

Zoning Ordinance

City of Bagley, MN in Clearwater County

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PREAMBLE

Statutory Authorization

Pursuant to the authority conferred by the State of Minnesota in the municipal planning and zoning enabling legislation, Minnesota Statutes Chapter 462, in Minnesota Statutes Chapter 103, and in Minnesota Regulations Parts 6120.2500 -6120.3900 and in M.S. Chapter 505 and for the purpose of:

1. promoting and protecting the public health, safety and general welfare of the inhabitants of the City of Bagley;
2. protecting and conserving the social and economic stability of agriculture, residential development, and commercial and industrial uses;
3. encouraging the most appropriate use of land;
4. preventing the overcrowding of land and undue congestion of population;
5. facilitating adequate and economical provision of transportation, educational and recreational facilities, water supply and sewage disposal; and
6. preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shore lands, and providing for the wise utilization of waters and related land resources.

Policy

The uncontrolled use of land, including shoreland, within the City of Bagley, Minnesota adversely affects the public health, safety and general welfare of the City's inhabitants not only by impairing the local tax base, but also by contributing to the pollution of public waters. The Minnesota State Legislature has delegated the responsibility to local governments of the state to regulate the subdivision, use and development of land, including shoreland, within their jurisdictions. This responsibility is hereby recognized by the City of Bagley, Minnesota. The City of Bagley hereby ordains that this will be accomplished through the enactment and enforcement of this Ordinance which shall be known and cited as the Bagley Zoning Ordinance.

ARTICLE I - DEFINITIONS AND GENERAL PROVISIONS

Section 101. Definitions as Used in this Ordinance

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the Ordinance its most reasonable application. For the purpose of this Ordinance, the words "must" and "shall" are mandatory; the word "may" is permissive. All distances, unless otherwise specified, shall be measured horizontally. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number as well.

ACCESSORY STRUCTURE OR FACILITY.

Any structure or facility incidental to another structure or facility on the same lot which, because of its nature, can reasonably be located at or greater than normal structure setback. Examples of such structures and facilities include but are not limited to: Swimming pools; tennis courts; saunas; solar collectors; wind generators; satellite dishes; detached garages; storage buildings; and recreational trailers and vehicles.

ACCESSORY USE.

Any use which is incidental to the principal use of a lot.

ADMINISTRATOR.

The individual granted authority by the City Council to administer the Bagley Zoning Ordinance.

ADULT USE.

Adult body painting studios, adult book stores, adult cabaret, adult car wash, adult hotels or adult motels, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult health/sport clubs, adult sauna/steam room/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcade, adult modeling studios This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by State licensed or registered persons. Activities defined as obscene by Minnesota Statutes § 617.241 are not lawful and are not included in the definitions of adult uses.

ADULT USES (ACCESSORY).

The offering of goods and/or services classified as adult uses on a limited scale that are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.

ADULT USES (PRINCIPAL).

The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:

ADULT BODY PAINTING STUDIO.

An establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is nude or semi-nude.

ADULT BOOK STORE.

An establishment, building or business engaging in the barter, rental or sale of items or merchandise consisting of printed matter, pictures, slides, records, audio tapes, video tapes, computer or video disks, motion picture film, or any other similar materials, if such shop is not open to the public generally but only to one or more classes of the public, excluding any minor because of age, and if a consistent and substantial useable floor area of the establishment, building, or business, is characterized by an emphasis on matters depicting, describing or related to “specified sexual activities” or “specified anatomical areas”.

ADULT CABARET.

An establishment, building or business that regularly provides dancing or other live entertainment if such establishment excludes minors by virtue of age and if such dancing or live entertainment is distinguished or characterized by an emphasis on the performance or presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas”.

ADULT CAR WASH.

A wash facility for any type of motor vehicle that regularly allows employees, agent, independent contractors or persons to appear in a state of partial or total nudity in terms of “specified anatomical areas.”

ADULT COMPANIONSHIP ESTABLISHMENTS.

An establishment or business, if such establishment excludes minors because of age and regularly provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

ADULT ENTERTAINMENT FACILITY.

A building or space in which an admission is charged for the entrance, or food or non-alcoholic beverages are sold or intended for consumption, and in which may be regularly observed live presentations of entertainment distinguished by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”.

ADULT HOTEL OR MOTEL.

