis River on the south and by Adams Street on the north.

Subd. 6 Architectural Standards. The Cloquet Community Revitalization Master Plan of 1998 shall be the starting point for building and site design in the Highway 33 Corridor. New construction shall incorporate the general design principles found in Chapter IV, Design Guidelines, and in particular shall follow the guidelines found in *Sections 17.2.01: General Provisions and 17.2.02: Zoning Permit*, and following, as they apply to the Highway 33 Corridor. Additional, specific standards shall apply as follows:

- A. Materials. The use of quality building materials and methods to create an enduring stock of buildings shall be required. Materials shall be durable, easily maintained, attractive at close distances and scaled to pedestrians (i.e. 'jumbo' brick or block is to be avoided). Acceptable primary exterior finish materials shall include: brick, stone, decorative concrete block, EIFS and precast concrete. Wood, high quality metal (matte finish) or synthetic materials may be acceptable as secondary, trim or accent materials used in combination with a primary material as listed above, provided they do not exceed fifty percent (50%) of any exterior façade which is visible from a 'public way'. Exceptions will be allowed for high quality synthetic material that mimics brick, masonry, etc. Materials must be durable and properly maintained at all times.
- B. Doors and Windows. Buildings shall relate to people at all publicly visible sides. A 'back door' appearance for service areas and rear entrances from parking lots shall be eliminated or prohibited. Facades facing streets or public walkways shall be articulated with windows and doors. Entries shall be designed to be the highlight of the building.
- C. Colors. Colors shall be selected from a palette of base colors that are earth tones. Accent colors shall be earth tones or complimentary highlights. For painted buildings, subdued colors shall be used because the sheer mass of the building will make the color appear considerably brighter than on a small paint chip. Large expanses of white or light colored walls shall not be allowed.
- D. Signs. The following standards shall supersede and, where necessary, substitute for the provisions found in *Section 17.5.13, Signs*, of this Chapter.

- (1) Signs shall be incorporated into the building façade, windows or awnings. Signs shall not exceed one (1) square foot of sign area per lineal foot of lot width at the street frontage, or ten percent (10%) of the front exterior façade area of the principle building, whichever is less. Signs may be part of a marquee complying with *Section 17.5.13: Signs*. Window signs must maintain seventy percent (70%) of clear window area in the surface of the window. No more than one sign shall be allowed, except as provided in *subpart 3* below.
 - (2) Each tenant, or business, in a multi-tenant building, or building with more than one business, may be allowed one sign complying with the standards in *Subd. 6, A* above. The area of the sign shall be based upon the square footage of the exterior façade, or storefront face, occupied by the tenant, not the entire building. Tenants without exterior façade or storefront face may have a sign not exceeding fifty (50) square feet in area.
 - (3) It is the intent of these Standards to reduce the amount of overhead clutter that interferes with the view of the forest. Therefore, tall post or pylon signs will be discouraged. Ground signs are encouraged in lieu of such pylon signs. A pylon sign may be allowed as a second sign. The size of the sign shall be limited to one-half (1/2) square foot of sign face area per lineal foot of lot width facing the street on each of two signs faces. Pylon sign height shall not exceed twenty-five (25) feet for developments of less than fifty thousand (50,000) square feet, and thirty (30) feet for developments fifty thousand (50,000) square feet and larger. Ground sign height shall not exceed seven (7) feet.
 - (4) Signs shall be designed to be complimentary to the principle building architecture and approved color scheme. Sign design and color shall be part of the plan review process stipulated in *Subd. 9* herein.
- E. Accessory Structures. Mechanical systems shall be integrated into the design of the building. All dumpsters, trash cans, incinerators, exterior storage, etc. shall be screened from public view with a fence, wall or other enclosure six (6) feet in height with a minimum of ninety percent (90%) opacity, unless contained within a completely enclosed building. Accessory buildings shall be designed to be compatible with the principle building in color, architectural style, building materials, etc.

Subd. 7 Landscaping and Lighting Standards

- A. All landscaping within the Highway 33 Corridor shall be guided by the concept of development being ‘carved from the forest’, as articulated in the Cloquet Community Revitalization Master Plan of 1998 (see pages 55 and 60 thereof). In other words, plantings of indigenous species shall be arranged in a manner reflective of a forest environment. The planting layout shall be designed accordingly (i.e. clustering of plants shall be employed, as well as buffer yards along property lines, etc.). Open areas shall be strategically designed and placed on the property to complement, buffer and shade buildings, off street parking areas, access drives, storage areas, etc. in accordance with the above, and with the minimum standards set forth below. Landscape plans shall be prepared by a registered landscape architect or other

professional possessing equivalent expertise by training or experience, for all development projects valued at fifty thousand dollars (\$50,000) or more. A landscape architect, or other professional, is not required, but is encouraged, for projects valued at less than fifty thousand dollars (\$50,000).

These landscaping standards shall apply to all new construction, and to all remodeling, additions and / or renovations of existing development, which takes place after the effective date of adoption of these standards. In the case of existing development, the measure of required landscaping shall be based upon the amount of new construction only, as per *subpart 10* below, and shall not be retroactively applied.

- (1) Maintenance of landscaped areas shall consist of all acts necessary to ensure that areas remain useable as originally designed and that no hazards, nuisances or unhealthy conditions exist. The property owner shall be responsible for all such maintenance.
- (2) Credit may be given for existing trees, buffers or other landscape materials, provided they are maintained in accordance with *subpart 1* above. The Zoning Administrator, upon receipt of a written request and submittal of a survey of existing trees, landscaping or buffers, may waive the landscaping requirements to the degree that the waiver is consistent with the intent of this Chapter.
- (3) Certain types of stormwater improvements that are landscaping in nature may qualify for stormwater utility credit (to be evaluated by City Engineer). Listed below are certain stormwater best management practices that meet the city's landscaping requirements:
 - (a) Rain Gardens. Residential or commercial rain gardens designed and vegetated to capture and soak in stormwater.
 - (b) Green Roofs. Green roofs filter, absorb and detain rainfall. The specialized soil and plants reduce runoff by holding back and slowing down water that would otherwise flow into the storm drains.
 - (c) Ribbon Curbs. Ribbon curbs, or curbless parking areas / streets, slope into adjacent vegetated areas and allow rain from paved areas to drain into rain gardens or vegetated swales. By eliminating curbs and gutters, there are fewer infrastructure costs and water can drain into the structure and soak into the ground.
- (4) Plant materials shall be provided along property lines, within separation areas in parking areas, and in similar open areas as follows:
 - a. Side and rear yards shall be buffered with dense plant materials to delineate boundaries and screen parking and outside storage areas;
 - b. The front yard shall be landscaped to define the street edge and provide a visual framework for the buildings. Where parking is located

in the front yard, additional landscaping shall be required to screen objectionable elements of such.

- c. Trees shall be planted to provide a shade canopy within, throughout and along the edges of off street parking areas which are more than one hundred (100) feet wide at any dimension or which can accommodate fifty (50) or more vehicles. Such trees shall be arranged in landscaped islands at least four (4) feet wide to break up the expanse of the parking area in a defined manner, with a goal of achieving fifteen percent (15%) shade coverage when the trees reach maturity; and
- d. Plantings shall be utilized so as to frame and enhance denoted view corridors and vistas, and shall not block important architectural, historic or natural features on the site or on adjacent property.

(5) Minimum plant sizes are established as follows:

- a. Canopy trees: 2.5” caliper (diameter and thickness) @ 6” above ground
- b. Understory / Evergreen trees:
 Understory: 1.5” caliper (diameter and thickness) @ 6” above ground
 Evergreens: 60” in height
- c. Shrubs:
 Deciduous: 24” in height
 Evergreen: 18” in height

- (6) Plant species shall be representative of a Cloquet forest environment, with a mixture of evergreen and deciduous canopy and understory trees, shrubs, grasses, flowers, etc. Evergreens shall represent at least thirty-three percent (33%) but not more than sixty-seven percent (67%) of such mixture.
- (7) All plant materials shall conform to the standards of the American Association of Nurserymen, and be planted in accordance with the standards of the American Institute of Architects. Plant species shall be indigent to the area and / or of a hardiness that will assure successful growth. *Subd. 9, Table: Examples of Acceptable Plantings*, may be used as a guide in this respect.
- (8) Any outdoor storage of materials and merchandise not available for immediate sale or lease shall be screened from public view with a fence, wall, or other enclosure, or vegetative screening as per *subpart 7* above and this *Section*. Merchandise offered for direct sale or lease may be displayed without such screening, provided the area so occupied is no larger than ten percent (10%) of the ground floor area of the principal building on the same property therewith.

The ten percent (10%) limit shall not apply to merchandise customarily displayed outdoors, such as garden supplies.

(9) No occupancy permit shall be granted for any structure or site required to meet the provisions of this Chapter until these landscaping requirements have been met. However, a temporary occupancy permit may be granted if the owner provides the City with a letter of credit, performance bond, or some other financial guarantee acceptable to the City Attorney, in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of completing the landscape work. Any improvements covered by the financial guarantee must be completed by the owner prior to the following August 1, or the City shall have the right to exercise said guarantee and have the work completed.

(10) Any addition to an existing structure or the construction of any new structure shall require compliance with these landscaping standards. The minimum amount of new landscaping shall equal at least three percent (3%) of the value of the new development, or be measured at a ratio of one (1) square foot of landscaping for each ten (10) square feet of new development, whichever formula results in the greater amount of landscaping shall govern.

B. Parking lot and yard lighting shall be of similar, though not necessarily identical, style as the street lighting in the area. Within each property, lighting shall be of the same height, pole type and color, fixture type and wattage, and mounting height and levels if mounted on the building.

Subd. 8 Review Procedures. Any proposed improvement project subject to compliance with these Design Standards, shall comply with the Site Plan Approval process in *Section 17.2.10*.

Appeals of City Planner/Zoning Administrator decisions may be made to the Planning Commission in accordance with *Section 17.2.07: Appeals* of this Chapter. Variance of these rules may be filed in accordance with *Section 17.2.08: Variance* of this Chapter. Variances shall be granted only upon a finding that the proposed variance is consistent with the purpose and intent of these Standards. Cost of compliance by itself, with no additional reasoning, shall not be valid reason for granting a variance.

Subd. 9 Table: Examples of Acceptable Plantings

Evergreens	Deciduous	Deciduous	Shrubs
Balsam Fir	Red Maple	Black Cherry	Common Juniper
White Spruce	Freeman Maple	Comn.	Western
Black Hills Spruce	Sugar Maple	Chokecherry	Serviceberry
Black Spruce	Mountain Maple	Northern Pin Oak	Black Chokecherry
Jack Pine	Speckled Alder	Bur Oak	Bog Birch
Red Pine	Inland Serviceberry	Northern Red Oak	Gray Dogwood
Eastern White Pine	Allegheny Serviceberry	Am. Mtn. Ash	Red-leaved Dogwood
Canada Yew	Apple Serviceberry	Showy Mtn. Ash	Red-osier Dogwood
		Basswood	American Hazlenut

Northern Cedar	White	Yellow Birch	American Elm	Beaked Hazle
Eastern Hemlock		Heart-leafed Birch	Slippery Elm	Leatherwood
		Paper Birch	Rock Elm	Common Winterberry
		Blue Beech	Butternut Hickory	Common Ninebark
		Hackberry	Dotted Hawthorn	Smooth Sumac
		Pagoda Dogwood	White Ash	Staghorn Sumac
		Hawthorn	White Oak	Pussy Willow
		Black Ash	Bicolor Oak	Coyote Willow
		Green Ash	Canada Plum	American Elder
		Butternut	Pin Cherry	Red-berried Elder
		Tamarack		Nannyberry
		Ironwood		Downy Arrow-wood
		Balsam Poplar		Am. Cranberry Bush
		Bigtooth Aspen		Common Prickly-ash
		Quaking Aspen		Mountain Alder
		American Plum		Dull-leaf Indigo bush
				Common Buttonbush
				Silky Dogwood
				Witch Hazel
				American Bladdernut

NOTE: This listing is not necessarily inclusive of all the plant species that would be acceptable in the Cloquet area. It is intended to be illustrative of the types of plants that generally grow well here. Contact a qualified landscaper or nursery professional for more information.

17.5.16 Wireless Communication Facilities.

Subd. 1 Intent. The Federal Communications Commission (FCC) has issued wireless communication licenses for personal communications services and other wireless technologies in order for those license holders to provide wireless services throughout the United States. The growing demand from citizens and businesses for new wireless communications services has produced an increased need for the installation of wireless communication facilities. The location, siting, design and construction of wireless communication facilities can have adverse impacts on celestial observation and the surrounding area. The City of Cloquet therefore finds that it is necessary to adopt regulations that will accommodate the communication needs of residents and businesses while protecting the health, safety and welfare. These regulations will also minimize adverse visual effects of wireless facilities through careful design and siting standards, avoid potential hazards or damage to adjacent properties from tower failure through structural standards and setback

requirements, maximize the use of existing and approved towers and structures for new wireless communication antennas, and reduce the number of towers needed to serve the area.

Subd. 2 Definitions.

- A. Alternative Tower Structure. Any structure not specifically designed or intended for the placement of antennas and wireless communication equipment.
- B. Amateur Radio Operator. A person holding a written authorization to be the control operator of an amateur radio facility. This authorization shall be in the form of a license or permit issued by the Federal Communications Commission or a foreign national or multinational license or permit recognized by treaty as valid in the United States.
- C. Amateur Radio Services. The radio communication services including the amateur-satellite services and the amateur service, which are for the purpose of self-training, intercommunication and technical investigations carried out by amateurs who are duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, as defined in 47 CFR, Part 97 and regulated thereunder.
- D. Antenna. Any device or equipment used for the transmission or reception of electromagnetic waves, which may include Omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (disc).
- E. Collocation. The location of more than one antenna or set of antennas on the same tower structure.
- F. FAA. Federal Aviation Administration.
- G. FCC. Federal Communications Commission
- H. Height. The distance measured from ground level to the highest point on a tower or structure, including any attachments.
- I. Public Utility. Any persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purposes of this section, commercial wireless communication service facilities shall not be considered public utility uses, and are defined separately.
- J. Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guy towers, monopole towers and self-supporting lattice towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.
- K. Tower Accessory Structure. Any structure located at the base of a tower for housing base receiving or transmitting equipment.
- L. Wireless Communications. Any personal wireless services as defined in the Telecommunications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or may be developed.

Subd. 3 Applicability.

- A. Preexisting Towers and Antennas. Any tower or antenna for which a permit has been issued prior to the effective date of this *Section* shall not be required to meet the requirements of this *Section*. However, any addition or change to a preexisting tower or antenna shall comply with all applicable requirements of this *Section*.
- B. Amateur Radio and Receive Only Antennas. This *Section* shall not govern the installation of any tower or antenna less than ninety (90) feet in height that is owned and / or operated by a federally licensed amateur radio operator or is used exclusively for receive only antennas.
- C. Government Owned and Operated. This *Section* shall not govern government owned and operated receive and or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, exceeding a height of 90 feet shall require a conditional use permit. Such towers shall conform to the accessory structure setback for the zone district in which it is located.

Subd. 4 General Requirements.

- A. All towers and antennas shall comply with all FCC and FAA rules, regulations and standards. Any change in such rules, regulations and standards shall require compliance within six (6) months for all existing towers and antennas. Failure to comply shall be grounds for removal of the tower or antenna at the owner's expense.
- B. Design and installation of all towers shall comply with the manufacturer's specifications. Plans shall be prepared and certified by a registered professional engineer.
- C. Installation of all towers and antennas shall comply with all applicable state and local building and electrical codes.
- D. For leased sites, written authorization must be provided from the property owner for siting the wireless communication facilities.
- E. All towers and antennas must be adequately insured for injury and property damage.
- F. All abandoned or unused towers and antennas must be removed within six (6) months of cessation of operation or use, unless an extension is granted by the City Council. After removal of the facilities, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed from the ground to a minimum depth of eight (8) feet below ground level. If such removal and restoration is not completed within the time specified, the City of Cloquet may cause such removal and restoration with the cost thereof assessed against the property as a special assessment.
- G. When applicable, proposals to erect new towers and antennas shall be accompanied by any required state or local agency license or application for such license.
- H. Only one tower is allowed on a parcel of land. However, additional towers may be permitted by special exception permit if said towers are located no more than two hundred (200) feet from the existing tower and all other requirements of this *Section* are met.

- I. No tower, or related structure or equipment, shall be erected or constructed without first obtaining a Conditional Use Permit in accordance with *Section 17.2.10* of this Chapter. A Conditional Use Permit shall be required for all new and replacement towers, except as exempted in *Subd. 3, A* of this *Section*.

Subd. 5 Prohibitions.

- A. No tower or antenna may be installed on a parcel within any Residential Zoning District except the FR District, nor within the NC or HC Zoning Districts. A tower or antenna may be allowed in the FR, CC, RC, LI, HI, and IP Districts only, subject to the issuance of a Conditional Use Permit.
- B. No advertising message shall be affixed to any tower or antenna, other than that required by the FCC.
- C. Towers and antennas shall not be artificially illuminated unless required by FCC or FAA regulations.
- D. Whenever any tower is required to have flashing type lighting or illumination, the use of red flashing lights shall be required during the night time hours as opposed to white strobe lights unless otherwise federally mandated.
- E. No part of any tower or antenna shall extend across or over any right-of-way, public street, public highway, public sidewalk or property line.
- F. All visible light emitting devices shall be prohibited from being used on any tower at any time with the exception of the requirements of the FCC or FAA for safety purposes.

Subd. 6 Performance Standards.

- A. Setback and Height Requirements.
 - (1) Any property line setback – a distance equal to the height of the tower plus the distance of any attachments extending above or beyond the tower. This setback may be reduced to seventy-five percent (75%) of the combined height if supporting engineering data is submitted by a registered professional engineer that certifies that the tower is designed and engineered to collapse upon failure within the distance from the highest point of the structure to the property line.
 - (2) Any residence setback – five hundred (500) feet. Exception: the residence on the parcel on which the tower is to be located.
 - (3) Maximum height – three hundred (300) feet. No tower shall exceed three hundred (300) feet in height as measured from grade to the top of the tower plus any attachments extending above or beyond the tower.
- B. Collocation Requirements. All commercial wireless communication towers erected, constructed or located within the City of Cloquet shall comply with the following:
 - (1) Provide documentation of the area to be served including maps demonstrating the size of communication cells and search rings for the tower or antenna location. A narrative describing a search ring of not less than one (1) mile

radius for the requested site, clearly explaining why the site was selected, what existing structures were available, and why they are not suitable as locations or collations.

- (2) Provide documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost.
 - b. The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional radio frequency engineer and the interference cannot be prevented at a reasonable cost.
 - c. No existing or approved towers or commercial / industrial building within a one (1) mile radius meet the radio frequency design criteria.
 - d. Existing or approved towers and commercial / industrial buildings within one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency engineer.
 - e. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- (3) The applicant must demonstrate that a good faith effort to collocate on existing towers and structures within a one (1) mile radius was made, but an agreement could not be reached.
- (4) Any proposed commercial wireless telecommunication service tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least three (3) additional users (4 total users) if the tower is one hundred-thirty (130) feet or more in height or two (2) additional users (3 total users) if the tower is less than one hundred- thirty (130) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- (5) An agreement stating that the site will be designed for not less than three (3) or four (4) users, depending upon tower height as stipulated in No. 4 above, and with the applicant and property owner commitment to collocation, must be included with any permit application. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner and / or applicant at the property owner's and / or applicant's expense.

The agreement shall also state that the property owner and / or applicant shall abide by all applicable terms and conditions of applicable permits, including the restoration and reclamation requirements of this Section. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become part of the permit.

- C. Screening and Landscaping. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped with a buffer of plant materials that effectively screens the view of all tower accessory structures, equipment and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived by the City Council. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible.
- D. Security fencing and lighting.
- (1) All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to twelve (12) feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of six (6) feet high chain link fence with a locked gate.
 - (2) Security lighting for on-ground facilities and equipment is permitted, as long as it is down shielded to keep light within the boundaries of the site.
- E. Color and Materials. All metal towers shall be constructed or treated with corrosion resistant materials. All towers and antennas shall utilize building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and environment to the greatest extent possible.
- F. Parking and Access. Adequate parking spaces and access drives shall be provided in accordance with *Section 17.5.11: Off-Street Parking* of this Chapter. In addition, access drives must be provided with a locked security gate to restrict admittance to the site.
- G. Alternative Tower Structures.
- (1) If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (2) If equipment is to be installed on an alternative tower structure, the applicant shall furnish a report from a professional engineer certifying the proposed alternative tower structure to be suitable for applicant's equipment and intended use. Suitable shall be understood to include, but not be limited to, structural integrity and human safety concerns.

- H. Noise. Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within 100 feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of at least a Ldn of 60 dB at the property line and an interior noise level of a Ldn of 45 dB. Testing and maintenance shall only take place on weekdays between the hours of 7:30 a.m. and 5:30 p.m.
- I. Abandoned or Unused Towers or Portions of Towers. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that the tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities shall be deemed to be a hazardous building within the meaning of Minnesota Statute which may be removed by the City and the cost of removal assessed against the property owner upon which the tower and facilities are located in the manner provided by Minnesota Statute.

Subd. 7 Conditional Use Permit Applications. In addition to the submittal requirements specified in *Section 17.2.10* of this Chapter, all applications for permits for new wireless communication facilities shall include the following information:

- A. Report. A report from a registered professional engineer and other professionals which:
- (1) Describes the tower height and design, including a cross section and elevation;
 - (2) Certifies the facility's compliance with structural and electrical standards;
 - (3) Describes the tower's capacity, including the potential number and type of antennas that it can accommodate;
 - (4) Describes the lighting to be placed on the tower, if required by the FCC or FAA;
 - (5) Certifies that the facilities will not cause destructive interference with previously established public safety communications systems as required by the FCC;
 - (6) Describes how the requirements and standards of these ordinances will be met by the proposed facilities; and
 - (7) Provides a periodic maintenance and safety check schedule for the structure which is consistent with the design of the structure.
- B. Facility Plan. Each application shall include a facility plan, which includes the following:
- (1) A written description of the type of consumer services each provider will provide to its customers (cellular, PCS, SMR, ESMR, paging or other anticipated wireless communication services).