A motel, hotel, or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and which regularly provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas” and which regularly advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, and (b) offers a sleeping room for rent for a period of time less than ten (10) hours.

ADULT MASSAGE PARLOR, HEALTH/SPORT CLUB.

A massage parlor or health/sport club that restricts minors because of age or law, which regularly provides the services of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

ADULT MINI-MOTION PICTURE THEATER.

A business, building or establishment in an enclosed building with a capacity for less than fifty (50) persons regularly used for the presenting of visual media material if such business as a prevailing practice excludes minors by virtue of age or law, and if said material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons.

ADULT MODELING STUDIO.

An establishment or business whose major business is the regular provision of employees who are provided with the intent of providing sexual stimulation or sexual gratification to such customers and when said employees engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

ADULT MOTION PICTURE ARCADE.

Any building or place to which the public is allowed or invited in which coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, computers or other production devices that regularly show images to five or fewer persons per machine at once, and are characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas”.

ADULT MOTION PICTURE THEATER.

A business premises within an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, and if the material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons.

ADULT NOVELTY BUSINESS.

A business that has as a principal and regular activity the sale of materials or devices that stimulate human genitals or devices designed for sexual stimulation or which depict or relate to “specified sexual activities” or “specified anatomical areas”.

ADULT SAUNA/STEAM ROOM/BATHHOUSE.

A business that excludes minors because of age, and which regularly provides a steam bath or heat bathing room used for bathing, pleasure, relaxation or reducing, and which utilizes steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

ADULT ACT, DISTINGUISHED OR CHARACTERIZED BY EMPHASIS UPON.

The dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon the exhibition or description of Specified Sexual Activities or Specified Anatomical Areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of “specified anatomical areas” or “specified sexual activities.”

AGRICULTURE.

The use of land for agricultural purposes including: farming; dairying; pasturage; horticulture; floriculture; viticulture; animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural activities.

AGRICULTURAL STRUCTURE.

Any structure existing or erected and used principally for agricultural purposes, with the exception of dwelling units.

ALLEY.

A dedicated public (or private) way less than 30 feet in width, providing a secondary means of access to land or structures thereon.

AWNING.

A shelter constructed of non-rigid materials on a supporting framework projecting from and supported by the exterior wall of a building.

BED AND BREAKFAST.

A building occupied as a more or less temporary accommodation for individuals who are lodged in rooms occupied singly for remuneration, with or without dining facilities, and including not more than four sleeping rooms intended to provide such accommodations.

BLUFF.

A topographic feature such as a hill, cliff, or embankment having the following characteristics:

1. Part or all of the feature is located within a shore land area;
2. The slope rises at least 25 feet above the ordinary high water level of the water body;
3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater;
4. The slope drains toward the water body.

An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff.

BLUFF IMPACT ZONE.

A bluff and land located within 20 feet of the top of a bluff.

BOARD OF ADJUSTMENT.

The Bagley Board of Adjustment as appointed by the Bagley City Council.

BOATHOUSE.

A structure used solely for the storage of boats or boating equipment.

BUILDING.

Any structure, either temporary or permanent, having a roof or other covering, and designed for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.

BUILDING LINE.

That line measured across the length or width of a lot at the point at which the principal structure cannot extend without violating setback provisions.

CAR PORT.

An accessory roof-like structure, either attached to or detached from an allowable primary building, enclosed on not more than two sides, designed to provide cover for off-street vehicle parking.

CAR WASH.

A building of which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for that purpose.

CHURCH.

A building wherein persons regularly assemble for religious worship, which is used only for such purpose and those accessory activities as are customarily associated therewith.

CITY COUNCIL.

The Bagley City Council.

CLEAR CUTTING.

The removal of an entire stand of trees.

CLINIC.

A place where medical or dental care is furnished to persons on an out-patient basis by doctors or dentists.

COMMERCIAL PLANNED UNIT DEVELOPMENT.

Uses that provide transient, short-term lodging spaces, rooms or parcels with primarily service-oriented operations. Hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are examples of commercial planned unit developments.

COMMERCIAL USE.

The principal use of land or buildings for the sale, lease, rental, or trade of products, goods or services.

COMMISSIONER.

The Commissioner of the Department of Natural Resources.

CONDITIONAL USE.

A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that standards and criteria stated in this Ordinance will be satisfied.

COOPERATIVE HOUSING.

One or more residential units in a building or buildings owned or leased by a corporation, association, organization, or other legal entity, the shareholders or members of which are entitled, solely by reason of their ownership of stock or membership certificates in such entity to occupy said residential units.

DAY CARE FACILITY.

A facility designed or operated to provide care for children in a building outside the child's own home on a regular basis, for financial remuneration or otherwise, for any part of a 24 hour day.

DECK.

A horizontal unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

DUPLEX, TRIPLEX AND QUAD.

Dwelling structures on a single lot having two, three and four units respectively, being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.

DWELLING SITE.

A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING UNIT.

Any structure, or portion of a structure, or other shelter, designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

EASEMENT.

A grant by a property owner for specified use of land by a corporation, the public or specified persons.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW).

A brief document, in worksheet format, that helps local governments determine if a proposed action is a major action with a potential for significant environmental effects and, in the case of private action, whether it is of more than local significance.

ENVIRONMENTAL IMPACT STATEMENT (EIS).

An informational document which contains a thorough evaluation of the environmental effects of a proposed project. The EIS provides information for agencies and private persons which helps in the evaluation of the impacts of proposed actions which have the potential for significant environmental effects, but also to consider alternatives and to institute methods for reducing environmental effects.

EQUIPMENT RENTAL AND SALES.

Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment. Included in this use type is the incidental storage, maintenance and servicing of such equipment.

EXTERNAL SOLID FUEL-FIRED HEATING DEVICE (OUTDOOR FURNACE).

A device designed for external solid fuel combustion so that useable heat is derived for the interior of a building, including solid fuel-fired stoves, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel.

EXTRACTIVE USE.

The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat not regulated under Minnesota Statutes, sections 93.44 through 93.51.

FAMILY.

An individual or group of two or more persons related by blood, marriage or adoption, together with not more than five additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit.

FEEDLOT.

A lot or building, or combination of lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of the Minnesota Pollution Control Agency rules, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots under this Ordinance.

FLOOD PLAIN.

The area adjoining a lake, watercourse or wetland which has been or hereafter may be covered by a regional flood.

FLOOD- PROOFING.

Any combination of structural and nonstructural additions, changes or adjustments to structures and properties which reduce or eliminate flood damage to real estate, water and sanitary facilities, structures and their contents.

FLOOD FRINGE.

The area of the flood plain outside of the flood way.

FLOOD WAY.

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

FLOOR AREA.

Total gross area of all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, car ports, breezeways, and attics without floors, and open porches, balconies and terraces.

FLOOR AREA PERCENTAGE.

The total floor area divided by the total lot area.

FLOOR SPACE.

The floor area of all floors as measured from the inside surfaces of the walls enclosing the portion of a building occupied by a single occupant or shared by a distinct group of occupants, excluding common halls, stairwells, sanitary facilities, storage, and other areas to which patrons do not have regular access.

FOREST LAND CONVERSION.

The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FRONT LOT LINE.

For a riparian lot, the front lot line is that line indicating the ordinary high water level. For a non-riparian lot, a front lot line is a line dividing a lot from any public highway, except a limited or controlled access highway to which the lot has no access.

GARAGE.

A fully enclosed building designed or used for the storage of motor vehicles not including buildings in which fuel is sold or in which repair or other services are performed.

GAS STATION.

A place where motor vehicle fuels, services and accessories are sold at retail.

GRADE.

The average elevation of the finished ground at the exterior walls of the main building.

GROUND COVERAGE PERCENTAGE.

The percentage of a lot which is covered by impervious surfaces excluding driveways and patios not more than six inches above grade.

GUEST COTTAGE.

A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

HEIGHT OF BUILDING.

The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lowest, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

HOME OCCUPATION.

A use conducted entirely within an enclosed dwelling, which is clearly incidental and secondary to residential occupancy and does not change the character thereof. Specifically excluded is any activity which involves structural alterations, window displays, or any outdoor storage of machinery, equipment or other materials visible from any location off the lot on which it is located.

HOTEL/ MOTEL.

A building or structure occupied by persons on a more or less transient basis, on a remuneration basis, and with more than seven (7) sleeping rooms, with no cooking facilities in an individual room or unit..

HOUSING WITH SERVICES ESTABLISHMENT.