- (2) A map of the City and the surrounding area which shows the geographic service areas of the existing and proposed cell site, including sites to be upgraded or replaced, and identifies the sea level elevation for the proposed tower site.
- C. Additional Information and Analysis. Additional information and analysis may be required as deemed necessary by the Planning Commission and / or City Council, at the applicant's expense. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- D. Existing Tower / New Antenna. Additions of new antennas to existing towers shall not require issuance of a Conditional Use Permit. However, such additions will require a Building Permit and / or Electrical Permit in accordance with applicable regulations. All other requirements of this *Section* shall also apply.

17.5.17 Sewage and Wastewater Treatment Systems

Per MN Rule 7082.0040, Subp. 2, Carlton County Planning and Zoning Department administers subsurface sewage treatment requirements for the City of Cloquet, MN.

17.5.18 Floodplain Regulations

17.5.18 Floodplain Regulations

Subd. 1 STATUTORY AUTHORIZATION AND PURPOSE

- A. **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 80; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- B. **Purpose**
1. This ordinance regulates development in the flood hazard areas of the City of Cloquet. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote public health, safety, and general welfare by minimizing these losses and disruptions.
 2. This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
 3. This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

4. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

C. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

D. Warning and Disclaimer of Liability. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur, and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of the City of Cloquet or its officers or employees for any flood damage that results from reliance on this ordinance, or any administrative decision lawfully made hereunder.

E. Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

Subd. 2 DEFINITIONS

A. Definitions. Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

1. **Base Flood.** The flood having a one-percent chance of being equaled or exceeded in any given year. “Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, part 6120.5000.
2. **Base Flood Elevation (BFE).** The elevation of the base flood, regional flood, or one-percent annual chance flood. The term “base flood elevation” is used in the flood insurance study.
3. **Development.** Any man-made change to improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of materials or equipment.
4. **Farm Fence.** An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02 Subd. 1(a - d).
5. **Flood Fringe.** The portion of the one-percent annual chance floodplain located outside of the floodway.
6. **Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Insurance Administrator has delineated both the special

hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

7. Floodplain. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
8. Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.
9. 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.”
10. 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. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
11. Regulatory Flood Protection Elevation (RFPE). An elevation no lower than one foot above the elevation of the base flood plus any increases in water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.
12. Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 17.5.18, Subd. 4. C. 10, shall also be considered a nonconforming structure for the purposes of this ordinance.
13. Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
14. Substantial Improvement. Any reconstruction, rehabilitation, 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 that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- a. 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.
- b. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is defined in 44 CFR § 59.1.

Subd. 3. JURISDICTION AND DISTRICTS

A. Lands to Which Ordinance Applies. This ordinance applies to all lands under the jurisdiction of the City of Cloquet within the Floodplain, shown as Zones A or AE on the Flood Insurance Rate Map panels referenced in Subd 3.B.

1. The standards imposed in this overlay district are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
2. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.
3. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the city and to submit technical evidence.

B. Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Carlton County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate map panels enumerated below, all dated March 13, 2024, and prepared by the Federal Emergency Management Agency. These materials are on file in the Cloquet City Hall.

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 27017C0125D
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C. Annexations: The Flood Insurance Rate Map panels referenced in Section 17.5.18, Subd. 3. B may include floodplain areas that lie outside of the corporate boundaries of the City of Cloquet at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Cloquet after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Section 17.5.18, Subd. 3. B require ordinance amendment in accordance with Section 17.5.18, Subd. 8.

Subd. 4. PERMITTED ACTIVITIES AND STANDARDS IN THE FLOODPLAIN DISTRICT

A. Permitted Activities. A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:

1. Any addition, modification, rehabilitation, repair, or alteration to a nonconforming structure as specified in Section 17.5.18, Subd. 5 of this ordinance. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in Section 17.5.18, Subd. 2 of this ordinance.
2. Any use that requires fill, excavation, storage of materials, or placement of anything that may cause a potential obstruction, as well as any other form of development as defined in Section 17.5.18, Subd. 2 of this ordinance.

B. Activities Not Requiring a Permit. Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. Farm fences, as defined in Section 17.5.18, Subd. 2 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit. A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high-water level is also to be disturbed. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.

C. Minimum Development Standards.

1. **All development must:**
 - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Be constructed with materials and equipment resistant to flood damage;
 - c. Be constructed by methods and practices that minimize flood damage;

- d. Be reasonably safe from flooding and consistent with the need to minimize flood damage;
 - e. Be assured to provide adequate drainage to reduce exposure to flood hazards;
 - f. Not be detrimental to uses in adjoining areas; and
 - g. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
2. **Buildings and Structures.** No new structures, such as buildings or accessory structures may be permitted in the regulatory floodplain. Modifications and alterations of nonconforming structures is subject to the standards in Section 17.5.18, Subd. 5.
3. **Subdivisions.** All new lots must be able to accommodate for a building site with a natural grade outside of the floodplain. All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE).
4. **Encroachment Analysis.** Development in the following areas requires hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area).
 - a. In a floodway, development may not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities.
 - b. In areas where a floodway has not been delineated, development may not allow stage increases more than one-half (0.5) foot at any point during the one-percent chance flood. This evaluation must include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damage would potentially result.
5. **Fences** not meeting the definition of farm fences are not permitted.
6. **Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. 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. All public transportation facilities should be designed to minimize increases in flood elevations.
7. **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed

to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

8. **Potential Pollutants.** Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, as well as those likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited.
9. **Land Alterations.** In areas within 25 feet of the ordinary high-water level, land alterations shall be restricted to:
 - a. the minimum required to accommodate beach and access areas, not to exceed a volume greater than 10 cubic yards; and
 - b. the minimum required to accommodate for public utilities, roads, railroad tracks, bridges, and shoreline stabilization projects to correct an identified erosion problem, as verified by a qualified resource agency or the zoning administrator.
10. **Recreational vehicles** must be travel ready, meeting the following criteria:
 - a. The vehicle must be fully licensed.
 - b. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
 - c. No permanent structural type additions may be attached to the vehicle.
11. **Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities** shall be subject to applicable provisions detailed in Section 17.5.18, Subd. 4. C. 7. Replacement of on-site sewage treatment systems are to be constructed to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270. No new private service facilities may be permitted in the regulatory floodplain.

Subd. 5. NONCONFORMITIES

- A. **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

1. Within the floodway, or where the floodway has not been delineated, any expansion or enlargement of uses or structures is prohibited.
2. Any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).
3. If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 17.5.18, Subd. 5. C, it may not be reconstructed except in conformity with the provisions of this ordinance.
4. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

B. Standards for Modifications and Alterations of Nonconforming Structures. In addition to the standards identified in Subd. 4. C., the following standards and procedures apply to additions, modifications, rehabilitations, repairs, alterations, or maintenance of nonconforming structures:

1. All structures, including manufactured homes, must be elevated on fill so that the lowest floor of the lowest enclosed area (including basement) is at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator.
2. Electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Substantial Improvement and Substantial Damage Determinations. Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

1. Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.

2. Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - a. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - b. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
3. Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 17.5.18, Subd. 2 of this ordinance.
4. Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

Subd. 6. ADMINISTRATION

A. Duties. A Zoning Administrator or other official must administer and enforce this ordinance.

1. Permit Application Requirements. Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:
 - a. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
 - b. Location and detail of grading, fill, or storage of materials.
 - c. Copies of any required local, state or federal permits or approvals.
 - d. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
2. Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:
 - a. Encroachment analysis, as detailed in Section 17.5.18, Subd. 4. C.
 - b. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.

- c. Substantial damage and substantial improvement determinations, as detailed in Section 5.3, including the cost of improvements, repairs, and market value.
- d. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

B. Variances

1. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
2. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
3. Variances from the provisions in this ordinance may only be issued by a community upon:
 - a. A showing of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. 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.
4. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.
6. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
7. The Zoning Administrator must notify the applicant for a variance that:
 - a. 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
 - b. Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

C. Notifications for Watercourse Alterations: Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters

pursuant to Minnesota Statute, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

- D. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations:** Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of Cloquet must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within areas where the floodway has not been delineated, a map revision is only required if development results in stage increases greater than 0.5 feet.
- E. Notifications to the Department of Natural Resources.**
- F.** All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
- G.** A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

Subd. 7. PENALTIES AND ENFORCEMENT

- A. Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- B. Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of Cloquet or the Department of Natural Resources.
- C. Enforcement.** Violations of the provisions of this ordinance constitute a misdemeanor and is punishable as defined by law. The Zoning Administrator 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. The City of Cloquet must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

Subd. 8. AMENDMENTS

- A. Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 17.5.18, Subd. 3. B of this ordinance.
- B. Required Approval:** All amendments to this ordinance must be submitted to the Department of Natural Resources (DNR) for review and approval prior to adoption,

for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

17.5.19 Wetland Conservation Ordinance.

Subd. 1 Purpose. This Section is adopted to implement the *Wetland Conservation Act of 1991 (Minnesota Laws 1991 Chapter 354, as amended)*, and the accompanying rules of the *Minnesota Board of Water and Soil Resources (Minnesota Rules Chapter 8420, as amended)*.

Subd. 2 Incorporation by Reference. This Section incorporates by reference the Act and the Rules. Terms used in this Section which are defined in the Act of the Rules have the meanings given there.

Subd. 3 Scope. This Section regulates the drainage and filling of wetlands and parts of wetlands within the corporate limits of the City of Cloquet. It is part of the official controls of the City of Cloquet. Conflicts with other official controls must be resolved in favor of providing the most wetland protection.

Subd. 4 Procedures.

- A. Exemption and No-Loss Determinations. Exemptions and no-loss determinations under *Minnesota Rule parts 8420.0315 and 8420.0320* shall be made by the City Planner/Zoning Administrator. The City Planner/Zoning Administrator should seek the advice of the Technical Evaluation Panel on questions of wetland delineation and type. The City Planner/Zoning Administrator's decision is final unless appealed to the Planning Commission, acting as the Zoning Board of Adjustments and Appeals within thirty (30) days.
- B. Sequencing and Replacement Plan Decisions. Sequencing and replacement plan decisions under *Minnesota Rule part 8420.0520-.0550* shall be followed.
- C. Monitoring. The City Planner/Zoning Administrator shall assure that the replacement plan monitoring and enforcement requirements of *Minnesota Rule part 8420.0800-.0830* are fulfilled.
- D. Wetland Banking. Wetlands may be restored or created within the City of Cloquet for purposes of deposit in the wetland bank in accordance with *Minnesota Rules parts 8420.0700-.0760*.
- E. Appeals. Decisions made under this Section may be appealed to the Board of Water and Soil Resources under *Minnesota Rule part 8420.0905*, after administrative appeal rights under the official controls, as stipulated in the Zoning Ordinance, have been exhausted.
- F. Variances. The Planning Commission, acting as the Zoning Board of Adjustments and Appeals may issue variances from the Zoning Ordinance of the City of Cloquet so long as the variances do not vary requirements of the Act or the Rules.
- G. Technical Evaluation Panel. The City Council of the City of Cloquet shall appoint a person to serve on the Technical Evaluation Panel. The person must be a technical professional with expertise in water resources management.

Decisions under this Section must not be made until after receiving the determination of the Technical Evaluation Panel regarding wetland public values, location, size and

/ or type if the decision-maker, the landowner, or a member of the Technical Panel asks for such determinations. This replacement does not apply to wetlands for which such data is included in an approved comprehensive wetland management plan per *Minnesota Rule part 8420.0830*.

The Planning Commission may seek and shall consider recommendations, if any, made by the Technical Evaluation Panel in making replacement plan decisions.

- H. Wetland Delineation. When it is deemed a wetland boundary delineation is necessary, the property owner / developer will be responsible for such delineation.

Subd. 5 High Priority Areas. Decisions regarding sequencing, replacement plans, and banking shall particularly favor preservation, restoration, and creation of wetlands in high priority areas as identified in water management plans pursuant to *Minnesota Rule part 8420.0835*.

Subd. 6 Delegation. The City Council of the City of Cloquet may, by joint powers agreement, delegate to the Soil and Water Conservation District under *M.S. sections 471.59 and 103C.331, Subdivision 19*, the authority to administer all or any parts of this Section.

Subd. 7 Violations, Penalties and Enforcement.

- A. Violations and Penalties. Any person, firm or corporation who shall violate any of the provisions of this Section, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine and / or imprisonment in accordance with applicable state law. Each day that a violation continues shall constitute a separate offence.

- B. Administration and Enforcement.

- (1) This Section shall be administered and enforced by the City Planner/Zoning Administrator, who is hereby designated the enforcing officer.
- (2) In the event of a violation or a threatened violation of the Section, the City Planner/Zoning Administrator, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City Attorney to institute such action.

Subd. 8 Fees. Application Submittal. A complete application shall be submitted to the City Planner/Zoning Administrator or other Authorized Agent pursuant to *Section 17.2.01, Subd. 4, B: Application Forms and Fees* and *Section 17.2.01, Subd. 4, D: Application Deadline*.

Permits and / or Certificates issued in accordance with this Section shall be valid for one (1) year from the date of issuance. Activities authorized as a result of such Permit and / or Certificate must be started within this one (1) year period, and thereafter diligently pursued to completion, or the Permit / Certificate will become null and void.

17.6 Zoning Districts

17.6.01 Zoning District Regulations.

Subd. 1 Intent. The intent of Part 6: Zoning Districts is to establish zoning districts within the City of Cloquet that correspond with the Land Use Plan and the City's vision, goals, objectives, and policies for sustainable growth and development as described in the City's Comprehensive Plan.

Subd. 2 Relationship of Zoning Districts to the Comprehensive Plan. The zoning district requirements and the delineation of zoning district boundaries on the Zoning Map shall be consistent with the goals, objectives, and policies of the City of Cloquet's Comprehensive Plan. The zoning district boundaries and rezoning requests shall also relate to the Land Use Plan Map and the Staged Growth plans of the Comprehensive Plan. The official Comprehensive Plan is on file with the City Planner/Zoning Administrator.

Subd. 3 Establishment of Zoning Districts. The City of Cloquet is divided into the following base (underlying) zoning districts as regulated in this Chapter and as shown on the Zoning Map.

FM - Forest Management and Research.

FR - Farm Residential District.

SR - Suburban Residential District.

R-1 - Single- Family Residential District.

R-2 - One- and Two- Family Residential District.

R-3 - Multiple- Family Residential District.

MHC - Manufactured Home Community (Mobile Home Park) District.

MRC - Mixed Residential/Commercial District.

NC - Neighborhood Convenience District.

RC - Regional (Highway) Commercial District.

HC - General Commercial –Historical District.

CC - City Center District.

LI - Light Industrial District.

HI - Heavy Industrial District.

OM – Office/Manufacturing District.

PI - Public/Institutional District.

PP - Public Parks District.

AIR - Airport District.

The City of Cloquet is divided into the following overlay zoning districts as regulated by this Chapter and as may be shown on the Zoning Map or illustrated or described within this Chapter.

SG - Sand and Gravel Overlay District.

PUD - Planned Unit Development Overlay District.

C- Conservation Subdivision Overlay District.

Subd. 4 Zoning Map.

A. Location and Boundaries of Zoning Districts. The location and boundaries of the zoning districts established by this Chapter are set forth on the Zoning Map, which is hereby incorporated as part of this Chapter, or are set forth in the pertinent sections of this Chapter.

B. Official Zoning Map and Copies. An official Zoning Map shall be created and kept on file in the office of the City Planner/Zoning Administrator. Paper or electronic copies of the official Zoning Map may be created for ease of access. Copies shall not be considered the official Zoning Map and shall contain a disclaimer stating that the information may not be current and direct the user to the City Planner/Zoning Administrator for the official Zoning Map.

(1) The Zoning Ordinance Chapter and Official Zoning Map shall be kept on file in the office of the City Planner/Zoning Administrator.

(2) Changes to district boundaries. If, in accordance with the provisions of this Chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes will be made on the Official Zoning Map promptly after the amendment has been approved by the City Council together with an entry on the Official Zoning Map as follows: "By Ordinance Number _____ adopted ____ (date) ____ by the City of Cloquet the following change or changes were made in the Official Zoning Map: (Description or change),".

In any event, the Official Zoning Map shall be redrawn to incorporate all changes each year, and shall be completed on the anniversary of the effective date of this Chapter.

(3) Any unauthorized change of the Official Zoning Map of whatever kind by person or persons shall be considered a violation of this Chapter and punishable under *Section 17.4.05* of this Chapter.

(4) All territories which may hereafter be annexed to the City of Cloquet shall be considered as being in the FR Farm Residential District or other classification that is determined during the annexation process until an amendment to this Chapter shall place annexed land in a different zoning district. The Planning Commission shall review the zoning classification of any annexed land and shall report thereon to the City Council giving their recommendations as to the proper classification. Said report shall be submitted within six (6) months of the effective date of the annexation.

(5) Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of

such vacation and all area included in the vacation shall then and hence forth be subject to all appropriate regulations of the extended districts.

(6) Where uncertainty exists as to the boundaries of districts, as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways or alleys shall be construed to follow such center lines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated approximately following City limits shall be construed as following the City limits.
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated as following rivers and streams should be construed to follow the approximate center line of such river or stream, should be construed as moving with the actual center line.
- f. Boundaries indicated as parallel to, or extension of, features indicated in subsections a through e above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- g. Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by subsections a through f above, the Planning Commission shall interpret the district boundaries.

C. Map format. The Zoning Map may be in hard copy or electronic format or both.

17.6.02 FM - Forest Management and Research District.

Subd. 1 Intent. The Forest Management and Research District is intended to delineate appropriate areas within the community of Cloquet for the research, experimentation, development and management of forests and forest harvest operations. The district purpose is to acknowledge and encourage scientific management practices for our forest resources, by identifying areas dedicated to forest management objectives, and relieving the responsible agents of these operations from the encumbrances of applying for local permits otherwise required by this Zoning Chapter.

Subd. 2 Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

- A. University of Minnesota Forestry Center – All University of Minnesota sanctioned activities related to education, demonstration and research and all necessary structures and facilities operated in conjunction with the Forestry Center.
- B. Tree nurseries, certified* tree farms, forest harvest research operations managed in conjunction with commercial timber and pulp activities; where such activities are

regulated and / or supervised by state or federal agencies, and where the ownership or lease of the land is registered to the corporation involved in the forest research and management activities. (*by the American Tree Farm System)

C. State and Federal agency forest research activities.

Subd. 3 Conditional Uses. The purpose and character of the FM - Forest Management and Research District is such that no conditional uses will be allowed.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead.

Structures, equipment, signs and parking areas necessary as support facilities for any of the uses listed above.

Subd. 5 Dimensional Regulations.

A. Parcel requirements. The minimum parcel requirements in the FM - Forest Management and Research District shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance.*

- (1) Minimum parcel area. Five (5) acres.
- (2) Minimum parcel width. Four hundred (400) feet.
- (3) Minimum parcel depth. Four hundred (400) feet.
- (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.

B. Setback requirements for principal building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance.*

- (1) Minimum principal building setback from front parcel line. Sixty-five (65) feet.
- (2) Minimum principal building setback from corner street side parcel line. Sixty-five (65) feet.
- (3) Minimum principal building setback from interior side parcel line. Fifty (50) feet.
- (4) Minimum principal building setback from rear parcel line. Forty (40) feet.

C. Maximum height of principal building. Forty-five (45) feet.

D. Setback and height requirements for accessory buildings.

- (1) Minimum accessory building setback from interior side parcel line. Fifty (50) feet.
- (2) Minimum accessory building setback from rear parcel line. Forty (40) feet.
- (3) Maximum height of accessory building. Forty-five (45) feet.

E. Maximum building coverage of the parcel. Forty percent (40%).

F. Maximum impervious coverage. Fifty percent (50%).

Subd. 6 Special District Provisions. All permitted uses in the FM District shall be exempt from the permit requirements outlined in *Section 17.2.02 and Section 17.2.03: Zoning Permit and Certificate of Compliance, Section 17.5.13: Signs, and Section 17.5.17: Sewer and Water Systems.*

17.6.03 FR - Farm Residential District.

Subd. 1 Intent. Many areas within corporate limits are not yet urbanized, unsuitable for development because of drainage or terrain, or used for agricultural purposes. It is not good planning to allow unrestrained growth where it is not feasible to provide sewer and water services, efficient police and fire protection and other centralized municipal services. The FR District is essentially a “holding” district that includes land that should be managed through conservation measures, land suitable for limited agriculture activities and land suitable for urban development at some future time when the City would rezone it to a more intensive use according to a sound growth plan. The developer would be responsible for showing good land use relationships that would not burden the City with unreasonable municipal services expense. However pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Cloquet opts-out of the requirements of Minn. Stat. 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Subd. 2 Permitted Uses. The following uses shall be permitted as regulated herein, without special application requirements or conditions attached:

- A. Agriculture, to include farm dwellings and agricultural buildings (does not include garages and non-agricultural outbuildings).
- B. Religious Institutions, cemeteries, memorial gardens.
- C. Day Care Home and Foster Family Homes as defined in *Section 17.1.05* of this Chapter.
- D. Farm drainage systems, flood control and watershed structures, erosion controls.
- E. Historical sites and monuments, scenic lookouts, public recreation information centers.
- F. National and State Forestry and Park Service activities and improvements.
- G. Nurseries and tree farms.
- H. Single family dwellings, but not including residential subdivision developments.
- I. Public campgrounds, canoe trails, snowmobile trails, scenic and nature trails or routes.
- J. Public parks and recreation areas, wildlife areas, game refuge and forest preserves owned or operated by government agencies.
- K. Railroads rights-of way, but not including residential subdivision developments.
- L. Seasonal dwellings, mobile and modular housing; manufactured home community (mobile home parks), subject to all provisions of this Section and the Manufactured home community (mobile home park) requirements stipulated in *17.6.09*.

- M. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*. Additional uses itemized in that section may situate in the FR District in the same manner as if they were listed hereunder:

- A. Animal kennels and sales facilities. A commercial kennel shall be constructed of impervious materials and all structures, areas and appurtenances shall be so designed as to facilitate thorough and convenient cleaning. Commercial kennels shall be adequately ventilated, and all doors, windows and other openings shall be screened. Commercial kennels shall be provided with adequate water supplies and sanitary facilities for disposal of wastes.
- B. Commercial outdoor recreation areas that are similar to public recreation areas; organized group camps.
- C. Commercial radio, cellular towers or television transmitting stations and towers; microwave relay stations.
- D. Extraction of stone, gravel or mineral as regulated in *Section 17.6.21: SG - Sand and Gravel Overlay District*.
- E. Golf courses.
- F. Public schools, or private schools having a curriculum equivalent to a public elementary or public high school.
- G. Water supply buildings, reservoirs, wells, elevated tanks, regional pipelines and power lines, public sewage treatment facilities, and similar essential public utilities and service structures.
- H. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for conditional uses in this district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Animals: keeping of domestic animals or livestock.
- C. Boathouses, docks and piers.
- D. Fence, pursuant to *Section 17.5.05*.
- E. Home Occupations, pursuant to *Section 17.5.08*.
- F. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- G. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- H. Signs, pursuant to *Section 17.5.13*.

- I. Sport court or play equipment for private recreation use, pursuant to *Section 17.5.02, Subd. 4.*
- J. Swimming pool, pursuant to *Section 17.5.10.*
- K. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Dimensional Regulations.

- A. Parcel Requirements. The minimum parcel requirements in the FR - Farm Residence District shall be as follows, except as may be modified pursuant to *Section 17.2.07(Variance)*.
 - (1) Minimum parcel area. Five (5) acres.
 - (2) Minimum parcel width. Two hundred (200) feet.
 - (3) Minimum parcel depth. Two hundred-fifty (250) feet.
 - (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- B. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
 - (1) Minimum principal building setback from front parcel line. Sixty-five (65) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Sixty-five (65) feet.
 - (3) Minimum principal building setback from interior side parcel line. Ten (10) feet.
 - (4) Minimum principal building setback from rear parcel line. Forty (40) feet.
- C. Maximum Height of Principal Building. Thirty-five (35) feet.
- D. Setback and Height Requirements for Accessory Buildings.
 - (1) Minimum accessory building setback from interior side parcel line. Ten (10) feet.
 - (2) Minimum accessory building setback from rear parcel line. Fifteen (15) feet.
 - (3) Maximum height of accessory building. Fifty (50) feet.
- E. Maximum Building Coverage of the Parcel. Forty percent (40%).
- F. Maximum Impervious Coverage. Fifty percent (50%).

Subd. 6 Special District Provisions.

- A. Setback from Normal High-Water Mark. No structure designed for habitations shall be located closer than two hundred (200) feet to the normal high-water mark of any stream, river, lake or body of water.
- B. Grazing or Pasturing. Grazing or pasturing of livestock shall be controlled so as to minimize pollution of water bodies. Current standards of the Minnesota Pollution Control Authority shall be referred to for functional guidelines.
- C. Agricultural Feed Lot Operations. Areas devoted to agricultural feed lot operations, including pasturing of animals shall not be permitted within six hundred and sixty (660) feet of any body of water, including intermittent streams, lakes or waterways.
- D. Topography.
 - (1) The cutting or disturbance in other manner of natural forest ecology shall be restricted within a reasonable area paralleling the shoreline or any recreational trail. A length of this area may be clear cut to allow a view corridor to water. However, any cutting shall leave sufficient cover to screen cars, dwellings and other structures, except boathouses, piers, docks and marinas, from view from the shoreline or trail.
 - (2) Natural shrubbery shall be preserved as far as practicable. Where removal is necessary for construction of any structure or use except permitted principal uses, shrubbery must be replaced with other vegetation which is equally suitable in retarding surface run-off and soil erosion.
 - (3) In areas of unusual topography or substantial elevation above the lake, stream, or river level, the water setback may be varied to allow a riparian owner reasonable use and enjoyment of his property. Such determination shall be the responsibility of the Planning Commission, following recommendation from the City Planner/Zoning Administrator.

17.6.04 SR - Suburban Residential District.

Subd. 1 Intent. The purpose of the SR - Suburban Residential District is to provide areas, as guided by the Comprehensive Plan, for single-family dwellings (and other compatible uses) on lots with a minimum size of one (1) acre. Uses in the SR - Suburban Residential District are not served by municipal water and / or sanitary sewer service. Any additional platting or re-platting will require the tax rate to be changed to the City of Cloquet tax rate. As soon as municipal services are extended to an area the zoning classification shall change to the R-1 Zoning District. There shall be no new SR – Suburban Residential Districts created. However pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Cloquet opts-out of the requirements of Minn. Stat. 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Subd. 2 Permitted Uses. The following uses shall be permitted as regulated herein, without special application requirements or conditions attached:

- A. Day Care Home and Foster Family Homes as defined in *Section 17.1.05* of this Chapter.

- B. Single family detached dwellings consisting of site-built or Class “A” Manufactured housing.
- C. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.07*. Additional uses itemized in that section may situate in the SR District in the same manner as if they were listed hereunder:

- A. Bed and breakfast Inns as regulated in *17.5.09*.
- B. Religious Institutions, cemeteries, memorial gardens.
- C. Public or quasi-public parks and playgrounds.
- D. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for conditional uses in this district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Animals: keeping of domestic animals.
- C. Fence, pursuant to *Section 17.5.05*.
- D. Home Occupations, pursuant to *Section 17.5.08*.
- E. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- F. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- G. Signs, pursuant to *Section 17.5.13*
- H. Sport court or play equipment for private recreation use, pursuant to *Section 17.5.02, Subd. 4*.
- I. Swimming pool, pursuant to *Section 17.5.10*.
- J. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.
- K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of ¼ acre (10,890 sq. ft.) or larger subject to obtaining a license from the city to keep chickens.

Subd. 5 Dimensional Regulations.

- A. Parcel Requirements. The minimum parcel requirements in the SR Suburban Residential District shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.

(1) Minimum parcel area. One (1) acre, provided that it can be shown that a primary and secondary on-site septic system can be installed.

- (2) Minimum parcel width. One hundred-fifty (150) feet.
 - (3) Minimum parcel depth. Two hundred (200) feet.
 - (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- B. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
- (1) Minimum principal building setback from front parcel line. Thirty (30) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - (3) Minimum principal building setback from interior side parcel line. Fifteen (15) feet.
 - (4) Minimum principal building setback from rear parcel line. Forty (40) feet.
- C. Maximum Height of Principal Building. Thirty-five (35).
- D. Setback and Height Requirements for Accessory Buildings.
- (1) Minimum accessory building setback from interior side parcel line. Ten (10) feet.
 - (2) Minimum accessory building setback from rear parcel line. Ten (10) feet.
 - (3) Maximum height of accessory building. Fifteen (15) feet.
- E. Maximum Building Coverage of the Parcel. Forty percent (40%).
- F. Maximum Impervious Coverage. Fifty percent (50%).

17.6.05 R-1 - Single- Family Residence District.

Subd. 1 Intent. The R-1 Residence District is intended to identify areas for single-family residential uses on larger parcels of land that are served by City water and sanitary sewer in conjunction with the approved Land Use Plan for the City of Cloquet. District regulations are designed to maintain low density residential uses and restrict incompatible development such as apartment complexes, offices or commercial establishments. However pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Cloquet opts-out of the requirements of Minn. Stat. 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Subd. 2 Permitted Uses. The following uses are permitted, as regulated herein, without special application requirements or conditions attached:

- A. Day Care Home and Foster Family Homes as defined in *Section 17.1.05* of this Chapter.
- B. Single family detached dwellings consisting of site-built or Class "A" Manufactured housing.

- C. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*. Additional uses itemized in that Section may situate in the R-1 District in the same manner as if they were listed hereunder:

- A. Bed and Breakfast Inns as regulated in *Section 17.5.09*.
- B. Licensed day care centers when located in a religious institution or school.
- C. Public or non-profit quasi-public accredited educational institutions.
- D. Public or non-profit quasi-public libraries, museums and art exhibition centers.
- E. Public or quasi-public parks and playgrounds; community / neighborhood centers.
- F. Religious institutions, with associated educational, recreational staff facilities.
- G. Two-family dwelling.
- H. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for conditional uses in this district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Animals: keeping of domestic animals.
- C. Fence, pursuant to *Section 17.5.05*.
- D. Home Occupations, pursuant to *Section 17.5.08*.
- E. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- F. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- G. Signs, pursuant to *Section 17.5.13*.
- H. Sport court or play equipment for private recreation use, pursuant to *Section 17.5.02, Subd. 4*.
- I. Swimming pool, pursuant to *Section 17.5.10*.
- J. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

- K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of ¼ acre (10,890 sq. ft.) or larger subject to obtaining a license from the city to keep chickens.

Subd. 5 Dimensional Regulations – Lots served by municipal sewer and water.

- A. Parcel Requirements. The minimum parcel requirements in the R-1 Single-Family Residence District for those lots served by both municipal sewer and water shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
- (1) Minimum parcel area for one and two family dwellings. Fourteen thousand- five hundred (14,500) square feet.
 - (2) Minimum parcel width. Seventy- five (75) feet.
 - (3) Minimum parcel depth. One hundred – twenty (120) feet.
 - (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- B. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
- (1) Minimum principal building setback from front parcel line. Twenty-five (25) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Twenty-five (25) feet.
 - (3) Minimum principal building setback from interior side parcel line. Ten (10) percent of the lot frontage up to maximum of ten (10) feet.
 - (4) Minimum principal building setback from rear parcel line. Thirty (30) feet.
- C. Maximum Height of Principal Building. Thirty-five (35).
- D. Setback and Height Requirements for Accessory Buildings.
- (1) Minimum accessory building setback from interior side parcel line. Five (5) feet.
 - (2) Minimum accessory building setback from rear parcel line. Five (5) feet.
 - (3) Maximum height of accessory building. Fifteen (15) feet.
- E. Maximum Building Coverage of the Parcel. Thirty-five percent (35%).
- F. Maximum Impervious Coverage. Fifty percent (50%).

17.6.06 R-2 - One- and Two- Family Residence District.

Subd. 1 Intent. The R-2 Residence District is intended to provide suitable areas within the community for the maintenance and new construction of single-family dwellings, duplexes and double bungalows, and conditionally three and four family homes of a more compact nature than the R-1 District, yet which retain the character and amenities of exclusive single-

family residential areas. However pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Cloquet opts-out of the requirements of Minn. Stat. 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Subd. 2 Permitted Uses. The following uses are permitted, as regulated herein, without special application requirements or conditions attached:

- A. Day Care Home and Foster Family Home as defined in *Section 17.1.05* of this Chapter.
- B. Two family dwellings.
- C. Public or non-profit quasi-public accredited educational institutions.
- D. Public or non-profit quasi-public libraries, museums and art exhibition centers.
- E. Public or quasi-public parks and playgrounds; community / neighborhood centers.
- F. Single-family detached dwellings.
- G. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted use standards.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*. Additional uses itemized in that Section may situate in the R-2 District in the same manner as if they were listed hereunder:

- A. Bed and Breakfast Inns as regulated in *Section 17.5.09*.
- B. Boarding and lodging houses, subject to a maximum of eight accommodation units.
- C. Modular or experimental single-family detached housing; double wide mobile homes – subject to the limitations set forth in *Section 17.1.05: Definitions*. Three and four unit housing; apartments, condominiums not to exceed eight (8) units per structure – subject to a maximum density of 10 units per acre.
- D. Religious institutions, with associated educational, recreational staff facilities.
- E. Licensed day care centers when located in a religious institution or school.
- F. Residence apartment – long term – hotels catering to non-transient guests.
- G. Mortuary or Funeral Home.
- H. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Animals: keeping of domestic animals.

- C. Fence, pursuant to *Section 17.5.05*.
- D. Home Occupations, pursuant to *Section 17.5.08*.
- E. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- F. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- G. Signs, pursuant to *Section 17.5.13*.
- H. Sport court or play equipment for private recreation use, pursuant to *Section 17.5.02, Subd. 4*.
- I. Swimming pool, pursuant to *Section 17.5.10*.
- J. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.
- K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of ¼ acre (10,890 sq. ft.) or larger subject to obtaining a license from the city to keep chickens.

Subd. 5 Dimensional Regulations

- A. Parcel Requirements. The minimum parcel requirements in the R-2 One- and Two- Family Residence District shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
 - (1) Minimum parcel area for one and two family dwellings. Eight thousand-seven hundred (8,700) square feet.
 - (2) Minimum parcel width. Sixty (60) feet.
 - (3) Minimum parcel depth. One hundred (100) feet.
 - (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- B. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
 - (1) Minimum principal building setback from front parcel line. Twenty-five (25) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Twenty-five (25) feet.
 - (3) Minimum principal building setback from interior side parcel line. Total twenty (20) percent of lot frontage up to maximum of twenty (20) feet. The minimum setback allowed is five (5) feet.
 - (4) Minimum principal building setback from rear parcel line. Twenty (20) feet.

- C. Maximum Height of Principal Building. Forty-five (45) feet.
- D. Setback and Height Requirements for Accessory Buildings.
 - (1) Minimum accessory building setback from interior side parcel line. Five (5) feet.
 - (2) Minimum accessory building setback from rear parcel line. Five (5) feet.
 - (3) Maximum height of accessory building. Fifteen (15) feet.
- E. Maximum Building Coverage of the Parcel. Thirty percent (30%).
- F. Maximum Impervious Coverage. Fifty percent (50%).

17.6.07 R-3 - Multiple- Family Residence District.

Subd. 1 Intent. The R-3 Residence District is intended to provide areas within the community for the location of higher density multiple-family dwelling units. R-3 residence zones will permit the most intensive residential development where the demand for housing availability is the greatest, when such demand coordinates with the City Land Use Development Plan. The character of the R-3 District should remain essentially residential; however, provisions are made for conditionally permitting transitional office and service uses which relate reasonably to multiple family structures and are pedestrian rather than automobile oriented in function. However pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Cloquet opts-out of the requirements of Minn. Stat. 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Subd. 2 Permitted Uses. The following uses are permitted, as permitted, as regulated herein, without special application requirements or conditions attached:

- A. Apartment complexes, townhouses or condominiums, subject to a maximum density of 20 units per acre.
- B. Boarding and lodging houses, subject to a maximum of eight accommodation units.
- C. Day Care Home and Foster Family Homes as defined in *Section 17.1.05* of this Chapter.
- D. Group Care Homes as defined in *Section 17.1.05* of this Chapter.
- E. Public or non-profit quasi-public accredited educational institutions.
- F. Public or non-profit quasi-public libraries, museums and art exhibition centers.
- G. Public or quasi-public parks and playgrounds; community / neighborhood centers.
- H. Residence apartment – hotels catering to non-transient guests.
- I. Single-Family Residential Use - provided that the use was in existence prior to the adoption of this Chapter and provided that the use has not lapsed for more than twelve (12) consecutive months since the adoption of this Chapter.
- J. Two, three and four multiple family dwellings.

- K. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*. Additional uses itemized in that Section may situate in the R-3 District in the same manner as if they were listed hereunder:

- A. Business and Professional offices, subject to a maximum gross floor area of 5,000 square feet, and subject further to the Special District Provisions listed below.
- B. Hotels, motels and tourist homes for transient guests, when located on a lot with frontage on a street officially designated as an arterial or collector street in the City Land Use Plan. No food, liquor or entertainment licenses shall be issued in conjunction with such operation.
- C. Neighborhood medical / dental clinics and offices, subject to a maximum gross floor area of 5,000 square feet.
- D. Mortuary or funeral home.
- E. Offices and quasi-public facilities of philanthropic or charitable institutions.
- F. Licensed day care centers when located within a religious institution or school.
- G. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for conditional uses in this district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Animals: keeping of domestic animals.
- C. Fence, pursuant to *Section 17.5.05*.
- D. Home Occupations, pursuant to *Section 17.5.08*.
- E. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- F. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- G. Signs, pursuant to *Section 17.5.13*.
- H. Sport court or play equipment for private recreation use, pursuant to *Section 17.5.02, Subd. 4*.
- I. Swimming pool, pursuant to *Section 17.5.10*.
- J. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has

determined that the use is consistent with the intent for permitted uses in this district.

- K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of $\frac{1}{4}$ acre (10,890 sq. ft.) or larger subject to obtaining a license from the city to keep chickens. The property is limited to a single-family dwelling.

Subd. 5 Dimensional Regulations

- A. Parcel Requirements. The minimum parcel requirements in the R-3 Multiple Family District shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
- (1) Minimum parcel area for up to three dwelling units. Six thousand (6,000) square feet.
 - (2) Minimum parcel width. Sixty (60) feet.
 - (3) Minimum parcel depth. One hundred (100) feet.
 - (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- B. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
- (1) Minimum principal building setback from front parcel line. Twenty-five (25) feet plus one (1) foot additional for each two (2) feet of building height over forty (40) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Twenty-five (25) feet plus one (1) foot additional for each two (2) feet of building height over forty (40) feet.
 - (3) Minimum principal building setback from interior side parcel line. Each side: twelve (12) percent of lot frontage plus one (1) foot additional for each two (2) feet of building height over forty (40) feet up to maximum of thirty (30) feet.
 - (4) Minimum principal building setback from rear parcel line. Twenty (20) feet.
- C. Maximum Height of Principal Building. Sixty (60) feet.
- D. Setback and Height Requirements for Accessory Buildings.
1. Minimum accessory building setback from interior side parcel line. Five (5) feet.
 2. Minimum accessory building setback from rear parcel line. Five (5) feet.
 3. Maximum height of accessory building. Fifteen (15) feet.

- E. Maximum Building Coverage of the Parcel. Building height forty (40) feet or less: thirty percent (30%); Building height over forty (40) feet: twenty-five percent (25%).
- F. Maximum Impervious Coverage. Seventy percent (70%).

Subd. 6 Special District Provisions. Business and Professional Offices may be permitted subject to the following conditions:

- A. Each application for a business or professional office operation shall be individually evaluated in regard to customer or client traffic: It is desirable to have minimal traffic generated by the operation in deference to the residential character of the R-3 District. Any application which would appear to generate unreasonable client patronage on the premises may be disapproved. “Unreasonable” may be determined in relation to usual pedestrian and vehicle traffic volumes without such use. This is especially important on minor or local streets.
- B. All equipment, including vehicles, associated with such operation shall be placed in acceptable enclosed storage areas.
- C. All office functions shall be subject to approved hours of operation, such hours to be determined and agreed upon at time of conditional permit issuance.

17.6.08 MHC - Manufactured Home Community (Mobile Home Park) District.

Subd. 1 Intent. The intent of the MHC Manufactured Home Community (Mobile Home Park) District is to preserve and provide safe and attractive areas in Cloquet for manufactured homes (mobile homes) in a manufactured home community (mobile home park) setting.

Subd. 2 Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

- A. Dwelling: single-family detached for use by the owner or caretaker of the associated manufactured home community.
- B. Manufactured home, mobile home, and manufactured home community pursuant to this Section.
- C. Public park.
- D. Common facilities for use by residents and guests of a manufactured home community such as a laundromat, indoor and outdoor recreation facilities, and a storm shelter.
- E. Parking lot as a principal use, provided that it provides parking for the exclusive use of the residents of the mobile home community and their guests.
- F. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 3 Conditional Uses. The following conditional uses are allowed in the MHC Manufactured Home Community (Mobile Home Park) District subject to the issuance of a Conditional Use Permit as specified in *Section 17.2.06*.

- A. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for conditional uses in this district.

Subd. 4 Accessory Uses. The following are allowed as an accessory use to a permitted or conditional use in the MHC Manufactured Home Community District, pursuant to all applicable specific use standards:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Animals: keeping of domestic animals.
- C. Fence, pursuant to *Section 17.5.05*.
- D. Home occupation, as regulated in *Section 17.5.08*.
- E. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- F. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- G. Signs, pursuant to *Section 17.5.13*.
- H. Sport court or play equipment for private recreation use, pursuant to *Section 17.5.02, Subd. 4*.
- I. Swimming pool, pursuant to *Section 17.5.10*.
- J. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Dimensional Regulations

- A. Required Area. A manufactured home community shall have a minimum area of ten (10) acres.
- B. Lot Requirements for Manufactured Homes.
 - (1) Minimum lot width. Fifty (50) feet.
 - (2) Minimum lot length. One hundred (100) feet.
- C. Required Setbacks at the Periphery of a Manufactured Home Community. All principal and accessory buildings shall be set back a minimum of twenty-five (25) feet from parcel or lot lines at the periphery of a manufactured home community.
- D. Required Setbacks Internal to the Manufactured Home Community.
 - (1) Minimum principal and accessory building setback from all internal street right-of-ways. Ten (10) feet.
 - (2) Minimum distance between all principal buildings. Twenty (20) feet.

- (3) Minimum distance between an accessory building and a principal building. Five (5) feet.
- (4) Minimum accessory building setback from an interior parcel line. Five (5) feet.
- E. Building Height Requirements. No principal or accessory building shall exceed one (1) story or twenty-five (25) feet in height, as measured pursuant to *Section 17.1.05: Definitions: Height of Building*.
- F. Maximum Accessory Building Coverage of a Manufactured Home Lot.
 - (1) Manufactured home. Thirty-five percent (35%).
 - (2) Manufactured home and accessory buildings combined. Fifty percent (50%).
- G. Maximum Impervious Surface Coverage. Seventy percent (70%).