An establishment providing sleeping accommodations to one or more adult residents, and offering or providing, for a fee, two or more regularly scheduled supportive services or an establishment that registers under Minnesota Statutes 144D.025.

IMPERVIOUS SURFACE.

The horizontal area of buildings, roof overhangs, decks and patios constructed of any materials, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of water including drives and parking areas of any materials.

INDIVIDUAL SEWAGE TREATMENT SYSTEM.

A sewage treatment system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated the word 'system", as it appears in this Ordinance, means an individual sewage treatment system.

INDUSTRIAL USE.

The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

INOPERATIVE.

Any vehicle which is incapable of movement under its own power and in need of repair or junking. All vehicles which are incapable of legal movement on public roads shall be considered inoperative.

INTENSIVE VEGETATIVE CLEARING.

The substantial removal of trees or shrubs in a contiguous patch, strip, row or block.

INTERIM USE.

A temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit such use. Interim uses may be granted in accordance with Minnesota Statutes Section 462.3597, and are processed in the same manner as conditional uses.

JUNKYARD.

A place maintained for keeping, storing, or piling in commercial quantities, whether temporary, irregularly or continuously, items to be bought or sold at retail or wholesale which from its second-hand or worn condition render it practically useless and commonly classed as junk.

KENNEL.

Any lot or premises on which five (5) or more dogs aged six months or older are kept, either owned or temporarily or permanently boarded.

LAUNDROMAT.

A place where patrons wash, dry or dry clean clothing or other fabrics in machines operated by the patron.

LOT.

A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

LOT AREA.

The area of land within the boundaries of a lot.

LOT COVERAGE.

The percentage of a lot which is covered by impervious surfaces excluding driveways and patios not more than six inches above grade.

LOT OF RECORD.

Any lot which is one (1) unit of a recorded plat designated by auditor's plat, subdivision plat, or other accepted means and separated from other parcels for the purpose of sale, lease or separation thereof, and recorded in the Office of the County Recorder prior to the effective date of this Ordinance.

LOT LINE.

A line marking a boundary of a lot.

LOT WIDTH.

The horizontal distance between the side lot lines of a lot measured at right angles to the depth.

MANUFACTURED HOME.

A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted. Mobile homes shall be treated as single family housing units.

MANUFACTURED HOME PARK.

Any premises on which two or more mobile homes, or any premises used or held out for the purpose of supplying to the public a parking space for two or more of such mobile homes. Sales lots on which automobiles or unoccupied mobile homes, new or used, are parked for purposes of inspection or sale are not included in this definition. For purposes of this Ordinance mobile home parks shall be considered a residential planned unit development.

MINING.

The use of land for surface or subsurface removal of metallic minerals and peat as regulated under Minnesota Statutes, sections 93.44 through 93.51.

MINOR.

Any person under the age of eighteen (18) years.

MOTOR COURT.

A business comprising a series of attached, semi-detached, or detached rental units with or without eating facilities for the overnight accommodation of transient guests.

MULTIPLE DWELLING.

A structure designed or used for residential occupancy by more than one family, with or without separate kitchen or dining facilities, including apartment houses, rooming houses, boarding houses, townhouses, row houses and similar housing types. Multiple dwelling does not include hotels, motels, motor courts, nursing homes or hospitals.

NONCONFORMITY.

Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

NUDITY.

The showing of the human male or female genitals or pubic area with less than fully opaque covering; the showing of the female breast with less than fully opaque covering of any portion of the nipple; or the depiction or showing of the coverage of male genitals in a discernibly turgid state.

NURSING HOME.

A structure designed or used for residential occupancy and at which limited medical or nursing care is provided for its occupants, but not including hospitals or mental health centers.

OFF-SITE SIGN.

Any sign not located on the lot of the establishment being advertised.

ON-SITE SIGN.

Any sign located on the lot of the establishment being advertised.

ORDINARY HIGH WATER LEVEL.

The boundary of public waters and wetlands indicated by an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

PATIO DECK.

A horizontal unenclosed platform with or without attached railings, seats, trellises or other features that at no point extends more than three feet above ground.

PERFORMANCE BOND.

A bond which may be required by the City Council, Planning Commission, or Board of Adjustment to insure the completion of any activity falling under the jurisdiction of this Ordinance.

PLANNED UNIT DEVELOPMENT (PUD).