Subd. 6 Special District Provisions

- A. Manufactured Home Community Created After the Adoption of this Chapter. A manufactured home community created after the adoption of this Chapter (or addition of new lots to an existing manufactured home community) shall be approved through the planned unit development (PUD) process, pursuant to *Section 17.2.09: Creation of a PUD*.

17.6.09 MRC - Mixed Residential / Commercial District.

Subd. 1 Intent. The MRC Mixed Residential / Commercial District is intended to integrate permitted uses within the RC Zoning District provided they have frontage along HWY 33 with a mixture of residential uses. It is intended to allow for additional residential housing with the expectation that higher density residential would be closer to the commercial uses and transition to lower density residential the further the distance from commercial development. This can be achieved by allowing a sensitive mixture and integration of new residential uses in the district, including single and two-family dwellings, single-family attached dwellings, and multi-family dwellings. Proposed residential development shall comply with the base zoning district it resembles the most. For example, single-family residential development shall apply to the R1 Zoning District, whereas a higher density residential development shall comply with the R3 Zoning District. This district should encourage development in the district to occur through the planned unit development (PUD) process at a neighborhood or block scale that allows for pedestrian connection to the surrounding businesses in the area. If the City of Cloquet has adopted a plan for an area in the MRC District, the application of this Chapter is intended to be consistent with the vision, goals, objectives and policies of that plan.

Subd. 2 Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

- A. Automobile and truck dealers, new or used, including lots and shops provided it has frontage along HWY 33.
- B. Building materials retail outlets, provided it has frontage along HWY 33.

- C. Commercial recreation and entertainment centers, except game rooms as defined in *Section 17.1.05*. provided it has frontage along HWY 33.
 - D. Dwelling: single-family detached.
 - E. Dwelling: two-family or duplex.
 - F. Dwelling: single-family attached, three to six units per building.
 - G. Dwelling: multi-family, three (3) or more dwelling units.
 - H. Educational institutions, banks provided it has frontage along HWY 33.
 - I. General merchandise retail centers provided it has frontage along HWY 33.
 - J. Marine and boat sales provided it has frontage along HWY 33.
 - K. Motels provided it has frontage along HWY 33.
 - L. Nurseries, landscape and garden stores provided it has frontage along HWY 33.
 - M. Office parks or complexes provided it has frontage along HWY 33.
 - N. Open space: public or private.
 - O. Public Parks.
 - P. Restaurants, including Drive-in or Drive-up facilities provided it has frontage along HWY 33.
 - Q. Retail sales outlets, discount stores, off sale liquor establishments provided it has frontage along HWY 33.
 - R. Shopping centers, malls or plazas provided it has frontage along HWY 33.
 - S. Dry cleaning and laundry drop off and pick up, but excluding processing.
 - T. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.
 - U. Lower-Potency Hemp Retail Business.
- Subd. 3 Conditional Uses.** The following conditional uses are allowed in the MRC Mixed Residential / Commercial District subject to the issuance of a Conditional Use Permit as specified in *Section 17.2.06*:
- A. Car wash.
 - B. Clinic.
 - C. Club or association.
 - D. Day care center: commercial.
 - E. Filling station with or without a convenience store.
 - F. Funeral home.
 - G. Laundromat.

- H. Nursing home.
- I. Parking lot as a principal use.
- J. Personal service.
- K. Recreation facility: commercial indoor or outdoor.
- L. Religious institution.
- M. School: primary or secondary, or specialty or personal instruction.
- N. Theater.
- O. Temporary construction building.
- P. Temporary real estate sales office.
- Q. Vehicle repair and service.
- R. Veterinary clinic: small animals.
- S. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for conditional uses in this district.

Subd. 4 Accessory Uses. The following are allowed as an accessory use to a permitted or conditional use in the MRC Mixed Residential / Commercial District, pursuant to all applicable specific use standards:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Animals: keeping of domestic animals.
- C. Fence, pursuant to *Section 17.5.05*.
- D. Home Occupations, pursuant to *Section 17.5.08*.
- E. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- F. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- G. Signs, pursuant to *Section 17.5.13*.
- H. Sport court or play equipment for private recreation use, pursuant to *Section 17.5.02, Subd. 4*.
- I. Swimming pool, pursuant to *Section 17.5.10*.
- J. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Dimensional Regulations.

- A. Basic dimensional requirements. Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum

impervious coverage, and other pertinent dimensional requirements shall be identical to the dimensional requirements of the zoning district in this Chapter that best resembles the use of the said parcel, as determined by the City Planner/Zoning Administrator or Planning Commission of the City. For example, the dimensional requirements for a single-family detached dwelling shall meet the dimensional requirements for a single-family detached dwelling in the R-1 Single Family Residential District; the dimensional requirements for a high density residential use shall meet the dimensional requirements for a high density residential use in the R-3 High Density Residential District; and the dimensional requirements for a commercial uses shall meet the dimensional requirements for a commercial use in the NC Neighborhood Convenience District.

- B. Buffer requirements between different uses. Wherever a more intense use (or expansion of a more intense existing use) in the MRC Mixed Residential / Commercial District abuts a less intense existing use (as determined by the City Planner/Zoning Administrator or Planning Commission of the City), the more intense use shall provide a landscaped buffer pursuant to *Section 17.5.04: Landscaping Requirements and Section 17.5.03: Screening*.

Subd. 6 Special District Provisions.

A. General Guidelines for Commercial Uses.

- (1) The City Council of the City of Cloquet recognizes that a variety of commercial uses exist in the MRC District. Guidelines for continuation and / or expansion of commercial uses in the district area as follows:
- a. Allow existing commercial uses to continue (and potentially expand) in a manner that is compatible with adjacent residential uses.
 - b. In general, commercial uses should not replace existing residential uses, but in unique situations, the City Council may find that it is in the best interest of the overall community to allow this to occur, especially along arterial roads where the dominant existing land use relates to commercial use.
 - c. Commercial uses should generally serve the local and neighborhood population. Large-scale commercial uses should be directed to the RC District.
 - d. Where feasible, commercial uses should be integrated with each other to allow for shared parking and enhanced vehicular and pedestrian access.
 - e. In general, commercial uses should be limited to arterial and collector streets.
 - f. The Highway 33 Design Standards will apply if the site is located within the corridor.

B. General Criteria and Potential Conditions of Approval.

- (1) Decision criteria. Required approvals associated with commercial uses in the MRC District shall meet the intent of this district and shall be consistent with all of the Conditional Use Requirements specified in *Section 17.2.06*. Approval or denial of a conditional use permit shall place special emphasis on how the use addresses neighborhood compatibility and protection issues.
- (2) Possible conditions of approval. The City Council may attach appropriate conditions to any approvals associated with a conditional use in the district. Conditions may include, but are not limited to the following:
 - a. Limited hours of operation;
 - b. Limited number, types, and hours of deliveries;
 - c. Limited or no outdoor storage;
 - d. Limited or no drive through window;
 - e. Special building and site design standards that ensure compatibility with the neighborhood; and / or
 - f. Increased screening and / or buffers.

17.6.10 NC - Neighborhood Commercial District.

Subd. 1 Intent. The NC Neighborhood Commercial District is intended to identify suitable compact areas within the City for the maintenance and development of commercial service nodes which offer convenience services and retail goods to adjacent residential neighborhoods. These commercial clusters may have limited operations which serve patrons in automobiles, subject to issuance of a Conditional Use Permit, but are primarily pedestrian oriented for the convenience of local residents.

Subd. 2 Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

- A. Eating and Drinking Places. Soda fountains, ice cream parlors, tea rooms, restaurant and cafes, but not those providing live entertainment.
- B. Offices. Business and professional offices.
- C. Residential. Dwelling units which are a part of the retail or service structure.
- D. Retail and Service. Retail business or service establishment supplying commodities or performing services primarily for residents of the surrounding neighborhood on a day to day basis, such as grocery stores, pharmacies, household light appliance repair, hardware stores, delicatessens, specialty and handicraft shops, barber and beauty parlors, clothes cleaning or repair and laundry pick-up stations.
- E. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent of permitted uses in this district.

F. Lower-Potency Hemp Retail Business

Subd. 3 Conditional Uses. The following conditional uses are allowed in the NC-Neighborhood Commercial District subject to the issuance of a Conditional Use Permit as specified in *Section 17.2.06* and all applicable specific use standards:

- A. Banks. Bank, Savings and Loan Associations, finance companies, including those with drive-up facilities.
- B. Entertainment. Cultural, recreational and amusement operations, neighborhood pubs and hobby centers, except game rooms as defined in *Section 17.1.05* of this Chapter.
- C. Mortuaries. Mortuaries or funeral homes.
- D. Self-Service Establishments. Self-service laundries, dry cleaners, car washes and fast food or drive-in restaurants.
- E. Service Station. Automotive service station excluding major auto repair operations and exclusive tire repair, retread or sales shops.
- F. Studios. Art, television, radio, music and dance studios and / or conservatories.
- G. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent of permitted uses in this district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Fence, pursuant to *Section 17.5.05*.
- C. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- D. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- E. Signs, pursuant to *Section 17.5.13*.
- F. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Dimensional Regulations.

- A. Parcel Requirements. The minimum parcel requirements in the NC Neighborhood Commercial District shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
 - (1) Minimum parcel area. Fourteen thousand (14,000) square feet.
 - (2) Minimum parcel width. One hundred (100) feet.
 - (3) Minimum parcel depth. One hundred (100) feet.

- (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- B. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
- (1) Minimum principal building setback from front parcel line. Twenty-five (25) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Twenty-five (25) feet.
 - (3) Minimum principal building setback from interior side parcel line. Ten (10) feet.
 - (4) Minimum principal building setback from rear parcel line. Fifteen (15) feet.
- C. Maximum Height of Principal Building. Thirty-five (35) feet, as measured pursuant to *Section 17.1.05: Definitions: Height of Building*.
- D. Setback and Height Requirements for Accessory Buildings.
- (1) Minimum accessory building setback from interior side parcel line. Five (5) feet.
 - (2) Minimum accessory building setback from rear parcel line. Five (5) feet.
 - (3) Maximum height of accessory building. Fifteen (15) feet.
- E. Maximum Building Coverage of the Parcel. Fifty percent (50%).
- F. Maximum Impervious Coverage. Seventy percent (70%).
- G. Setback from "R" District Boundary. Fifteen (15) feet.
- H. Buffer Requirements Between Different Uses. Wherever a more intense proposed use (or expansion of a more intense existing use) in the NC Neighborhood Commercial District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to *Section 17.5.04: Landscaping Requirements and Section 17.5.03: Screening*.

Subd. 6 Special District Provisions.

- A. Size Restricted. Each business establishment is restricted to a maximum of 3,000 square feet in gross floor area.
- B. Storage – Displays. All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the NC District, or within the confines of a one-hundred (100) percent opaque wall or fence not less than five (5) feet high. Merchandise which is offered for sale as described heretofore may be temporarily displayed beyond the confines of a building in the NC District, but the area occupied by such outdoor display shall not constitute a

greater number of square feet than five (5) percent of the gross main floor area of the building housing the principal use, unless such merchandise is a type customarily displayed outdoors such as garden supplies.

- C. Performance Standards. All business operations and activities including, but not limited to, the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the performance standards established in *Section 17.4.02* of this Chapter.

17.6.11 RC - Regional Commercial District.

Subd. 1 Intent. The RC Regional Commercial District is intended to establish suitable areas within the City for the location and / or expansion of business operations providing retail goods and services to the motoring public. Uses would be primarily highway oriented, provide compact and convenient shopping areas and a means of safe access and egress to abutting roads and highways.

Subd. 2 Permitted Uses. The following uses are permitted as regulated herein, without special application requirements or conditions attached, except that where any use listed herein is proposed to be developed abutting an urban primary arterial street as designated on the approved City thoroughfares plan, and no frontage or service road is provided, such use shall only be permitted by conditional use permit.:

- A. Automobile and truck dealers, new or used, including lots and shops.
- B. Building materials retail outlets.
- C. Commercial recreation and entertainment centers, except game rooms as defined in Section 17.1.05.
- D. Drive-in theaters.
- E. Educational institutions, banks.
- F. General merchandise retail centers.
- G. Marine and boat sales.
- H. Motels.
- I. Medical clinic, dental office, animal hospital etc.
- J. Nurseries, landscape and garden stores.
- K. Office parks or complexes.
- L. Restaurants, including Drive-in or Drive-up facilities.
- M. Retail sales outlets, discount stores, off sale liquor establishments.
- N. Shopping centers, malls or plazas.
- O. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent of permitted uses in this district.
- P. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.

- Q. Cannabis Retail Businesses.
- R. Lower-Potency Hemp Retail Business.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*. Additional uses itemized in that Section may situate in the RC District in the same manner as if they were listed hereunder:

- A. Game rooms as defined in *Section 17.1.05*.
- B. Light manufacturing and warehousing uses as listed in *Section 17.6.15*, LI-Light Industry District, subject to the regulations of that District.
- C. Dwelling: multifamily, three (3) or more units per building not to exceed 20 units per acre.
- D. Humane Societies and commercial kennels. A humane society or commercial kennel shall be constructed of impervious materials and all structures, areas and appurtenances shall be so designed as to facilitate thorough and convenient cleaning. Commercial kennels shall be adequately ventilated, and all doors, windows and other openings shall be screened. Commercial kennels shall be provided with adequate water supplies and sanitary facilities for disposal of wastes.
- E. Buildings over seventy thousand (70,000) square feet within the Highway 33 corridor as described in *Section 17.5.15*.
- F. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent of permitted uses in this district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Fence, pursuant to *Section 17.5.05*.
- C. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- D. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- E. Signs, pursuant to *Section 17.5.13*.
- F. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Dimensional Regulations.

- A. Parcel Requirements. The minimum parcel requirements in the RC Regional Commercial District shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.

- (1) Minimum parcel area. Twenty thousand (20,000) square feet.
 - (2) Minimum parcel width. One hundred twenty (120) feet.
 - (3) Minimum parcel depth. One hundred twenty (120) feet.
 - (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- B. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*. Also see the Highway 33 Design Standards Section 17.5.15.
- (1) Minimum principal building setback from front parcel line. Primary arterials: one hundred (100) feet; Other streets: Thirty-five (35) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Primary arterials: one hundred (100) feet; Other streets: Thirty-five (35) feet.
 - (3) Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - (4) Minimum principal building setback from rear parcel line. Thirty (30) feet.
- C. Maximum Height of Principal Building. Sixty (60) feet, as measured pursuant to *Section 17.1.05: Definitions: Height of Building*.
- D. Setback and Height Requirements for Accessory Buildings.
- (1) Minimum accessory building setback from interior side parcel line. Twenty (20) feet.
 - (2) Minimum accessory building setback from rear parcel line. Fifteen (15) feet.
 - (3) Maximum height of accessory building. Fifteen (15) feet.
- E. Maximum Building Coverage of the Parcel. Sixty percent (60%).
- F. Maximum Impervious Coverage. Seventy percent (70%).
- G. Buffer Requirements Between Different Uses. Wherever a more intense proposed use (or expansion of a more intense existing use) in the RC District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to *Section 17.5.04: Landscaping Requirements and Section 17.5.03: Screening*.

Subd. 6 Special District Provisions.

- A. Traffic and Circulation. All commercial buildings or structures and their accessory uses shall be accessible to and from nearby public streets and sidewalks by driveways and walkways surfaced with a hard, all-weather, durable, dust-free material and properly drained.

- B. Vehicular traffic generated by a commercial use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic. The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the Planning Commission who may require such additional measures for traffic control as they may deem necessary, including but not limited to the following: Directional signalization, channelization, standby turn lanes, illumination, and storage area and distribution facilities within the commercial site to prevent back-up of vehicles on public streets.
- C. No area used by motor vehicles other than driveways serving as ingress and egress to the commercial site shall be located within the public street right-of-way.
- D. Wherever possible, the placement of structures in the RC District shall be such that a service or frontage road may be constructed yet retain sufficient lot area for parking and internal vehicular circulation.

17.6.12 HC - Historic Commercial District.

Subd. 1 Purpose. The HC Historic Commercial District is intended to promote an area for the grouping of general retail sales establishments, and similar uses that correspond to the historic theme of the District. Said historic theme shall be as established by the development or redevelopment plan for the area located within the District boundaries. All uses and development within said District shall be in accordance with the general concepts and / or themes established by said plan in all aspects of building design, appearance and / or use. See Section 17.5.14 Design Standards for the West End and Downtown Business Districts.

Subd. 2 Permitted Uses. The following uses are permitted as regulated herein, without special application requirements or conditions attached:

Trade and Services: Any retail store, personal service or business service establishment subject to all applicable regulations and such permits and licenses as may be required by law and further provided that the use is not objectionable due to noise, fumes, smoke, odor, or vibration. Such uses shall include the following and other similar uses that are compatible with the redevelopment plan for said District, as stipulated in *Subd. 1* above, or as determined to be similar by the Planning Commission;

- A. Commercial studios.
- B. Cultural, entertainment and recreational uses and establishments, except game rooms as defined in *Section 17.1.05* of this Chapter.
- C. Eating and drinking places, including taverns, club and off sale liquor establishments.
- D. General business offices.
- E. General merchandising, apparel and accessories establishments.
- F. Hotels and Tourist Homes (ie. Bed & Breakfast).
- G. Religious institutions.

- H. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent of permitted uses in this district.
- I. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.
- J. Lower-Potency Hemp Retail Business

Subd. 3 Conditional Uses. The following uses are permitted in the HC District, subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06* of this Chapter. Additional uses itemized in that section may situate in the HC District in the same manner as if they were listed hereunder.

- A. Residential Uses: Apartments, Multiple-family structures existing independently with a minimum side and rear yard setback of 3 feet. Apartments may be located in the rear of the ground floor of a commercial building provided no more than 50 percent of the ground floor is used for apartments and all the floors above may be used for apartments. The density of the site cannot exceed 20 units per acre.
- B. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent of conditional uses in this district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Fence, pursuant to *Section 17.5.05*.
- C. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- D. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- E. Signs, pursuant to *Section 17.5.13*.
- F. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Dimensional Regulations.

- A. Parcel Requirements. The minimum parcel requirements in the HC Historic Commercial District shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*. See also *Section 17.5.14: Design Standards for the West End and Downtown Business Districts*.
 - (1) Minimum parcel area. Three thousand (3,000) square feet.
 - (2) Minimum parcel width. Twenty-five (25) feet.
 - (3) Minimum parcel depth. Seventy-five (75) feet.

- (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- B. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
- (1) Bulk and Yard Setbacks.
- a. FAR (Floor Area Ratio) – 2.0.
- Note: Side and rear yards are not required; building bulk is governed by FAR. Side and rear yard abutting a residential property shall provide a landscape buffer of at least 10' in width.
- b. Detached Accessory Structure from principal structure, in feet – 5.0.
- Note: Shall be set no closer to a street right-of-way (ROW) line than the principal building on the same lot therewith.
- (2) All buildings and uses shall conform to the Performance Standards established in *Section 17.4.02* and the Architectural Standards in *Section 17.5.14 Subd. 6.* of this Chapter.
- C. Maximum Height of Principal Building. Forty (40) feet.
- D. Setback and Height Requirements for Accessory Buildings.
- (1) Maximum Height of Accessory Building. Fifteen (15) feet.
- E. Maximum Building Coverage of the Parcel. One hundred (100) percent.
- F. Maximum Impervious Coverage. One hundred (100) percent.

Subd. 6 Special District Provisions.

- A. Building Exteriors and Store Fronts. All buildings shall have an exterior and / or store front design that coincides with the historic theme of the District in which located.
- B. Parking. The parking provisions of this Chapter are modified as follows to carry out the intent of the HC District. Existing Buildings are exempt from off street parking requirements: Also see *Section 17.53.14 Subd. 5*.
- C. Screening and Landscaping Requirements. See *Section 17.5.03, 17.5.04 and 17.5.14 Subd. 7*.
- D. Storage – Displays. See *Section 17.5.14, Subd. 7*.
- E. Performance Standards. All business operations and activities including but not limited to, the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform to the performance standards set forth in *Section 17.4.02* of this Chapter.

17.6.13 CC - City Center District.

Subd. 1 Intent. The intent of the CC City Center District is to encourage and foster the further development and enhancement of the downtown (city center) area. The district requirements recognize the unique characteristics of the city center area as the heart of the city. The city center provides a mix of traditional downtown uses that are consistent with the vision for the area as expressed in the Comprehensive Plan, including retail, entertainment, offices, services, government facilities, and a mixture of residential uses. However, the district also includes a variety of industrial uses, some of which may not be compatible with the City's vision for the district. The general intent of the district is to preserve and enhance those uses that are compatible with the vision of the area and to encourage uses that are not compatible with the vision for the city center to relocate to appropriate districts in the city. See Section 17.5.14 Design Standards for the West End and Downtown Business Districts.

Subd. 2 Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

- A. Bank or financial institutions.
- B. Clinic.
- C. Club or association.
- D. Dwelling, combined with a permitted commercial or conditional use.
- E. Eating and Drinking Places.
- F. Government or community service use.
- G. Office.
- H. Open space: public or private.
- I. Personal service.
- J. Public park.
- K. Religious institution.
- L. Single-Family Residential Use - provided that the use was in existence prior to the adoption of this Chapter.
- M. Retail: convenience or general.
- N. Seasonal market.
- O. Theater.
- P. Hotels and Tourist Homes (ie. Bed and Breakfast, pursuant to *Section 17.5.09.*)
- Q. Veterinary clinic: small animal, except that no kennels nor outdoor runs shall be allowed.
- R. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has

determined that the use is consistent with the intent of permitted uses in this district.

S. Sexually Oriented Businesses subject to the following:

- (1) No sexually oriented business shall be located closer than five hundred (500) feet from any other sexually oriented business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually oriented business to the nearest point of the actual business of any other sexually oriented business.
- (2) No sexually oriented business shall be located closer than five hundred (500) feet from any place of worship, school, public park, state licensed family day care home, state licensed group family day care home, public library, or state licensed child care center. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual premises used as a place of worship, school, park, or state licensed family day care home, state licensed group family day care home, or state licensed child care center.
- (3) No sexually oriented business shall be located closer than five hundred (500) feet from any of the following residential use districts. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually oriented business to the nearest boundary of the residential use district:
 - a. R-1, Single-Family Residence District;
 - b. R-2 One- and Two-Family Residence District; and
 - c. R-3, Multiple-Family Residence District.
- (4) A sexually oriented business must also comply with existing licensing requirements of the City of Cloquet.
- (5) The operation or maintenance of more than one (1) of the following uses in the same building or structure shall be prohibited:
Adult Body Painting Studio; Adult Book Store; Adult Car Wash; Adult Companionship Establishment; Adult Entertainment Facility; Adult Modeling Studio; Adult Oriented Cabaret; Adult Sauna; Adult Motion Picture Theater; and, Adult Mini-Motion Picture Theater.
- (6) Sign Restrictions. In order to protect children from exposure to lurid signs and materials and in order to preserve the value of property surrounding sexually oriented businesses, the following sign regulations shall apply to all sexually oriented businesses in the City in lieu of the provisions of Section 17.5.13 of the Cloquet Zoning Ordinance:

- a. All signs shall be flat wall signs. No signs shall be freestanding, located on the roof, or contain any flashing lights, moving elements, or electronically or mechanically changing messages. No sign shall contain any message or image which identifies specified sexual activities or specified anatomical areas as defined herein.
- b. The amount of allowable sign area shall be one (1) square foot of sign area per foot of lot frontage on a street, not to exceed eighty (80) square feet.
- c. No merchandise, photos, or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or public right-of-way adjoining the building or structure in which the sexually oriented business is located.
- d. No signs shall be placed in any window. A one (1) square foot sign may be placed on the door to state hours of operation and admittance to adults only.

T. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.

U. Lower-Potency Hemp Retail Business

Subd. 3 Conditional Uses. The following are conditional uses in the CC City Center District subject to the special requirements of this section and to the issuance of a Conditional Use Permit as specified in *Section 17.2.6* and pursuant to all applicable specific use standards:

- A. Any industrial use (as determined) by the City Planner/Zoning Administrator or other Authorized Agent of the City) that was in existence on the subject parcel on the date of adoption of this Chapter (and was a conforming use at that time) shall be a conditional use on the subject parcel provided that the use has not lapsed for more than twelve (12) consecutive months since the date of adoption of this Chapter.
- B. Car wash
- C. Currency exchange, payday loan establishment, or title load agency.
- D. Dwelling: multi-family, three (3) or more units per building not to exceed 20 units per acre.
- E. Parking lot as a principal use, pursuant to *Section 17.5.11*.
- F. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent of conditional uses in this district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Fence, pursuant to *Section 17.5.05*.
- C. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- D. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- E. Signs, pursuant to *Section 17.5.13*.
- F. Sport court or play equipment for private recreation use, pursuant to *Section 17.5.02, Subd. 4*.
- G. Swimming pool, pursuant to *Section 17.5.10*.
- H. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Dimensional Regulations.

- A. Minimum Parcel Area. Three thousand five hundred (3,500) square feet.
- B. Minimum Parcel Width. Twenty-five (25) feet.
- C. Setback Requirements of a Principal Building from all Parcel Lines. None.
- D. Setback from “R” District Boundary. Ten (10) feet.
- E. Maximum Height of Principal Building. Forty-five (45) feet, except that the City may allow the principal building to exceed forty-five (45) feet with the approval of a Conditional Use Permit.
- F. Setback and Height Requirements for Accessory Buildings.
 - (1) Minimum accessory building setback from interior side parcel line. Two and one-half (2 ½) feet. Must meet Building Code.
 - (2) Minimum accessory building setback from rear parcel line. Two and one-half (2 ½) feet. Must meet Building Code.
 - (3) Maximum height of accessory building. Cannot be taller than the principal building.
- G. Buffer Requirements Between Different Uses. Wherever a more intense proposed use (or expansion of a more intense use) in the CC City Center District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to *Section 17.5.04: Landscaping Requirements* and *Section 17.5.03: Screening*.

Subd. 6 Special District Provisions.

- A. General Guidelines for Industrial Uses in the District. The City Council of the City of Cloquet recognizes that a variety of industrial uses exists in the CC District. Guidelines for continuation and / or expansion of industrial uses in the district are as follows:

- (1) Existing industrial uses that are not compatible with the vision of the area as expressed in the City's Comprehensive Plan (for example, a heavy manufacturing use) should be encouraged to relocate to an appropriate industrial district in the city. However, under unique conditions, expansion or improvements to existing industrial uses may be considered pursuant to the Conditional Use Permit procedures pursuant to *Section 17.2.10*.
 - (2) Existing industrial uses that are compatible with the city center area (for example, a relatively clean and quiet light manufacturing use) may be allowed to continue (and possibly expand) if the use does not adversely affect the neighborhood and is consistent with the vision of the City as expressed in the Comprehensive Plan).
 - (3) New industrial uses in the district are not anticipated. However, in unique situations the City Council may find that it is in the best interest of the city center and the overall community to allow the replacement of existing, more intense industrial uses with appropriate light manufacturing, research and development, or similar industrial uses that have less of an adverse impact on the surrounding area.
 - (4) In general, industrial uses should be limited to arterial or collector streets, or to areas where there is a distinct cluster of appropriate industrial uses.
- B. Parking. The parking provisions of this Chapter are modified as follows to carry out the intent of the CC District. Existing buildings are exempt from off street parking requirements: Also see Section 17.5.14 Subd. 5.
- (1) Location of Parking on the Lot. Off-street parking shall not be located between building façade and the front lot line or street right-of-way. Nor shall off-street parking be located less than five (5) feet from any property line except as provided through access drives or by shared or joint parking agreements as permitted in this Chapter.
 - (2) Required Screening. Any off-street parking space or parking lot that abuts a street right-of-way shall be buffered from the right-of-way by a landscaped area no less than five (5) feet wide in which is located in a continuous row of shrubs no less than three and one half (3 ½) feet high, or by a wall no less than four (4) feet and no more than six (6) feet high, in addition to any required shade trees.
 - (3) Exception and Alternatives to Off-Street Parking Requirements. The City Council may allow exceptions and alternatives to the off-street parking requirements as follows:
 - a. Parking Reduction. The City Council may allow a reduction in the number of required parking stalls provided the property owner enters into a development contract and the following criteria are met:
 1. Evidence is provided that demonstrates the proposed use will have a peak parking demand less than the required

parking of this Chapter. Factors to be considered when reviewing the proposed parking demand shall include, but not limited to the following:

- Size of building.
 - Type and use.
 - Number of employees.
 - Projected volume and turnover of traffic.
 - Projected frequency and volume of delivery or service vehicles.
 - Number of company owned vehicles.
 - Storage of vehicles on site.
2. The amount of reduced parking shall not exceed fifty percent (50%) of the amount of parking required by the Chapter. However, parking spaces can be provided off-site pursuant to the joint and off-site parking provisions of this Chapter as described below.
 3. The property owner can demonstrate that the site has sufficient area to accommodate the parking required by the Chapter if the parking demand exceeds on-site supply. The property owner shall enter into a development contract with the City guaranteeing that additional parking shall be constructed in accordance with this Chapter if the actual site parking demand exceeds on-site supply.
- b. Joint Parking Facilities. The City Council may approve a Conditional Use Permit for one or more uses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. Conditions to be considered when reviewing the proposed joint parking facilities shall include, but not be limited to the following:
1. The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.
 2. The application shall show that there is no substantial conflict in the principal operating hours of the various buildings or uses for which the joint parking is proposed.
 3. A properly drawn legal instrument, executed by the parties involved in joint use of parking facilities, duly approved as

to form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Carlton County Recorder.

- c. **Off-site Parking.** The City Council may approve a conditional use permit for off-site parking. Conditions for approving off-site parking shall include, but are not limited to, the following:
 1. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Chapter.
 2. Off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the main public entrance of the principal use being served.
 3. Any use which depends on off-site parking to meet the requirements of the Chapter shall maintain ownership and parking utilization of the off-site location until such time as on-site parking is provided or a site located closer to the principal use is acquired and developed for parking.
 4. Compliance with off-street parking requirements provided through leased off-street parking may be approved by the City Council, subject to the following conditions:
 - The lease shall specify the total number and location of parking spaces under contract and this number, when added to any on-site parking provided, must be equal to the total number of parking spaces required.
 - The lease requirement shall legally bind all parties to the lease and provide for amendment or cancellation only upon written approval from the City.
- C. **Landscaping.** The landscaping provisions of this Chapter are modified as follows to carry out the intent of the CC City Center District: Also see Section 17.5.14 Subd. 7.
- (1) It is the intent of the CC District to provide an attractive downtown area that includes landscaping. However, it is recognized that due to the compact nature of the downtown area, many of the standard provisions for landscaping described elsewhere in this Chapter cannot be reasonably applied to this District. Therefore, the landscaping provisions of this Chapter are modified as follows to carry out the intent of this District.
 - (2) The applicant shall submit to the City a landscape plan for all site work requiring a building permit. The plan shall identify the location and size of both existing vegetation to be retained and proposed new vegetation, typical planting materials, the phasing of landscape installation, and

planting methods. There shall be no minimum amount of green, landscaped area required. Nor shall there be a minimum amount of trees required. However, the City shall approve the landscape plan before a building permit can be issued.

- (3) Parking lots larger than nineteen (19) spaces and / or six thousand (6,000) square feet in size shall be provided with at least one shade tree for every eight (8) parking spaces or fraction thereof, located in internal planting islands and perimeter buffer strip(s) along the street edge(s) of the lot.

D. Conditional Use Permit for Adjustment to Standards. In cases where extraordinary limitations are imposed on a lot due to topography, unusual lot shape, placement of existing structures, and similar conditions, adjustments in the standard regulations will be made by issuance of a conditional use permit.

17.6.14 LI - Light Industry District.

Subd. 1 Intent. It is the intent of the LI Light Industry District to create industrial areas that will be attractive and compatible within the City and will not adversely affect adjacent business or residential neighborhoods. Industrial establishments should be either a) ones whose operations are relatively free from objectionable influences or b) ones whose objectionable features will be obviated by design and / or appropriate devices. In the interest of general health and welfare, residential and certain institutional uses are not permitted within this district.

Subd. 2 Permitted Uses. The following uses are permitted as regulated herein, without special application requirements or conditions attached:

- A. Manufacturing. Any light manufacturing use or process including repairs, assembling, fabricating, altering, converting, finishing, processing, treating, testing, packaging or bottling; except any use or process hereinafter specifically excluded or which would not be in keeping with the purpose of the District as stated above. Such determination shall be made by the City Planner/Zoning Administrator upon review of the building permit application.
- B. Warehousing, Storage and Wholesaling. The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use, except for the handling, in quantity of more than five thousand (5,000) gallons, of packaged or bulk hazardous combustible materials and / or flammable liquids or gases or more than four thousand three hundred (4,300) gallons of packaged or bulk hazardous dry material. Any amount of liquid or dry material exceeding the numbers listed above shall be classified as a HI- Heavy Industrial use, unless authorized by the City Planner/Zoning Administrator or Planning Commission. The determination of "hazardous" materials as defined in the International Building Code as adopted by reference by the Minnesota State Building Code shall be made by the Building Official.
- C. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

- D. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.
- E. Non-Retail Cannabis Business.

Subd. 3 Prohibited Uses. No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for any of the following uses:

- A. Residential. Dwellings, dwelling units and residences of any kind, including hotels, motels, rooming houses and tourist homes.
- B. Institutional. Schools, orphanages, child care centers, homes for the aged and similar institutions for human care.
- C. Industrial. Any use first listed as a conditional use in the HI Heavy Industrial District.

Subd. 4 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*. Additional uses itemized in that Section may situate in the LI District in the same manner as if they were listed hereunder:

- A. General. Any use first listed as permitted use in the HI Industrial District, provided that any objectionable features normally associated with these uses, such as those deemed to be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste, shall be ameliorated, controlled or eliminated through design, mechanical devices, screen planting and / or walls or other measures as specified by the Planning Commission, and provided that the use and its day to day activity will not be hazardous, noxious, or offensive.
- B. Storage. The storage of any hazardous combustible material in excess of 5,000 gallons (if liquid), including, but not limited to, flammable liquids or gasses, provided they are stored in containers not to exceed 25,000 gallons (if liquid) per storage unit. All such storage containers shall be located at least 200 feet from any Residential District if underground, and at least 400 feet from any Residential District if above ground. Such storage shall comply in all respects with applicable regulations of the State Fire Code, Life Safety Code, Minnesota Pollution Control Agency, and any and all other applicable regulatory agencies or Codes.
- C. Residential. Dwellings for families of watchmen, caretakers and operators, and such sleeping and boarding accommodations as are customarily incidental and necessary to a permitted use. Additions to such existing buildings may be authorized where the number of families or the number of lodging accommodations is not increased.
- D. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Fence, pursuant to *Section 17.5.05*.
- C. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- D. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*
- E. Signs, pursuant to *Section 17.5.13*.
- F. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 6 Dimensional Regulations.

- A. Parcel requirements. Parcel requirements shall be as follows except as may be modified pursuant to *Section 17.2.07: Variance*.
 - (1) Minimum parcel area. Twenty thousand (20,000) square feet.
 - (2) Minimum parcel width. One hundred (100) feet.
 - (3) Minimum parcel depth. One hundred fifty (150) feet.
 - (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication, and public service uses shall be exempt from the parcel requirements of this section.
- B. Setback Requirements for Principal Building. Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
 - (1) Minimum principal building setback from front parcel line. Twenty-five (25) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Twenty-five (25) feet.
 - (3) Minimum principal building setback from interior side parcel line. Fifteen (15) feet.
 - (4) Minimum principal building setback from rear parcel line. Fifty (50) feet.
- C. Setback from "R" District Boundary. Seventy-five (75) feet.
- D. Setback Requirements for Accessory Buildings.
 - (1) Minimum accessory building setback from interior side parcel line. Five (5) feet.
 - (2) Minimum accessory building setback from rear parcel line. Fifty (5) feet.
 - (3) Maximum height of accessory building. Twenty-five (25) feet.

E. Maximum Building Height.

(1) Principal building. No principal building shall exceed forty (40) feet in height, as measured pursuant to *Section 17.1.05: Definitions: Height of Building* except that buildings over forty (40) feet may be allowed pursuant to the approval of a conditional use permit.

F. Maximum Building Coverage of the Parcel. The combined footprint of all principal and accessory buildings on a parcel shall not exceed forty percent (40%).G. Maximum Impervious Surface Coverage. Seventy percent (70%).**Subd. 7 Special District Provisions.**

A. Landscaping. All open areas of any site, lot, tract or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives or storage, shall be landscaped with trees, shrubs or planted ground cover. Such landscaping shall conform to the planting plan approved at the time the building permit was issued. It shall be the Owner's responsibilities to see that this landscaping is maintained in an attractive and well-kept condition. All adjacent vacant lots, tracts or parcels under the same ownership shall also be property maintained.

B. Storage. All raw materials, supplies, finished or semi-finished products and equipment shall be stored within a completely enclosed building or within the confines of a 100 percent opaque wall or fence not less than five (5) feet high. Provided, however, that motor vehicles necessary to the operation of the principal use and of not more than three-quarter ton capacity may be stored within the permitted parking lot areas.

C. Building Design and Construction. Any building or structure within the LI-Light Industrial District shall meet the following design standards:

(1) All exterior wall finishes on any building shall be any single one or combination of the following:

- a. Face Brick.
- b. Natural stone.
- c. Specially designed precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture.
- d. Factory fabricated and finished metal framed panel construction, if the panel materials be any of those named above, glass, prefinished metal (other than unpainted galvanized iron), or plastic.
- e. Other materials as may be recommended by the Planning Commission.

(2) All subsequent additions and accessory building constructed after the erection of an original building or buildings shall be constructed of the same materials as the original construction and shall be designed in a

manner conforming to the original architectural design and general appearance.

- D. Screening. All principal, accessory and conditional uses, except business signs, which are situated with fifty (50) feet of a Residential District, shall be screened and buffered from such district by a separation of open space which shall have a minimum depth of thirty (30) feet and shall include a required fence or vegetative screening of not less than ninety (90) percent opacity and not less than five (5) nor more than seven (7) feet in height above the level of the Residential District property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the Planning Commission if there is a finding that the nature of extend of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Chapter would interfere with the provision of adequate amounts of light and air to same said properties. Loading docks in the LI Light Industry District shall be screened so as not to be visible form any public street right-of-way within a Residential District. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.
- E. Performance Standards. All industrial operations within the LI Light Industry District shall conform to the performance standards established in *Section 17.4.02* of this Chapter.

17.6.15 HI - Heavy Industry District.

Subd. 1 Intent. It is the intent of the HI Heavy Industry District to create industrial areas to accommodate a wide variety of industrial establishments which may operate to their maximum advantage without adversely affecting other nearby similar or dissimilar uses and activities.

Subd. 2 Permitted Uses. The following uses are permitted as regulated herein, without special application requirements or conditions attached:

- A. General. Any industrial use which is not specifically prohibited herein or any industrial use not listed as a conditional use herein below may be permitted.
- B. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.
- C. Non-Retail Cannabis Business.

Subd. 3 Prohibited Uses. No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for any of the following uses:

- A. Residential. Dwellings, dwelling units and residences of any kind, including hotels, motels, rooming houses and tourist homes.
- B. Institutional. Schools, orphanages, child care centers, homes for the aged and similar institutions for human care.

- C. Municipal Solid Waste (MSW) Landfills, waste incinerators, hazardous or infectious waste facilities.
- D. Industrial Solid Waste Landfills.
- E. Construction and Demolition (C&D) Landfills.
- F. There shall be no expansions to existing landfills of any type within the City.

Subd. 4 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*. Additional uses itemized in that Section may situate in the HI Heavy Industry District in the same manner as if they were listed hereunder:

- A. Wrecking and Salvage Yards. Junk yards, including automobile wrecking and industrial metal and waste salvage, but not including refuse of garbage disposal, if located at least two hundred (200) feet from any Residence District; provided all operations are conducted within an area enclosed with a solid wall or uniform tight board fence, including gates, at least eight (8) feet in height and such enclosure shall be property maintained.
- B. Crematory. If located not less than two hundred (200) feet from a Residence District.
- C. Railroad Stub Yard and Freight Station. If located not less than two hundred (200) feet from any Residence District.
- D. Other Uses. The following uses may only be authorized as a conditional use by the City Council if located at least four hundred (400) feet from any Residence District, and if the location of such use has been recommended by the Planning Commission after receiving reports from the Acting Fire Chief, and the State Pollution Control Agency.
 - (1) Acid manufacture.
 - (2) Cement, lime, gypsum or plaster of paris manufacture.
 - (3) Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for conditional uses in this district.

Subd. 5 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Fence, pursuant to *Section 17.5.05*.
- C. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- D. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- E. Signs, pursuant to *Section 17.5.13*.

- F. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 6 Dimensional Regulations.

- A. Parcel Requirements. Parcel requirements shall be as follows except as may be modified pursuant to *Section 17.2.07: Variance*.
- (1) Minimum parcel area. Minimum area necessary to meet stipulated yard setbacks and parking / loading, screening, etc. area requirements.
 - (2) Minimum parcel width. Minimum width necessary to meet stipulated yard setbacks and parking / loading, screening, etc. requirements.
 - (3) Exceptions to parcel requirements. Public parks, public open space, and utility and communication, and public service uses shall be exempt from the parcel requirements of this section.
- B. Setback Requirements for Principal Building. Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
- (1) Minimum principal building setback from front parcel line. Twenty-five (25) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Twenty-five (25) feet.
 - (3) Minimum principal building setback from interior side parcel line. Each side fifteen (15) feet.
 - (4) Minimum principal building setback from rear parcel line. Fifty (50) feet.
- C. Setback from “R” District Boundary. Seventy-five (75) feet.
- D. Setback Requirements for Accessory Buildings.
1. Minimum accessory building setback from interior side parcel line. Five (5) feet.
 2. Minimum accessory building setback from rear parcel line. Twelve (12) feet.
 3. Maximum height of accessory building. Twenty-five (25) feet.
- E. Maximum Building Height.
1. Principal building. No principal building shall exceed seventy-five (75) feet in height, as measured pursuant to *Section 17.1.05: Definitions: Height of Building* except that buildings over seventy-five (75) feet may be allowed pursuant to the approval of a conditional use permit.

- F. Maximum Building Coverage of the Parcel. The combined footprint of all principal and accessory buildings on a parcel shall not exceed sixty percent (60%).
- G. Maximum Impervious Surface Coverage. Eighty percent (80%).

Subd. 7 Special District Provisions.

- A. Landscaping. All open areas of any site, lot, tract or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives or storage, shall be landscaped with appropriate dust free and attractive materials. Such landscaping shall conform with the development plan approved at the time the building permit was issued. It shall be the owner's responsibility to see that the lot area is maintained in a well-kept condition. All vacant lots, tracts or parcels abutting and under the same ownership shall be properly maintained.
- B. Storage. All raw materials, supplies, finished or semi-finished products and equipment shall be stored within a completely enclosed building or within the confines of a 100 percent opaque wall or fence not less than five (5) feet high. Provided, however, that motor vehicles necessary to the operation of the principal use and of not more than three-quarter ton capacity may be stored within the permitted parking lot areas.
- C. Performance Standards. All industrial operations within the HI Heavy Industry District shall conform to the performance standards established in *Section 17.4.02* of this Chapter.
- D. Screening. All principal, accessory and conditional uses, except business signs, which are situated with fifty (50) feet of a Residential District, shall be screened and buffered from such district by a separation of open space which shall have a minimum depth of thirty (30) feet and shall include a required fence or vegetative screening of not less than ninety (90) percent opacity and not less than five (5) nor more than seven (7) feet in height above the level of the Residential District property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the Planning Commission if there is a finding that the nature of extend of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Chapter would interfere with the provision of adequate amounts of light and air to same said properties. Loading docks in the HI Heavy Industry District shall be screened so as not to be visible form any public street right-of-way within a Residential District. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

17.6.16 OM – Office/Manufacturing District.

Subd. 1 Intent. The intent of the OM Office/Manufacturing District is to establish a suitable area or areas within the City in which light industrial and limited commercial uses can co-exist in an attractive environment and be compatible with each other and with

adjacent business or residential neighborhoods. Such uses should be relatively free from objectionable influences, or have those influences obviated by design or other appropriate devices. In the interest of general health and welfare, residential and certain institutional uses are not permitted within this district.