A type of development characterized by a united site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums; cooperatives; full fee ownership, commercial enterprises; or any combination of these, or cluster subdivisions of dwelling units; residential condominiums; townhouses; apartment buildings; campgrounds; recreational vehicle parks; resorts; hotels; motels; and conversions of structures and land uses to these uses.

PLANNING COMMISSION.

The Planning Commission as appointed by the Bagley City Council.

PRINCIPAL USE.

The primary use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, interim or conditional.

PRACTICAL DIFFICULTY.

The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

PROFESSIONAL OFFICE.

Office of a member of a profession maintained for the conduct of that profession. A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or a combination thereof, required advance study in a specialized field or any occupation requiring licensing by the State and maintenance of professional standards applicable to the field.

PUBLIC USE.

A use by any agency or department of the City, County, State or federal government. This shall also include buildings and premises used in the operation of the public use. Public parks and schools shall also be included as public uses.

PUBLIC WATERS.

Any waters as defined in Minnesota Statutes, 1030.005, subdivisions 15-18.

REAR LOT LINE.

Any lot line which is not a front or side lot line and which, if extended in either direction, would not cross the lot.

RECREATIONAL VEHICLE.

Any vehicle or vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation or other vacation use.

RECREATIONAL VEHICLE CAMPGROUND.

Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more tents or recreational vehicles, either free of charge or for compensation.

REGIONAL FLOOD.

A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

REGULATORY FLOOD PROTECTION LEVEL.

A point not less than one foot above the water surface profile associated with the regional flood plus any increase in flood heights attributable to encroachments on the flood plain, it is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

RESIDENTIAL OCCUPANCY.

Those activities customarily conducted in living quarters in an urban setting, and excludes such activities as the keeping of livestock or fowl, activities resulting in noise which constitutes a nuisance in a residential area and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials and excludes the keeping of any lot of more than four household pets per family, but this shall not be construed to prevent the keeping of the litter of a household pet until able to be separated from their mother.

RESIDENTIAL PLANNED UNIT DEVELOPMENT.

A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, single family residences; duplexes; triplexes; residential apartments; mobile home parks; condominiums; time-share condominiums; townhouses; cooperatives; and conversions of structures and land uses to these. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

RESORT.

A private recreational development which includes multiple units intended for habitation on a temporary basis for relaxation or recreational purposes.

RESTAURANT.

A lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, drive-ins and any fast food establishment permitting consumption on the premises.

RIPARIAN LOT.

Any lot which is bounded on one or more sides by public waters frontage.

SEMI-NUDE.

A state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

SEMIPUBLIC USE.

The use of land by a private nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENSITIVE RESOURCE MANAGEMENT.

The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection

SEPTIC TANK.

Any water tight, covered receptacle designed and constructed to receive the discharge of sewage from a buildings sewer, to separate solids from liquids, digest organic matters, and store liquids for a period of detention, and allow the liquids to discharge to a soil treatment system.

SETBACK.

The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

SEWAGE TREATMENT SYSTEM.

A system whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil. This includes those systems commonly known as: Seepage bed; disposal field; and mounds.

SEWER SYSTEM.

Pipelines, conduits, pumping stations, force main and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial or other wastes to a point of ultimate disposal.

SEXUALLY ORIENTED BUSINESS:

Any adult body painting studios, adult book stores, adult cabaret, adult car wash, adult hotels or adult motels, adult motion pictures theaters, adult mini motion picture theaters, adult massage parlors, adult health/sport clubs, adult sauna/steam room/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcade, adult modeling studios and other premises, enterprises or establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation or display, depiction or description of “specified sexual activities” or “specified anatomical areas” which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by State licensed or registered persons. Activities defined as obscene by Minnesota Statutes § 617.241 are not lawful and are not included in the definitions of adult uses.

SHORE IMPACT ZONE.

Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

SHORELAND.

Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and where approved by the Commissioner.

SIDE LOT LINE.

Any lot line which meets the end of a front lot line and any other lot line within thirty degrees of being parallel to such a line, except a front lot line.

SIGNIFICANT HISTORIC SITE.

Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SINGLE FAMILY DWELLING.

A structure, designated or used for residential occupancy by one family.

SPECIFIED ANATOMICAL AREAS.

1. Less than completely and opaquely covering human genitals, pubic region or pubic hair, buttock, anus, or female breast or breast below a point immediately above the top of the nipple or any combination of the foregoing; and,
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES.