Subd. 2 Permitted Uses. The following uses are permitted as regulated herein, without special application requirements or conditions attached except that where any use listed herein is proposed to be developed abutting an urban primary arterial street as designated on the approved City thoroughfares plan, and no frontage or service road is provided, such use shall only be permitted by Conditional Use Permit, as specified in *Section 17.2.10 of the Cloquet Zoning Ordinance*.

- A. Office parks and complexes.
- B. Nurseries, landscape, and garden stores.
- C. Building materials retail outlets.
- D. Retail sales outlets when associated with and when located on the same lot as, a permitted manufacturing or warehousing use as specified in this section.
- E. Manufacturing: Any light manufacturing use or process including repairs, assembling, fabricating, altering, converting, finishing, processing, treating, testing, packaging or bottling; except any use or process hereinafter specifically excluded or which would not be in keeping with the purpose of the District as stated above.
- F. Warehousing, storage, and wholesaling: The storage, handling, assembly and distribution of goods and materials for retail, wholesale, or on-site use, except for the handling, in quantity, of packaged or bulk hazardous combustible materials and / or flammable liquids or gases. The determination of 'hazardous' materials shall be made by reference to the latest edition of the International Building Code as adopted by reference by the Minnesota State Building Code.
- G. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*. Additional uses itemized in that Section may situate in the OM Office/Manufacturing District in the same manner as if they were listed hereunder:

- A. General. Any use first listed as permitted in the HI, Heavy Industrial District, provided that any objectionable features normally associated with these uses, such as those deemed to be hazardous, offensive, or objectionable by reason of odor, dust, cinders, gas fumes, noise, vibration, radiation, refuse matter, or water-carried waste, shall be ameliorated, controlled or eliminated through design, mechanical devices, screen plantings and / or walls, or other measures as specified by the Planning Commission, and provided that the use and its day to day activity will not be hazardous, noxious, or offensive.

- B. Commercial. Any use first listed as a permitted use in the NC, Neighborhood Commercial, and RC, Regional (Highway) Commercial Districts provided such use is in keeping with the intent of the District as stated in *Subd. 1* of this *Section*.
- C. Humane Societies and commercial kennels. A humane society of commercial kennel shall be constructed of impervious materials and all structures, areas and appurtenances shall be so designed as to facilitate thorough and convenient cleaning. Commercial kennels shall be adequately ventilated, and all doors, windows and other openings shall be screened. Commercial kennels shall be provided with adequate water supplies and sanitary facilities for disposal of wastes.

Subd. 4 Prohibited Uses. No building, structure or land shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended, or designed for any of the following uses:

- A. Residential. Dwellings, dwelling units, and residences of any kind, including hotels, motels, rooming houses, and tourist homes.
- B. Institutional. Schools, orphanages, homes for the aged, and similar institutions for human care.
- C. Industrial. Any use first listed as a conditional use in the HI-Heavy Industrial District.

Subd. 5 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Any accessory use, building, or structure customarily incidental to a principal use permitted above, and located on the same lot therewith.
- B. Specialized freight and yard equipment, private utility structures, secondary processing structures, and similar specialized structures.
- C. Enclosed equipment and vehicle storage areas for non-residential uses.
- D. Parking and loading facilities as regulated in *Section 17.5.11*.
- E. Signs as regulated in *Section 17.5.13*.

Subd. 6 Dimensional Regulations.

- A. Parcel Requirements. The minimum parcel requirements in the OM Office/Manufacturing District shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
 - (1) Minimum parcel area. Twenty thousand (20,000) square feet.
 - (2) Minimum parcel width. One hundred-twenty (120) feet.
 - (3) Minimum parcel depth. One hundred-twenty (120) feet.
 - (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.

- B. Setback requirements for principal building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *17.2.07: Variance*.
- (1) Minimum principal building setback from front parcel line. Primary arterials – One hundred (100) feet; all other streets – Thirty-five (35) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Primary arterials – One hundred (100) feet; all other streets – Thirty-five (35) feet.
 - (3) Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - (4) Minimum principal building setback from rear parcel line. Thirty (30) feet.
 - (5) Setback from ‘R’ District boundary – Fifty (50) feet, or Thirty (30) feet plus screening as specified in *Subd. 7, A* of this Section.
- C. Maximum Height of Principal Building. Four (4) stories with maximum height of sixty (60) feet.
- D. Setback and Height Requirements for Accessory Buildings.
- (1) Minimum accessory building setback from interior side parcel line. Ten (10) feet.
 - (2) Minimum accessory building setback from rear parcel line. Fifteen (15) feet.
 - (3) Maximum height of accessory building. Twenty-five (25) feet.
- E. Maximum Building Coverage of the Parcel. Forty percent (40%).
- F. Maximum Impervious Coverage. Seventy percent (70%).
- G. Performance Standards: Yes – *Section 17.4.02*.
- H. Special Provisions – Signs – *Section 17.5.13*; Parking – *Section 17.5.11*; Street access standards and designs – *Section 17.5.11, Sud. 4*.

Subd. 7 Special District Provisions.

- A. Landscaping. All open areas of any site, lot, tract, or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives, sidewalks, patios, storage, or other such uses, shall be landscaped with trees, shrubs, or planted ground cover. Such landscaping shall conform to the planting plan approved at the time the building permit is issued. It shall be the owner’s responsibility to see that this landscaping is maintained in an attractive and well-kept condition. All adjacent vacant lots, tracts, or parcels under the same ownership shall also be properly maintained. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies, or merchandise.
- B. Storage – Displays. All materials, supplies, merchandise, finished or semi-finished products not on display for the direct sale, rental, or lease to the ultimate

consumer or user shall be stored within a completely enclosed building or within the confines of a one-hundred (100) percent opaque wall or fence not less than five (5) feet high. Provided, however, that motor vehicles necessary to the operation of the principal use and not of more than one and one-half ton capacity may be stored within the permitted parking lot areas. Merchandise which is offered for sale as described heretofore may be displayed beyond the confines of a building, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten (10) percent of the ground floor area of the building housing the principal use, unless such merchandise is of the type customarily displayed outdoors such as garden supplies.

C. Building Design and Construction. Any building or structure within the OM Office/Manufacturing District shall meet the following design standards:

(1) All exterior wall finishes on any building shall be any single or combination of the following:

- a. Face Brick.
- b. Natural Stone.
- c. Concrete block with surfaces painted or treated with decorative material or texture.
- d. Specially designed concrete units if the surfaces have been integrally treated with an applied decorative material or texture.
- e. Factory fabricated and finished metal framed panel construction, with the panel materials to include any of those named above, glass, prefinished metal (other than unpainted galvanized iron), or plastic, and which materials meet or exceed the minimum standards of the Minnesota State Building Code.
- f. Other materials as may be recommended by the Planning Commission.

(2) Accessory buildings may be of materials other than those specified heretofore, provided, however, that the design and material used shall be architecturally harmonious with that of a principal building.

(3) All subsequent additions to any building constructed after the erection of an original building or buildings shall be constructed of the same materials as the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

D. Traffic and Circulation. Traffic and circulation requirements for any and all development in the IP District shall be in accordance with *Section 17.5.11, Subd. 4* of this Chapter.

E. Screening. All principal, accessory, and conditional uses, except business signs, which are situated within fifty (50) feet of a residential districts, shall be screened and buffered from such district by a separation of open space which shall have minimum depth of thirty (30) feet and shall include a required fence or vegetative

screening of not less than ninety (90) percent opacity and not less than five (5) feet nor more than seven (7) feet in height above the level of the Residential District property at the district boundary. Walls or fences of lesser heights may be permitted by the Planning Commission if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will adequately promote and protect the use and enjoyment of the properties within the adjacent residential district, or there is a finding that a screening of the type required by this Chapter would interfere with the provision of adequate amounts of light, air to same said properties. Loading docks which are visible from any public street right-of-way within a Residential District shall be screened as specified above. All required screening devices shall be designed to be architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

- F. Performance Standards. All operations and activities within the OM Office/Manufacturing District shall conform to the performance standards established in *Section 17.4.02* of this Chapter.

17.6.17 PI - Public / Institutional District.

Subd. 1 Intent. The intent of the PI Public / Institutional District is to accommodate a variety of public, semi-public, and institutional uses in Cloquet. Although public and institutional uses are allowed as permitted or conditional uses in many other districts in the city, the PI Public / Institutional District is intended for the exclusive use of significant public or institutional uses (including, but not limited to colleges, schools, hospitals, and cemeteries). Public parks are intended to be included in the PP Public Parks District.

Subd. 2 Permitted Uses. The following uses are permitted as regulated herein, without special application requirements or conditions attached:

- A. Cemetery.
- B. Clinic and / or medical office.
- C. College.
- D. Convent, rectory or monastery.
- E. Dormitory.
- F. Fraternity or sorority.
- G. Government or community service use.
- H. Hospital.
- I. Museum.
- J. Nursing home.
- K. Open space: public or private.
- L. Public park.

- M. Religious institution.
- N. School: primary or secondary.
- O. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in the district.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*.

- A. Research and development facility.
- B. School: specialty or special instruction.
- C. Parking lot as a principal use, pursuant to *Section 17.3.11*.
- D. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent of the conditional uses in the district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Fence, pursuant to *Section 17.5.05*.
- C. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- D. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- E. Signs, pursuant to *Section 17.5.13*.
- F. Sport court or play equipment for private recreation use, pursuant to *Section 17.5.02, Subd. 4*.
- G. Swimming pool, pursuant to *Section 17.5.10*.
- H. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Dimensional Regulations

- A. Parcel Requirements. Parcel requirements shall be as follows except as may be modified pursuant to *Section 17.2.07: Variance*.
 - (1) Minimum parcel area. Twenty-one thousand, (21,000) square feet.
 - (2) Minimum parcel width. One hundred (100) feet.
 - (3) Exceptions to parcel requirements. Public parks, public open space, and utility and communication, and public service uses shall be exempt from the parcel requirements of this section.

- B. Setback Requirements for Principal Building. Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
- (1) Minimum principal building setback from front parcel line. Twenty- five (25) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Twenty-five (25) feet.
 - (3) Minimum principal building setback from interior side parcel line. Fifteen (15) feet.
 - (4) Minimum principal building setback from rear parcel line. Twenty-five (25) feet.
- C. Setback requirements for accessory buildings.
- (1) Minimum accessory building setback from interior side parcel line. Five (5) feet.
 - (2) Minimum accessory building setback from rear parcel line. Five (5) feet.
 - (3) Maximum height of accessory building. Fifteen (15) feet.
- D. Maximum Building Height. Thirty-five (35) feet, as measured pursuant to *Section 17.1.05: Definitions: Height of Building* except that a principal building height between thirty-five (35) feet and sixty (60) feet may be permitted with the issuance of a Conditional Use Permit as specified in *Section 17.2.06*.
- E. Maximum Building Coverage of the Parcel. Fifty percent (50%).
- F. Maximum Impervious Surface Coverage. Seventy percent (70%).

17.6.18 PP - Public Parks District.

Subd. 1 Intent. The intent of the PP Public Parks District is to accommodate a variety of public parks and public open spaces in Cloquet. Although public parks and public open spaces are permitted uses in many other districts in the city, the PP Public Parks District is intended for the exclusive use of public parks, significant public open spaces, and park related accessory uses.

Subd. 2 Permitted Uses. The following uses are permitted as regulated herein, without special application requirements or conditions attached:

- A. Government or community service use.
- B. Public festival grounds.
- C. Public parks and recreation uses and related buildings and uses.
- D. Open space: public.
- E. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in the district.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*.

- A. Campground and / or recreational vehicle park.
- B. Commercial or incidental to a public park use; for example seasonal food stand.
- C. Dwelling that serves as a caretaker's residence for a public park.
- D. Parking lot as a principal use, pursuant to *Section 17.5.11*.
- E. Specialty school incidental to a public park use.
- F. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent of the conditional uses in the district.

Subd. 4 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Boathouses, docks and piers
- C. Fence, pursuant to *Section 17.5.05*.
- D. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- E. Patio, deck, terrace, and similar use, pursuant to *Section 17.5.02, Subd. 3*.
- F. Signs, pursuant to *Section 17.5.13*.
- G. Sport court or play equipment for recreation use, pursuant to *Section 17.5.02, Subd. 4*.
- H. Swimming pool, pursuant to *Section 17.5.10*.
- I. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Dimensional Regulations.

- A. Parcel Requirements. There shall be no parcel requirements in the PP Public Parks District.
- B. Setback Requirements for Principal Building. Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
 - (1) Minimum principal building setback from front parcel line. Thirty (30) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Thirty (30) feet.

- (3) Minimum principal building setback from interior side parcel line. Eight (8) feet.
- (4) Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
- C. Setback Requirements for Accessory Buildings.
 - (1) Minimum principal building setback from interior side parcel line. Five (5) feet.
 - (2) Minimum principal building setback from rear parcel line. Five (5) feet.
 - (3) Maximum height of accessory building. Fifteen (15) feet.
- D. Maximum Building Height. No principal building shall exceed two (2) stories or thirty-five (35) feet in height, as measured pursuant to *Section 17.1.05: Definitions: Height of Building.*
- E. Maximum Building Coverage of the Parcel. There shall be no maximum building coverage in the PP Public Parks District.
- F. Maximum Impervious Surface Coverage. Eighty-five (85) percent.

17.6.19 AIR - Airport District.

Subd. 1 Intent. The intent of the AIR Airport District is to accommodate the Cloquet Carlton County Airport. The district is also intended to accommodate commercial and industrial uses that have a synergistic and incidental relationship with the airport, such as a flight school, an air cargo facility, an aviation repair and service shop, and retail uses that serve air travelers and others at the airport. Also refer to the Zoning Ordinance for Carlton County Airports on file with the City Planner/Zoning Administrator for more information regarding the Airport District.

Subd. 2 Permitted Uses. The following uses are permitted as regulated herein, without special application requirements or conditions attached:

- A. Agriculture, excluding structures, provided that the agriculture use does not attract wildlife that could constitute a hazard to air navigation or the safe operations of the airport.
- B. Airport terminal.
- C. Airport hangar.
- D. Other airport uses customarily provided in conjunction with an airport use.
- E. Open space, provided that the open space does not attract wildlife that could constitute a hazard to air navigation or the safe operations of the airport.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06.*

- A. Accessory buildings, if the buildings exceed the pertinent standards specified in *Section 17.5.01.*

- B. Commercial and industrial uses that have a synergistic and incidental relationship with the airport, such as a flight school, an air cargo facility, an aviation repair / service shop, a car rental facility, or a retail store that serves the travelers and others at the airport.
- C. Communication equipment.
- D. Parking lot as a principal use, pursuant to *Section 17.5.11*.
- E. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for conditional uses in this district.

Subd. 4 Accessory Uses. The following are allowed as an accessory use to a permitted or conditional use in the AIR Airport District, pursuant to all applicable specific use standards and the requirement.

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.
- C. Signs, pursuant to *Section 17.5.13*.
- D. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

Subd. 5 Dimensional Regulations.

- A. Parcel Requirements. There shall be no parcel requirements in the AIR Airport District.
- B. Setback Requirements for Principal Building. Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
 - (1) Minimum principal building setback from front parcel line. Thirty (30) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - (3) Minimum principal building setback from interior side parcel line. Eight (8) feet.
 - (4) Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
- C. Setback from “R” District Boundary. Fifteen (15) feet.
- D. Setback Requirements for Accessory Buildings.
 - (1) Minimum principal building setback from interior side parcel line. Five (5) feet.

- (2) Minimum principal building setback from rear parcel line. Five (5) feet.
- (3) Maximum height of accessory building. Fifteen (15) feet.
- E. Maximum Building Height. No principal building shall exceed two (2) stories or thirty-five (35) feet in height, as measured pursuant to *Section 17.1.05: Definitions: Height of Building*.
- F. Maximum Building Coverage of the Parcel. There shall be no maximum building coverage in the AIR Airport District.
- G. Maximum Impervious Surface coverage. There shall be no maximum impervious coverage in the AIR Airport District.

17.6.20 SG - Sand and Gravel Overlay District.

Subd. 1 Intent. The intent of the SG Sand and Gravel Overlay District is:

- A. To provide for the economical availability and removal of sand, gravel, rock and soil vital to the growth of the City and the region;
- B. To establish regulations, safeguards and controls in the City regarding noise, dust, traffic, drainage, groundwater quality, air quality and other factors which will minimize the environmental and aesthetic impacts on mined or adjacent property;
- C. To reduce the potential for pollution caused by wind and soil erosion and sedimentation;
- D. To establish the locations, orderly approval processes, and the operating conditions under which sand and gravel extraction and processing will be allowed in the City; and to establish conditions which ensure the restoration of mined areas consistent with existing and planned land use patterns; and
- E. To establish a “Sand and Gravel Overlay District” as the only zoning district where sand and gravel operations will be allowed, pursuant to City Council approval of a Conditional Use Permit and annual Council approval of Excavation Permits.

Subd. 2 Definitions. Whenever the following terms appear in this Section, they shall have the meanings assigned to them in this Subdivision:

- A. Abandonment. The actual vacancy of a site or portion of a site, for twenty-four (24) consecutive months without completed grading and installed erosion controls consistent with the approved end use plan. Such vacancy shall be conclusively presumed as intent to abandon or vacate the site by the operator.
- B. Asphalt Plant. Machinery and / or equipment used for the manufacture of bituminous asphalt hot mix product using gravel material from the mine site. Such equipment shall be portable only, and capable of operation without the use of permanent foundations and / or footings. Asphalt / bituminous manufacture shall be considered a temporary land use, subject to time and duration restrictions, as specified in the Annual Excavation Permit, to mitigate objectionable influences

associated with such operations, and to safeguard the public health, safety and welfare.

- C. Borrow Pit. Temporary land use involving the excavation or removal of material for fill at an adjacent or nearby site. Borrow pit operations shall require a Zoning Permit as provided for in *Section 17.2.02* of this Chapter, which shall be valid for a period of one (1) year with a possible one (1) year extension, at the discretion of the Zoning Administrator. All borrow pits under a valid Zoning Permit shall comply with the same regulations as specified herein that govern all mining activities. There shall be no processing of bituminous operations allowed in borrow pits. Borrow pits that exceed two (2) acres in area, remove in excess of 35,000 cubic yards of total material, or are located more than five (5) miles from the final point of use for such material thus removed, are prohibited and shall require enactment of a Sand and Gravel Overlay District and issuance of a Conditional Use Permit and Excavation Permit as specified herein.
- D. Completion of Operations, Notice Thereof. A written notice filed with the City Planner/Zoning Administrator eighteen (18) months prior to the completion of excavation operations. After the 18-month period, active and substantial excavation shall not occur on property so noticed and described. Completion of operations may occur on any definable portion of the property.
- E. Dust. Airborne, inorganic, particulate matter other than smoke or steam.
- F. Excavation Permit. The annual permit required of all excavation sites / owners by the Cloquet City Council, as specified in *Subd. 8*, herein.
- G. Fiscal Impact Analysis. A comparative analysis provided by the petitioner (or prepared by the City or its consultant and paid for by the petitioner) which itemizes the fiscal impact of property taxes, land uses and public improvement costs of the proposed mining operation and the proposed 'end uses' on the City, County and School District in comparison to the fiscal impact property taxes, land uses, and public improvement costs of development on the site if no mining would occur. All projections should be at present dollar value, excluding inflation.
- H. Minerals. Nonmetallic material found in the earth including, but not limited to, sand, gravel, rocks and soil, which may be covered by overburden.
- I. MSHA. The Mine Safety and Health Administration.
- J. Operator. Any person or persons, partnership or corporation, or assignees or any associations, or persons either natural or artificial, including every public or governmental agency engaged in sand and gravel operations.
- K. OSHA. The Occupational Safety and Health Administration.
- L. Overburden. Those materials which lie between the surface of the earth and the mineral deposit to be mined.
- M. Processing. Any activity which may include the crushing, washing, stockpiling, compounding, mixing, or treatment of sand, gravel, rocks, or similar mineral

products mined from the permitted site into consumable products such as construction grade sand, gravel, asphalt, and other similar products.

- N. Reclamation, Restoration, Rehabilitation. To renew land to a self-sustaining, long term use which is compatible with contiguous land uses and which process shall include the re-establishment of vegetation, soil stability and the establishment of safe conditions appropriate to the intended use of the land in accordance with the City's Comprehensive Land Use Plan, the Conditional Use Permit conditions allowing for excavation and / or processing on the site, and the most recent edition of A Handbook for Reclaiming Sand and Gravel Pits in Minnesota, published by the Minnesota Department of Natural Resources.
- O. Recycling / Recyclable Material. Shall include used concrete and / or blacktop material only. Stockpiles of such material may be permitted for no more than two (2) consecutive years, after which time such material must be processed into a consumable product.
- P. Sand and Gravel Operations. The removal, extraction, truck hauling, crushing, processing, excavation and / or production of sand, gravels, rocks and similar mineral products.
- Q. Stockpiling. Storage of processed or raw materials on the site of the sand and gravel operation. Such operations may continue or be sold from the site for up to eighteen (18) months after official written notice of completion of operations has been accepted by the City Council. (From the date of acceptance of the notice of completion, up to 18 months of final excavation, and an additional 18 months of processing or storage may occur on the site. In no case shall the period of final excavation and storage / processing exceed 36 months after acceptance of notice of completion.)
- R. Topsoil. That portion of the overburden which lies within the "A" and "B" horizon of soil closest to the surface and which supports the growth of vegetation.