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

STACKS OR CHIMNEYS.

Any vertical structure incorporated into a building and enclosing a flue or flues that can carry off smoke or exhaust from a solid fuel-fired heating device, especially, that part of such a structure extending above a roof.

STEEP SLOPE.

Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the soil characteristics of the site, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having slopes over twelve percent, as measured over horizontal distances of fifty feet or more, that are not bluffs.

STREET.

A public way which affords the principal means of access abutting property.

STRUCTURE.

Any building or appurtenance, including decks, patio decks and fences, but not including aerial or underground utility lines such as; sewer, electric, telephone, telegraph, gas lines, towers, poles, or other supporting facilities.

SUBDIVIDER.

Any person who undertakes the subdivision of land as defined herein. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

SUBDIVISION.

Land that is divided for the purpose of sale, rent or lease, including planned unit developments.

SURFACE WATER-ORIENTED COMMERCIAL USE.

The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

TEMPORARY STRUCTURE.

Any structure which has been erected or moved onto a lot in order to be utilized for any purpose for a period not to exceed six (6) months. Any structure which is not a temporary structure is considered a permanent structure and must comply with all provisions of this Ordinance.

TOE OF THE BLUFF.

The lower point of a fifty (50) foot segment with an average slope in excess of eighteen (18) percent.

TOP OF THE BLUFF.

The higher point of a fifty (50) foot segment with an average slope in excess of eighteen (18) percent.

TOWNHOUSE.

A single family dwelling unit attached to one or more other units by a common wall or walls but having its own private entrance. Townhouses may be located so that all dwelling units are on the same lot or so that each dwelling unit has its own lot. The term “end” when used in connection with a townhouse refers to a unit which has connection to only one abutting wall with another unit. The term “interior” when used in connection with a townhouse refers to a unit abutting two other units.

TWIN HOME.

Two single family dwelling units each occupying its own lot, but attached to one another or abutting one another at the lot line.

VARIANCE.

Relief from certain provisions of this Ordinance may be granted when, due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in a practical difficulty upon the property owner. A practical difficulty is distinguished from a mere inconvenience or a desire to increase the value of the property. A variance shall not be used to permit a use in a district where it is not allowed under the terms of the Ordinance. Variances shall only be granted in compliance with M.S. 462.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY.

A small, above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of its relationship of its use to a surface water feature reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures include boathouses, gazebos, screen houses, fish houses, and pump houses and detached decks.

WATER SUPPLY PURPOSE.

Any use of water for domestic, commercial, industrial or agricultural purpose.

WETLAND.

A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 Edition).

YARD.

The area between any lot line and the setback required there from.

YARD, FRONT.

A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

YARD, REAR.

A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

YARD, SIDE.

A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yards widths shall be measured at right angles to side lines of the lot.

ZERO LOT LINE.

The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING ADMINISTRATOR.

The zoning administrator of the City of Bagley or his authorized agent or representative.

Section 102. Jurisdiction

The provision of this Ordinance shall apply to all land located within the corporate boundaries of the City of Bagley, Minnesota.

Section 103. Compliance

The use of any land; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shore land area; the cutting of shore land vegetation; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations.

Section 104. Enforcement

The Bagley City Council shall bear ultimate responsibility for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements, including failure to comply with special conditions attached to granted conditional uses or variances, shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Article XIII.

Section 105. Interpretation

In their interpretation and application the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City of Bagley and shall not be deemed a limitation or repeal of any other powers granted by State Statutes. Interpretation shall be made by the Zoning Administrator, subject to appeal to the Board of Adjustment.

Section 106. Severability

This Ordinance and the various parts, sentences, paragraphs, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is judged to be unconstitutional or otherwise invalid for any reason by a court of competent jurisdiction, such finding

shall not affect the remaining portions of this Ordinance.

Section 107. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

Section 108. Effective Date

This Ordinance shall take effect and be in force on and after its adoption and publication according to law.

ARTICLE II - SHORELAND CLASSIFICATION SYSTEM

The public waters of Bagley, Minnesota have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for that portion of Clearwater County located within the city limits of Bagley.

The shoreland areas for the water bodies listed in Sections 201 through 203 shall be as defined in Section 101 of this Ordinance. The public waters of Bagley, Minnesota have been classified as follows:

Section 201. General Development Lakes

General Development Lakes	
Lake ID Number	Lake Name
15-81	Lake Lomond

Section 202. Forested River Segments

Forested River Segments		
River	From	To
Clearwater	West section line, Sec. 5, T146N, R38W	Border of Beltrami and Clearwater Counties

*Includes only that portion of river with shoreland within Bagley corporate limits.

Section 203. Tributaries

Tributaries		
Water	From	To
Lake Lomond Outlet	Sec. 30, T147N, R37W (at Basin 15-81)	South section line, Sec. 30, T147N, R37W (at south boundary of Bagley corporate limits)
Walker Brook	South section line, Sec. 29, T147N, R37W (at south boundary line of Bagley corporate limits)	Sec. 29, T147N, R37W, (at confluence with the Clearwater River)

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

Section 301. Establishment of Zoning Districts

The development of the City of Bagley, including the shoreland of its public waters, shall be controlled by means of zoning districts. The following zoning districts are created in order to promote the orderly development of land and all useable structures. The incorporated area within the City of Bagley, Minnesota, is hereby divided into the following districts which shall be known and cited by the following symbols or names:

<u>Symbol</u>	<u>Name</u>
C-1	Conservation District
Ag-1	Agricultural District
R-1	Residential District
B-1	Restricted Highway Business
B-2	General Highway Business
B-3	General Business District
I-1	Industrial Storage District
I-2	Manufacturing District

Section 302. Zoning Map

The official City of Bagley Zoning Map is located at City Hall and available for public use during normal business hours, and is hereby made a part of this Ordinance. A representation of this map is provided on the following page. The map shows the locations of each of the above reference zoning districts.

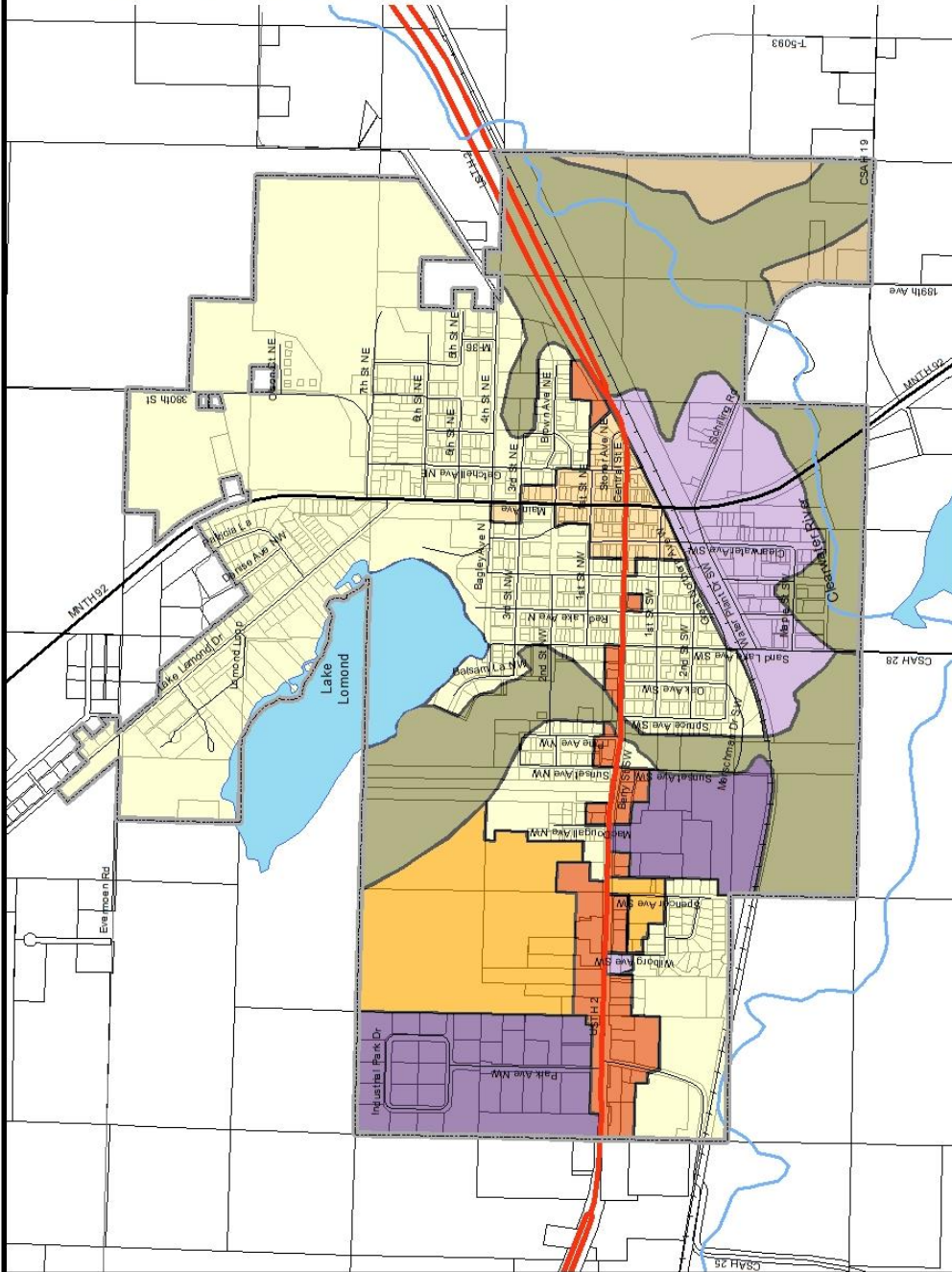
Section 303. Interpretation of the Zoning Map