Subd. 3 Criteria for Overlay Zoning District Approval. In establishing a Sand and Gravel Overlay District, the City shall find that:

- A. Consistency with City Plans and Policies. The proposed district is consistent with the text and maps of the Cloquet Comprehensive Land Use Plan and the location is suitable in that the excavation, mining, processing, stockpiling or hauling of sand and gravel deposits will not create a public nuisance, as defined in Chapter 7 of the City Code, or exceed local, state or federal safety and environmental standards on the adjacent properties. The petitioner for an 'SG' Overlay District, at his sole cost, shall provide information to help determine said suitability, including, but not limited to, a completed zoning amendment application; exhibits illustrating adjacent and on-site buildings and land uses; existing elevations and percent of slope within, and three hundred (300) feet beyond, the perimeter of the site; environmental assessment worksheet or impact statements; and fiscal impact analysis.
- B. Fiscal Impact Analysis. Said fiscal impact analysis shall include two types of projections:

- (1) A land use development scenario based on existing Comprehensive Land Use Plan and Zoning designations.
- (2) An alternative scenario based upon the assumption that a new ‘SG’ Overlay District with a Planned Unit Development (PUD) end use is approved.

Each fiscal projection shall include estimates of all known public improvement costs; timing of development; new development valuations; total annual property taxes per type of use; short term construction jobs, mining jobs, and estimates of permanent jobs to be created based upon the end uses proposed and the number of households, occupants and school aged children that could occupy the site after completion of each phase of end use development.

- C. Size. The proposed ‘SG’ Overlay District shall cover an area of at least twenty (20) acres. This limitation shall not apply when the tract of land is contiguous to an active sand and gravel operation, provided that both tracts are being operated by the same producer.
- D. Access. The sand and gravel overlay district shall have direct access to non-residential, collector streets or county roads of sufficient load carry capacity to serve traffic generated by the sand and gravel operation.
- E. Environmental Impacts. An environmental assessment worksheet (as defined by Minnesota Environmental Quality Board rules) shall be completed for each gravel mining project proposed. The proposed project shall meet the recommended standards provided by the mandatory environmental assessment worksheet. The responses and recommendations of the environmental assessment worksheet shall be considered by the City Council prior to any final action on a rezoning request. The application for rezoning shall not be considered complete until such time as the final comment has been received on the adequacy of the environmental assessment worksheet.

Subd. 4 Permitted Uses. Within any ‘SG’ Overlay District, uses as permitted by the underlying zoning district shall be deemed as permitted uses until such time as a Conditional Use Permit for sand and gravel mining and / or processing has been applied for and granted. At that time, the provisions of the approved Conditional Use Permit shall govern all uses of land within the perimeter of said ‘SG’ Overlay District.

Subd. 5 Conditional Uses. Within any ‘SG’ Overlay District, the excavation, hauling, mining, stockpiling or processing of sand and gravel deposits and such buildings and equipment as are customarily incidental thereto, including temporary asphalt plants, may be approved by the City Council through the issuance of a Sand and Gravel Conditional Use Permit. Additional conditions regarding operations and reclamation / rehabilitation may be attached to the Conditional Use Permit for the sand and gravel operation in order to assure compatibility with present and future land uses. For purposes of enforcement, conditions attached to said permit shall be considered a portion of this Chapter.

- A. Within a sand and gravel overlay district, any processing, washing, or crushing plant for materials such as sand and gravel, asphalt, recycled concrete or asphalt,

or others shall be allowed only as a portion of a Conditional Use Permit. Said plant shall be located in a centralized location within the excavation site, and shall be allowed to exist only in concert with concurrent mining operations.

- B. Portable, pit face crushing equipment may be approved as a portion of a Conditional Use Permit provided:
 - (1) The location of the portable crushing equipment meets all mining and / or excavation setbacks for the area in which it is to be located.
 - (2) Portable crushing equipment and all conveyor systems shall be placed on the excavation pit floor.
- C. Expansion of operating acreage beyond that in existence and legally permitted at the time of passage of this Chapter may be permitted, if such expanded operations are brought into compliance with these regulations and are compatible with the purpose and intent of the 'SG' Overlay District.

Subd. 6 Notification Process.

- A. In addition to the Zoning and Conditional Use Permit notification process required elsewhere in this Chapter, notifications of the proposed Sand and Gravel Overlay District rezoning and / or Conditional Use Permit hearing shall be published once in the official newspaper of the City, and mailed by the City Planner/ Zoning Administrator, at least ten (10) days prior to the hearing to all City property owners within 1,320 feet of the property lines of the proposed district and sand and gravel Conditional Use Permit. In addition, the City Planner/Zoning Administrator shall notify all governmental units located within 1,320 feet of the property lines.
- B. The applicant shall supply to the City Planner/Zoning Administrator a certified list of all City property owners within 1,320 feet (one quarter mile) of the property lines of the proposed district and Conditional Use Permit area at least thirty (30) days prior to the hearing date.

Subd. 7 Performance Standards. In any 'SG' Overlay District, the following performance standards shall be observed:

- A. Permit Required. No sand and gravel operations shall occur except under the terms of an approved sand and gravel Conditional Use Permit with a Planned Unit Development agreement for phased reclamation and proposed end uses of the land. After issuance of said permits, the applicant shall be subject to an annual excavation permit issued by the City Council.
- B. Slope Protection and Security Gates. All steep slopes (1:1 or greater) shall be protected at the edge or rim by a fence, earth berm or other equally effective means sufficient to prevent access, or easy approach, to said edge or rim. All pit operations shall have a security gate at all access roads to the site.
- C. Hours of Operation. Hours of operations for excavation, processing and truck hauling, which may be amended by the City Council in conditions attached to the Conditional Use Permit, shall be as follows:

- (1) Areas less than three thousand six hundred (3,600) feet to R-1, R-2, and R-3 zoned residential areas. The maximum hours of operations for excavation, processing, and truck hauling equipment in a sand and gravel overlay district where these activities are located closer than three thousand six hundred (3,600) feet to the City's, or adjacent City's, developed or zoned residential property which existed prior to the effective date of this Chapter and Zoning Map amendment, shall be 7:00 a.m. to 7:00 p.m. or daylight hours whichever is less, Monday through Friday unless otherwise stipulated in the approved Conditional Use Permit based upon noise and air pollution control mitigation measures.
- (2) Areas more than three thousand six hundred (3,600) feet from R-1, R-2, and R-3 zoned residential areas. The maximum hours of operation for excavation, processing and truck hauling equipment in a Sand and Gravel Overlay District where these activities are located farther than three thousand six hundred (3,600) feet to the City's, or an adjacent City's, developed or zoned residential property which existed prior to the date of this Chapter or Map Amendment, shall be 7:00 a.m. to 8:00 p.m., Monday through Saturday, unless otherwise stipulated in the approved Conditional Use Permit based upon noise and air pollution control mitigation measures.

D. Setback and Slopes to Adjacent Uses or Zones.

- (1) Berm Heights, Setbacks from Property or Zoning District Boundaries and Existing Buildings – Daytime and Nighttime. **

Operation	Zoned or used for housing, school or park (feet)	Zoned and / or used for Agricultural / Open Commercial Industrial (feet)
Maximum Stockpile Height	40	40
Crushing Plant (a) Temporary	Plant Must be located on the pit floor; operation and placement of the crushing plant must be consistent with OSHA, MSHA, or other applicable regulations.	
Asphalt Plant (a) Exterior	2600	1000
(b) Scrubber Ponds	600	600
Excavation / Mining at Pit Face	500	100
Stockpiles	500	100

** Setback from R-O-W determined by land use and / or zoning on other side of R-O-W; refer to column 1 or 2 for appropriate setback.

(2) In the last eighteen (18) months of operation, after filing and acceptance by the City Council of a written notice of intent to complete operations, the operator may complete excavation and reclamation operations to within fifty (50) feet from any non-residential property line. For a maximum of thirty-six (36) months after the acceptance of the notice of intent, the operator may stockpile and process on the site, if not prohibited by other sections of this Chapter.

(3) All slopes during the operations shall be governed by applicable rules of OSHA, MSHA, and / or other applicable regulatory agencies. All areas of the pit not being actively mined shall be left in a neat and orderly condition, with reasonable uniform slopes without overhang and without vertical banks and with a near level bottom. Pit slopes for areas not being actively mined shall be no more severe than the naturally assumed slope for the material being processed (angle of repose). All steep slopes (1:1 or greater) shall be protected at the top edge or rim by a fence or earth berm or equivalent protection sufficient to prevent access, or easy approach, to said edge or rim.

E. Slopes to Water Bodies. All ground water or storm water storage areas resulting from excavation shall be rehabilitated as follows:

(1) Any storm water pond constructed for interim or final end uses shall have a minimum one hundred (100) foot natural plant material shoreland buffer zone setback constructed by the applicant as part of the reclamation of the site.

(2) Storm water ponds shall have shallow water slopes of 10:1 to 20:1 in areas with less than three (3) feet of water depth.

(3) In man-made groundwater lakes or wetlands, the bottom contour shall be gradually sloping from the shoreline to the deepest portion of the water body at a maximum slope of six (6) feet horizontal to one (1) foot vertical (6:1) for at least one hundred (100) feet from the proposed shoreline toward the center of the water body. Beyond one hundred (100) feet in horizontal distance, the slope of the bottom contours may be steeper than 3:1 or as stipulated in the sand and gravel mining Conditional Use Permit. Minnesota Department of Natural Resources guidelines for the construction of wetlands may be used as an alternative method, if so stipulated in the Conditional Use Permit.

(4) Shoreline slopes ascending from any water body shall not exceed one (1) foot vertical to six (6) feet horizontal except as stipulated in the Conditional Use Permit or excavation permit.

F. Setback Slopes Along Streets. Sand and gravel excavation shall not be conducted closer than one hundred (100) feet to the right-of-way line of any existing or platted street, road or highway except:

- (1) Excavation may be conducted within such limits in order to reduce the elevation thereof in conforming to a street grade established by the City Engineer, as stipulated in the Conditional Use Permit for the operation.
 - (2) In the last eighteen (18) months of operation, after City Council acceptance of a written notice of intent to complete operations, the operator may complete reclamation grading operations within the one hundred (100) foot required setback to any right-of-way property line. The final graded slope to the bottom of the pit from the road right-of-way line shall be no greater than three (3) feet horizontal to one (1) foot vertical.
- G. Setbacks of Access Roads. The mining setback area required may, in part, be used for a central access road stipulated in the Conditional Use Permit.
- H. Visual screening.
- (1) The minimum required setback area along all exterior property lines shall be bermed, landscaped and / or planted in accordance with the terms and conditions of the sand and gravel Conditional Use Permit. Screening plans shall be submitted with the Conditional Use Permit application.
 - (2) Processing plants and towers from crushing and asphalt plants shall be located at the lowest or base elevation on the site. The height of the plant and towers, and the base elevation shall be stipulated in the Conditional Use Permit. Plants and towers shall be screened with secondary stockpile berms not to exceed forty (40) feet.
- I. Weed Control. Weeds and other unsightly or noxious vegetation shall be controlled as necessary to preserve the appearance of the landscaped area. Existing trees and topsoil along existing public rights-of-way shall be preserved, maintained, and supplemented for the depth of the setback or as stipulated in the Conditional Use Permit or excavation permit.
- J. Location of Driveway Access. All means of driveway access to a sand and gravel operation from any street shall be so located and designed as to avoid the routing of vehicles from the property over streets that primarily serve abutting residential development.
- K. Paving Access Roads.
- (1) All access roads from a sand and gravel operation to any paved public roadway shall be paved with asphalt or concrete for a distance of at least three hundred (300) feet, or the total length of the road, whichever is less, to the intersection with a public roadway to minimize dust conditions. During the annual excavation permit review, the City Council may require additional paving length up to six hundred (600) feet on any access road, if dust and truck tracking are identified as a problem by the City. All unpaved access roads shall be treated with dust retardant on a regular basis as stipulated in the annual excavation permit.
 - (2) Soil tracking from truck hauling onto public roads from the access road may also be reduced through improvements required as part of the annual

excavation permit. These improvements may include but are not limited to:

- a. Extension of the pavement length or width on the access road;
- b. Installation of a wash facility and wash rack.

L. Dust Control Standards. All stockpiles, internal roads and access roads within the sand and gravel operations shall be treated to minimize dust conditions as stipulated in the Conditional Use Permit or excavation permit.

M. Noise.

(1) The maximum noise level at the property line of the site shall be within the limit set by the Minnesota Pollution Control Agency and the U.S. Environmental Protection Agency. In no case shall the noise level exceed fifty (50) decibels measured at one thousand (1,000) feet from the noise making equipment or activity or the ambient noise in the area.

(2) Noise levels at specific setbacks shall not exceed the following:

Equipment	100 feet	1000 feet
Centralized Crushers	88dBa	50dBa
Pit Face Crushers	83dBa	50dBa
Front End Loaders	81dBa	50dBa
All other Machinery	80dBa	50dBa

N. Water Pollution. Operators shall comply with all applicable Minnesota DNR and Pollution Control Agency regulations and U.S. Corps of Engineers and Environmental Protection Agency regulations for the protection of water quality. No waste products or process residue, including untreated waste wash water, shall be deposited in any lake, stream or natural drainage system except that lakes and ponds wholly contained within the excavation site may be utilized. All human waste materials shall utilize City central sewer disposal or sealed septic tanks with monthly septic tank pumping, or portable sanitary facilities with weekly cleaning or replacement.

O. Wastewater. Operators shall dispose of all wastewater used on the site in a manner which will not adversely affect adjoining property and shall use silting ponds or other means of disposing of the suspended solids in the waste water as stipulated in the Conditional Use Permit or excavation permit.

P. Removal of Buildings. Within a period of eighteen (18) months after filing a letter of intent to complete operations, or within six (6) months after determination by the City Council that the site has been abandoned by the sand and gravel operation, all buildings, structures and plants incidental to such operation shall be dismantled and removed by and at the expense of the sand and gravel producer last operating such building, structure or plant, or the owners of the property, unless the structure or use is compatible with the anticipated ultimate use of the property as determined by the City Council. All buildings, structures or plants not

removed as required by this section may be removed by the City with the costs for said removal charged to the producer last operating on the property or the owner of the property.

Q. Topsoil. Re-use of topsoil on the site and / or other soil retention methods must be performed in accordance with either subparagraph 1 or 2 below.

(1) Stripping of topsoil from either 'A' or 'B' soil horizons shall be done only as used in the excavation and mining operations (i.e. area-wide stripping without vegetative replanting shall not be allowed). Graded or backfilled areas (or banks in the case of excavation made to a water producing depth) shall be covered with sufficient topsoil so as to be capable of supporting the growth of vegetation. The operator shall guarantee that either:

a. All 'A' horizon topsoil scraped from the site shall be retained at the site and used as surface soil in permanent berms or used for restoration of the site; or

b. A performance bond or other guarantee stipulating that the operator will replace all of the topsoil needed for reclamation of the site is filed with the original Conditional Use Permit.

(2) Other soil retention methods may be stipulated in the Conditional Use Permit or excavation permit. Methods identified in A Handbook for Reclaiming Sand and Gravel Pits in Minnesota, most recent edition, published by the Minnesota Department of Natural Resources, Division of Minerals may be employed as part of the overall reclamation plan for the site.

R. Landscaping. All landscaping and restoration of vegetative cover shall be designed and performed in accordance with A Handbook for Reclaiming Sand and Gravel Pits in Minnesota, most recent edition, published by the Minnesota Department of Natural Resources, Division of Minerals.

Subd. 8 Excavation Permit. Permit required. All sand and gravel mining and processing operations shall require an annual excavation permit as regulated by this subdivision. It shall be unlawful for any person to remove, store, excavate or process rock, sand, dirt, gravel, clay, or other like material as part of a gravel mining operation within the City without first obtaining an Excavation Permit from the City Council. Permits for commercial extraction of minerals shall only be issued for property lying within an 'SG' Overlay District, and for which a Conditional Use Permit has been issued by the City Council. The Excavation Permit is an annual permit issued at the discretion of the City and does not confer or grant a property right.

A. Exceptions. An Excavation Permit shall not be required for:

(1) The excavation, removal or storage of rock, sand, dirt, gravel, clay or other like material for the purpose of the foundation cellar or basement of some immediately pending superstructure to be erected, built or placed thereon contemporaneously with, or immediately following, such excavation provided that a Building Permit has been issued.

- (2) Such excavation, removal or storage of rock, dirt, gravel, sand, clay or like material by the State, County, or City authorities in connection with the construction or maintenance of roads or highways or utilities provided such activity is conducted within said road or highway right-of-way.
 - (3) Curb cuts, utility hook-ups or street openings for which another permit is required from the City.
 - (4) Excavation or installation of public utilities upon platted property within two (2) years after an approved plat has been filed with the county.
 - (5) Excavations less than one hundred (100) square feet in area or one foot in depth.
 - (6) Excavating or grading for agricultural purposes.
 - (7) Grading of preliminary or final plats wherein a grading permit or final plat has been approved in accordance with *Chapter 13, Section 13.1.07* of the Cloquet Subdivision Regulations.
- B. Application. The application for the permit shall be made in writing to the City on such form as the City may from time to time designate, and shall include such information as may be required by the City and shall contain among other things:
- (1) The correct legal description of the premises
 - (2) The name and address of the applicant, operator, and owner of the land
 - (3) The estimated time required to complete the work, and the amount of material to be moved on the site, the amount to be removed from the site, and the amount and type of material to be brought onto the site from elsewhere.
 - (4) The highways, streets or other public roadways within the City upon or along which the material shall be transported.
 - (5) Method and schedule for restoration and / or reclamation, consistent with the Conditional Use Permit end use plan, and measures to control erosion during and after the work.
 - (6) A map or plat of any proposed pit or excavation to be made showing the stages or limits thereof together with the existing or proposed finished elevations.
 - (7) A landscape plan showing visual screening from adjacent property as required in the Conditional Use Permit for the project, and including all excavation areas of the proposed permit which are within the required setback areas.
 - (8) Location and surface of access roads.
 - (9) Method of controlling dust
 - (10) Method of controlling access to open excavation
 - (11) Method of maintaining security on premises.

- (12) A restoration / reclamation grading plan designed to be compatible with the Conditional Use Permit end use development plan. The plan shall include:
- a. Site analysis such as, but not limited to, trees, depth of topsoil, adjacent and on-site buildings and land uses, flood levels, elevation, public utilities, and percent of slope within and one hundred (100) feet beyond the perimeter of the site and other existing information necessary to analyze the site.
 - b. An analysis of deposit information and cross sections indicating the depth and quantities of existing sand and gravel deposits.
 - c. A plan indicating the operating pattern and staging or time sequence schedule for excavation and restoration / reclamation of the site, which may be revised from time to time based upon current economic conditions.
 - d. Such geological and hydrological data as is necessary to determine the feasibility of the proposed grading plan.
 - e. The contours at no greater than four-foot intervals of the land when the mining operations are completed. Contours and grades shall conform to the standards established as part of the end use plan in the Conditional Use Permit, and shall be updated on an annual basis in the area of mine operation.
- C. Duration. The Excavation Permit shall run from January first through December thirty-first (31) of each year, or for a lesser period of time as the City Council may specify when the permit is issued.
- D. Fees. A non-refundable application fee, established from time to time by the City Council to cover administrative costs, shall accompany the application. No application shall be processed or issued until payment of all fees due and payable or due and unpaid, shall have been received by the City.
- E. Operational Regulations.
- (1) All commercial extraction and processing operations for which an Excavation Permit has been issued shall comply with the performance standards and reclamation, restoration and rehabilitation requirements of the 'SG' Overlay District as set forth in this Chapter.
 - (2) Reclamation / restoration of an area where mining has been completed shall be done in accordance with the approved end use plan within eighteen (18) months of completion of mining in that area. Failure to reclaim areas as approved in the annual Excavation Permit may be considered grounds for termination of Excavation Permits.
 - (3) A reclamation / restoration area, as described in the annual Excavation Permit, shall be considered a 'Notice of Completion of Operations' pursuant to this *Section*. Approval for opening of future mining areas

within the approved plan may be withheld pending completion of said reclamation / restoration in accordance with the end use plan, if a 'good faith' effort to complete such reclamation / restoration cannot be shown.

- (4) The City Council, as a prerequisite to granting all permits, or after any permit has been granted, may require the applicant, operator or owner of the premises to:
- a. Properly fence any pit or excavation
 - b. Slope the bank, fill, level off any pit or excavation or otherwise place in such condition at any time so as not to be dangerous because of sliding or caving banks; so as to minimize or stop erosion or dust during or after excavation
 - c. Properly drain, fill or level off any pit or excavation so as to make the same safe and healthful as the Council may determine
 - d. Reimburse the City for the cost of special street cleaning and maintenance, and periodic additional inspections by City Staff or consultant over and above the annual inspection, said inspections being for the purpose of seeing that the terms under which the permit has been issued are being complied with. Reimbursement of such costs shall be paid by the operator within thirty (30) days of being invoiced by the City.
 - f. Post a surety bond in such form and sum as the Council may require, running to the City, conditioned to pay the City the cost and expense of repairing any highways, streets or other public ways within the City, made necessary by the special burden resulting from the hauling and transporting thereon by the applicant in the removal of rock, dirt, sand, gravel, clay or other like material, the amount of such cost to be determined by the City Council; and conditioned further to comply with all the requirements of this Section and the particular permit, and to save the City free and harmless from all suits or claims for damages resulting from the negligent excavation, removal or storage of rock, sand, gravel, dirt, clay or other like material within the City.
 - g. Post a surety bond in the amount of \$5,000 plus \$250 for each acre being excavated at any time, running to the City, conditioned to pay the City the cost and expense of restoration of any excavated area and expense of grading, providing top soil and seeding where the applicant, operator or owner shall fail to complete an excavation or restoration within the conditions under which the Excavation Permit was issued.
 - h. Comply with such other requirements as the Council shall from time to time deem proper and necessary for the protection of the citizens and the general welfare

- i. Review the application with the Planning Commission for a subsequent report to the City Council where the excavation may affect existing trees, hills, views, ponds, lakes or similar natural terrain features.
- F. Inspections. At least once each year during the months of August through October, or more often as necessary, the City Planner/Zoning Administrator shall inspect, or instruct staff to inspect, all areas where a permit has been issued and report such findings to the Planning Commission and City Council.
- G. Violations. In addition to being subject to punishment as provided in *Section 17.4.05*, any person who shall fail to obtain a permit as herein required, or who shall fail to comply with any of the conditions upon which the same is issued, or who fails to complete the filling, excavating or grading within the time prescribed by the permit shall be enjoined from further work under the permit.

The City Council hereby reserves the right to revoke such permit upon a violation, and upon revocation, the continuance of such work shall be a violation of this Chapter. If the Council shall order any positive act to be done to conform the work being done with that authorized by the permit, the same shall be completed before any further filling, excavating or grading is done and within ten (10) days after mailing a notice to do said acts to the person to whom the permit is issued.

Subd. 9 Reclamation, Restoration, Rehabilitation. The applicant shall comply with the following time limits and standards during partial and complete reclamation of sand and gravel site:

- A. At the time of initial application, and as an annual update is necessary during the review of the excavation permit, the applicant shall meet the requirements and procedures for a Planned Unit Development (PUD) as described in *17.2.05*, illustrating all present and future staged uses proposed for a sand gravel site undergoing reclamation. The City may combine public hearings for the Conditional Use Permit and Planned Unit Development end use plan. Each annual excavation permit shall be attached to the original Conditional Use Permit as an amendment thereto. The City may require annual excavation permit applications that differ from the initially approved operations and end use plans or from the Conditional Use Permit, to be reviewed at a Conditional Use Permit amendment public hearing. Each annual excavation permit shall contain an end use reclamation / restoration / rehabilitation plan for the area in which mining has been completed for that year.
- B. All designated community collector streets, county roads, and utility corridors approved as part of an end use Planned Unit Development shall be recorded with the County Recorder as per the requirements of the official mapping statutes (*M.S. 462.359*) prior to issuance of the first excavation permit for the site. The approved and recorded official map may be amended from time to time and re-recorded after approval by the City Council.
- C. Water Bodies and Drainage Plans.

- (1) All proposed end use drainage, storage, surface run-off and man-made groundwater lakes or wetland plans are subject to review by the Minnesota Department of Natural Resources. All groundwater lakes and groundwater wetlands created as part of the end use plan for a mined area shall be subject to *Section 17.5.18: Floodplain Regulations*, *Section 17.5.19: Wetland Conservation Ordinance*, and all applicable regulations of the Minnesota Department of Natural Resources and other applicable regulatory agencies.
 - (2) All drainage ways from impervious surfaces of the sand and gravel end use plan shall be graded and drained in such a manner to direct such run-off to surface water sedimentation and filtration ponds or wetlands prior to release into any groundwater lake or wetland.
- D. Grading. As a portion of the Planned Unit Development, the applicant shall submit grading plans, including two-foot contour intervals, illustrating the proposed final grades within the portion of the site rehabilitated each year with the application for an annual excavation permit. All rehabilitation areas which are planned for land and building uses (other than permanent open space or agriculture) shall have a final elevation at least fifteen (15) feet above the normal ordinary groundwater level; and such areas shall be planned for gravity connection to the City's municipal sanitary sewer or storm sewer system or as approved by the City Engineer.

Subd. 10 Existing Operations.

- A. Any sand and gravel operation existing and in compliance with previous City Ordinances on the date of the adoption of this Chapter shall be permitted to continue subject to the following:
- (1) Such use shall not be permitted to expand its operation beyond the limits of the permit under which it is presently operating.
 - (2) Such use shall be immediately subject to the final grading, landscaping, slopes, utility, roadway and other performance standards, as specified in *Subd. 7* of this *Section*, and *Section 17.4.02* of this Chapter, and shall comply with all provisions within eighteen (18) months or upon City Council acceptance of a notice of completion of operations, whichever occurs first. If the completion of excavation and operation is not completed by the operator, the City may complete the restoration and utilize performance bond proceeds and assessment of additional costs to pay for such work.
 - a. Exceptions. Hours of Operation and Setback requirements specified in *Subd. 7, C and D* of this *Section* shall apply only to new or expanded operations which are started after the effective date of this Chapter. Operations existing prior to October 31, 1997 shall comply with applicable operating hours and setback requirements as specified in their original permits.

Subd. 11 Penalty. Any person violating the provisions of this Section or any permit issued there from, shall be guilty of a misdemeanor and shall be subject to penalties listed in *Section 17.4.05* of this Chapter and / or subject to revocation of all pertinent permits after notice and hearing as specified below. Violations of conditions stipulated in a sand and gravel mining Conditional Use Permit shall be considered as violations of this Chapter.

The City Council may, in addition to any or all other remedies available for violations of this Chapter, declare the premises a public nuisance and public hazard after a public hearing held upon ten (10) days' notice by registered mail to the last known address of the owner or owners of the property and / or the operator or operators of said operation, and may proceed to have the necessary work done to comply with the provisions of this Chapter and assess all the costs and expenses thereof against said property in accordance with this Chapter and applicable State Statutes.

17.6.21 PUD - Planned Unit Development Overlay District.

Subd. 1 Intent. The Planned Unit Development (PUD) Overlay District is intended to encourage efficient use of land and provision of amenities by allowing, under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the lot-by-lot restrictions of the standard or underlying zoning districts of this Chapter.

Subd. 2 Applicability.

- A. Ownership. The tract shall be a development of land under unified control at the time of application, planned and scheduled to be developed as a whole. However, no authorizations or permits shall be granted for such development unless the applicant has acquired actual ownership of, or executed a binding sales contract for all of the property comprising such tract. For purposes of this section, ownership shall include a lease of not less than fifty (50) years duration. The term 'single ownership' shall include ownership of portions of such development by two or more wholly owned subsidiaries of a single owner, or by such single owner and one or more of its wholly owned subsidiaries..
- B. Minimum Area. No planned unit development may include less than ten (10) acres of contiguous land.
- C. Comprehensive Plan. The development should be planned so that it is consistent and harmonious with the Comprehensive Plan for the community.
- D. Financing. The financing for the project should be proven to be available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development.
- E. Conservation Subdivision development. Conservation subdivision developments pursuant to *Section 17.6.22* shall be processed in accordance with the planned unit development provisions of this Section.
- F. Density. In any PUD the maximum number of dwelling units allowed shall not exceed those of the land use districts in the Comprehensive Plan.

(1) Density increases consistent with the Comprehensive Plan may be allowed if it can be demonstrated to meet objectives of affordable housing or increased open space identified in the Comprehensive Plan.

(2) Optional waiver of maximum residential density requirements. To assist in providing low and moderately priced housing or to provide increased land for open space corridors, park trails or natural resources preservation, certain zoning and subdivision ordinance standards may be modified when a PUD is submitted for approval. Land upon which the applicant agrees to build increased residential densities, consistent with the Comprehensive Plan and/or retain as increased open space, consistent with the Comprehensive Plan may also be subject to optional zoning provisions.

Subd. 3 Administration. Refer to *Section 17.2.05* of this Chapter for application and administration of the Planned Unit Development provisions of this Section.

17.6.22 C - Conservation Subdivision Overlay District.

Subd. 1 Intent. The intent of this Section is to allow the optional development and redevelopment of land in the City of Cloquet consistent with the principles of conservation subdivision developments and in accordance with Planned Unit Development (PUD) procedures. For the purpose of this Chapter, a conservation subdivision development is intended to allow for a more compact layout of rural residential uses than is typically allowed in conventional rural residential development in return for the conservation of a large contiguous area of common open space that helps conserve rural character or significant natural or cultural resources. More specifically, the intent of the Conservation Overlay District is as follows:

- A. Guide the future growth and development of the community consistent with the City of Cloquet's adopted Comprehensive Plan;
- B. Guide the detailed analysis of land so as to locate and coordinate appropriate areas for development and conservation;
- C. Preserve rural character through the permanent preservation of meaningful open space and sensitive natural resources;
- D. Preserve scenic views by minimizing views of new development from existing roads;
- E. Preserve agricultural land by concentrating housing on lands that have low agricultural potential;
- F. Provide commonly owned open space areas for passive and / or active recreational use by residents of the development and, where specified, the larger community;
- G. Provide for a diversity of lot sizes, housing choices, and building densities to accommodate a variety of age and income groups;
- H. Provide buffering between residential development and non-residential uses;
- I. Protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to significant existing vegetation, and maintain environmental corridors;
- J. Meet demand for housing in a rural setting.

Subd. 2 Applicability. A conservation subdivision development is allowed pursuant to the following conditions:

- A. Allowable Underlying Zoning District. A Conservation Subdivision Development shall only be allowed in the FR Farm Residential District
- B. Minimum Area. A conservation subdivision development shall have a minimum area of twenty (20) acres or more;
- C. Minimum of Four Residential Parcels. The conservation subdivision development shall have at least four (4) residential parcels;
- D. Planned Unit Development. A Conservation Subdivision Development shall be designed and processed pursuant to the Planned Unit Development procedures specified in *Section 17.2.05* of this Chapter; and
- E. Plat. The creation of a Conservation Subdivision shall require preliminary and final plat approval pursuant to *Chapter 13, Section 13.1.06 and Section 13.1.07 of the Subdivision Regulations.*

Subd. 3 Permitted Uses and Density.

- A. Permitted Uses. Single-family detached residential dwellings, agriculture, parks, open space, and similar and related uses are the only permitted uses in a Conservation Subdivision Development. Commercial and industrial uses shall be prohibited.
- B. Overall Density and Development Yield. The overall density for the parent parcel is the same as would be allowed for a conventional development in the FR Farm Residential Development District, except that the base development yield may be increased if the development complies with one or more of the following standards. The maximum bonus permitted is twenty (20) percent.
 - (1) Endowment. Creation of an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs relating to taxes, insurance, maintenance, enforcement, and similar items.
 - (2) Public access. Provision of access by the general public to trails, parks, or other recreational facilities, excluding golf courses.
 - (3) Affordable housing. Provision of affordable housing, to include a minimum of twenty-five (25) percent of all units that would be affordable to moderate income households, as defined by the United State Department of Housing and Urban Development.

Subd. 4 Design Standards and Guidelines.

- A. Design Theme. Conservation Subdivision Developments shall develop a conservation theme or themes. This theme shall be identified at the time of the initial Planned Unit Development (PUD) application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, or viewshed preservation. The Planning Commission shall have the ability to specify which areas shall be preserved.

B. Residential Parcel Requirements.

- (1) Parcel size. The minimum parcel size with onsite septic shall be one (1) acre.
- (2) Setback requirements for principal buildings. The setbacks of underlying FR Farm Residential Development District may be modified as follows for an approved conservation subdivision development:
 - a. Minimum principal building setback from the front parcel line or corner street side parcel line: Twenty-five (25) feet.
 - b. Minimum principal building setback from interior side parcel line: Eight (8) feet.
 - c. Minimum principal building setback from rear parcel line: Thirty-five (35) feet.
- (3) Height requirements for principal buildings. Principal buildings shall not exceed two stories or thirty-five (35) feet in height.
- (4) Size, height, and setback requirements of accessory buildings. The setbacks of the underlying FR Farm Residential Development District shall apply for all conservation subdivision developments.
- (5) Maximum impervious coverage. Parcels shall be configured to minimize the amount of impervious surfaces, but in no case shall the impervious coverage of a parcel or lot exceed thirty-five (35) percent.
- (6) Access. Most parcels shall take access from an interior local street.
- (7) Streets. Parcels should, to the maximum extent practical, be configured to minimize the amount of street length required for the development.
- (8) Development envelopes. Development envelopes should, to the maximum extent practical, be configured to minimize the loss of trees and other significant resources. Development envelopes should not be located on ridges, hilltops, along peripheral public roads, or in other visually prominent areas.
- (9) Agricultural uses. If agricultural uses are being maintained, parcels should be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- (10) Common open space. All parcels within a neighborhood should abut common open space on at least one side. A local street may separate parcels from open space. Parcels should generally be oriented around a central green square and / or a physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
- (11) Energy efficiency. Residential structures should be sited to maximize energy efficiency.

C. Residential Cluster Siting Standards and Guidelines.

- (1) Residential clusters. All residential parcels and dwellings shall be grouped into clusters. Each cluster shall contain no less than four (4) dwelling units and no more than twenty (20) dwelling units.
- (2) Location of residential clusters. Residential clusters shall be located to minimize negative impacts on the natural, scenic, and cultural resources of the site and conflicts between compatible uses.
- (3) Encroachment on significant natural resources prohibited. Residential clusters shall avoid encroaching on rare plant communities, sites with high environmental or cultural qualities, or endangered species identified by the Department of Natural Resources.
- (4) Connections to adjacent open space. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
- (5) Siting criteria. Residential clusters should be sited to achieve the following goals, to the extent practical:
 - a. Minimize impacts to agricultural uses and avoid interference with normal agricultural practices;
 - b. Minimize disturbance to woodlands, wetlands, grasslands, and specimen trees;
 - c. Prevent downstream impacts due to runoff through adequate onsite storm water management practices.
 - d. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features; and
 - e. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- (6) Landscape screening. Landscaping around the cluster may be necessary to reduce off-site views of residence.

D. Common Open Space Design Standards and Guidelines.

- (1) Ownership and use. The minimum common open space required shall be owned and maintained under one of the alternatives listed in this Section and as approved by the City Council. The uses within the open space shall be accessible to residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required common open space shall be undivided and restricted in perpetuity from future development as specified in this Section.
- (2) Minimum area. Common open space shall be designated as part of the development. The minimum required common open space is sixty (60) percent of the gross acreage.
- (3) Priorities. The areas to be preserved as common open space shall be identified on an individual basis in an effort to conserve and provide the best

opportunities to restore and enlarge the best quality natural features of each particular site. In general, common open space priorities shall be as follows:

- a. First priority should be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes.
 - b. Second priority should be given to areas providing some plant and wildlife habitat and open spaces values.
 - c. Third priority should be given to areas providing little habitat, but providing viewshed, recreation, or a sense of open space.
- (4) Allowable structures. The following areas or structures may be located within the common open space area and shall be counted toward the overall common open space percentage required:
- a. Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
 - b. Privately held buildings or structures provided they are accessory to the use of the common open space.
 - c. Shared septic systems and shared potable water systems.
- (5) Street right-of-ways. Street right-of-ways shall not be counted toward the required minimum common open space.
- (6) Water bodies. No more than fifty percent (50%) of the required common open space may consist of water bodies, ponds, floodplains, or wetlands.
- (7) Plant and animal habitat. That portion of the common open space designed to provide plant and animal habitat should be kept as intact as possible. Trails should be designed to avoid fragmenting these areas.
- (8) Recreational use. Accessible common open space in upland areas should be available for recreational uses such as trails, play areas, or community gardens, but should be designed in a manner that avoids adversely impacting archaeological sites.
- (9) Trails. A trail system connecting common open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the conservation subdivision plan.

E. Sewage and Water Facilities.

- (1) Drinking water. Unless municipal water service is readily available, water for a conservation subdivision shall be provided by individual onsite wells.
- (2) Sanitary sewer. Unless municipal sanitary sewer is readily available, sewer for a conservation subdivision shall be provided with an onsite sewage system that complies with the requirements of the State of Minnesota and the City of Cloquet.

Section 17.6.23 Tabulation of Dimensional and Special Requirements for Zoning Districts

Requirement	FR	SR	R-1	R-2	R-3	MHC	MRC	NC	RC	HC	CC	LI	HI	OM	PI	PP	AIR
Building Height																	
Maximum Height (feet) – Principal Structure	35 ft	35 ft	35 ft	45 ft	60 ft	25 ft	See Section 17.6.09 for Regulations	35 ft	60 ft	40 ft	45 ft	40 ft	75ft	4 stories with max height 60 ft	35 ft	2 stories / 35 ft	2 stories / 35 ft
Maximum Height (feet) – Accessory Structure	50 ft	15 ft	15 ft	15 ft	15 ft	1 story / 25 ft	See Section 17.6.10 for Regulations	15 ft	15 ft	15 ft	Not taller than Principal Building	25 ft	25 ft	25 ft	15 ft	15 ft	15 ft
Lot Area Requirements:																	
Minimum Lot Area	5 acres	1 acre	See Section 17.6.05 for Regulations	8,700 sq. ft.	6,000 sq. ft.	10 acres	See Section 17.6.09 for Regulations	14,000 sq ft	20,000 sq ft	3,000 sq ft	3,500 sq ft	20,000 sq ft	Minimum area to meet setback, parking / loading, screening, etc. requirements	20,000 sq ft	21,000 sf	N/A	N/A
Minimum Lot Width	200 ft	150 ft	See Section 17.6.05 for Regulations	60 ft	60 ft	50 ft	See Section 17.6.09 for Regulations	100 ft	120 ft	25 ft	25 ft	100 ft	Minimum width to meet all setback, parking / loading, screening, etc. requirements	120 ft	100 ft	N/A	N/A
Minimum Lot Depth	250 ft	200 ft	See Section 17.6.05 for Regulations	100 ft	100 ft	100 ft	See Section 17.6.09 for Regulations	100 ft	120 ft	75 ft	N/A	100 ft	N/A	120 ft	N/A	N/A	N/A
Allowable Percentage of Lot coverage (all structures)	40%	40%	35%	30%	Building height 40 ft. or less – 30%; building height over 40 ft. – 25%	35% - home 50 % home and accessory buildings combined	See Section 17.6.09 for Regulations	50%	60%	100%	100%	40%	60%	40%	50%	No Max	No Max
Yard Setbacks: Minimum Requirements																	
Front: bldg. line to Street ROW line	65 ft	30 ft	25 ft	25 ft	25 ft plus 1 ft additional for each 2 feet of building height over 40 ft	See Section 17.6.08 for Setback Regulations	See Section 17.6.09 for Regulations	25 ft	Primary arterials – 100 ft; other streets – 35 ft	See Section 17.6.12 for Setback Regulations	None	25 ft	25 ft	Primary arterials – 100 ft; other streets 35 ft	25 ft	30 ft	30 ft
Side: bldg. line to lot line	10 ft	15 ft	10% of lot frontage up to maximum of 10 ft	Total 20% of lot frontage up to maximum of 20 feet. The minimum setback allowed is 5 ft.	Each side: 12% of lot frontage plus 1 ft additional for each 2 ft of building height over 40 ft up to max of 30 ft	See Section 17.6.08 for Setback Regulations	See Section 17.6.09 for Regulations	10 ft	20 ft	See Section 17.6.12 for Setback Regulations	None	15 ft	15 ft	20 ft	15 ft	8 ft	8 ft

Requirement	FR	SR	R-1	R-2	R-3	MHC	MRC	NC	RC	HC	CC	LI	HI	IP	PI	PP	AIR
Detached accessory	10 ft	10 ft	5 ft	5 ft	5 ft	See Section 17.6.08 for Setback Regulations	See Section 17.6.09 for Regulations	5 ft	20 ft	See Section 17.6.12 for Setback Regulations	2.5 ft	5 ft	5 ft	10 ft	5 ft	5 ft	5 ft
Rear: bldg line to lot line or alley ROW line	40 ft	40 ft	30 ft	20 ft	20 ft	See Section 17.6.08 for Setback Regulations	See Section 17.6.09 for Regulations	15 ft	30 ft	See Section 17.6.12 for Setback Regulations	None	50 ft	50 ft	30 ft	25 ft	35 ft	35 ft
Detached accessory structure	15 ft	10 ft	5 ft	5 ft	5 ft	See Section 17.6.08 for Setback Regulations	See Section 17.6.09 for Regulations	5 ft	15 ft	See Section 17.6.12 for Setback Regulations	2.5 ft	5 ft	12 ft	15 ft	5 ft	5 ft	5 ft
Corner – bldg. line to street ROW line – all structures (principal & accessory)*	65 ft	30 ft	25 ft	25 ft	25 ft plus 1 ft additional for each 2 ft of building height over 40 ft	See Section 17.6.08 for Setback Regulations	See Section 17.6.09 for Regulations	25 ft	Primary arterials – 100 ft; other streets – 35 ft	See Section 17.6.12 for Setback Regulations	None	25 ft	25 ft	Primary arterials 100 ft; other streets 35 ft	25 ft	30 ft	30 ft
Setback from "R" district boundary	N/A	N/A	N/A	N/A	N/A	N/A	See Section 17.6.09 for Regulations	15 ft	N/A	See Section 17.6.12 for Setback Regulations	10 ft	75 ft	75 ft	50 ft or 30 ft plus screening (See section 17.6.17, Subd. 6, A)	10 ft	N/A	15 ft
Performance Standards	N/A	N/A	N/A	N/A	N/A	N/A	See Section 17.6.09 for Regulations	See Section 17.4.02	See Section 17.4.02	See Section 17.6.12 for Setback Regulations	See Section 17.4.02	See Section 17.4.02	See Section 17.4.02	See Section 17.4.02	N/A	N/A	See Section 17.4.02
Maximum Impervious Surface Coverage	50 %	50 %	50 %	50%	70%	70%	See Section 17.6.09 for Regulations	70%	70%	100%	100%	70%	80%	70%	70%	85%	No Max

* Corner Yard Setbacks: Minimum Requirements – front yard setback is required for both yards abutting streets (corner lots).