Wherever there is an uncertainty, contradiction or conflict as to the location of any zoning district boundary line, whether due to scale, illegibility or lack of detail of the zoning map, the Zoning Administrator shall make such interpretation and determination. Any person aggrieved by any such interpretation may appeal such interpretation to the Board of Adjustment who shall make the final determination. The Zoning Administrator and the Board of Adjustment, in interpreting the official zoning map, and in deciding appeals of such determination, shall apply the following standards:

1. With the exception of the (C-1) Conservation District, zoning district boundary lines are intended to follow lot lines, the center line of streets or alleys, or to run parallel or perpendicular to such lines.
2. Where zoning district boundary lines approximately follow lot lines, the lot lines shall be construed to be such boundary line.
3. The (C-1) Conservation District boundary lines are intended to follow a line delineating areas subject to periodic flooding or areas with poor soil characteristics for building purposes. The location of any (C-1) Conservation District boundary line, or where a boundary line divides a lot, shall be determined by use of the scale provided on the official zoning map.

City of Bagley Zoning, Not Official

- Zoning**
- Manufacturing
 - Industrial Storage
 - Agricultural
 - Highway Business
 - Restricted Business
 - General Business
 - Residential
 - Conservation
- Bagley City Limits
 Lakes
 River Center Line



Source: MN DoT, MN DNR

Drafted: April 19, 2014



ARTICLE IV - ZONING DISTRICT REQUIREMENTS

Section 401. (C-1) Conservation District

(A) Intent

This district is intended to protect areas that contain poorly drained soils, and areas subject to flooding.

Due to these factors these areas are deemed unsuitable for permanent structures.

(B) Permitted Uses

1. Forestry
2. Cropland
3. Outdoor plant nursery, orchards
4. Wildlife sanctuary, woodland preserve, arboretum
5. Parks and day camps without overnight camping facilities
6. Mining

(C) Uses Requiring a Conditional Use Permit

1. Unpaved parking area required for a permitted use
2. Excavations, grading or filling

Section 402. (AG-1) Agricultural District

(A) Intent

This district is intended to preserve areas for low intensity use such as forestry or cropland, and to serve as a holding zone for future higher intensity uses.

(B) Permitted Uses

1. Single family dwellings
2. State licensed residential facilities serving six (6) or fewer persons, licensed day care facilities serving twelve (12) or fewer persons, and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children.
3. Accessory structures
4. Forestry
5. Cropland
6. Outdoor plant nursery, orchard
7. Wildlife sanctuary, woodland preserve, arboretum
8. Parks and day camps without overnight camping facilities
9. Solar energy systems
10. Mining

(C) Uses Requiring a Conditional Use Permit

1. Unpaved parking area required for a permitted use
2. Home occupations

(D) Uses Requiring an Interim Use Permit

1. Excavations, grading or filling

Section 403. (R-1) Residential District

(A) Intent

This district is intended to provide for residential neighborhoods, free from other land uses except those which are compatible with single family dwelling units and duplexes.

(B) Permitted Uses

1. Single family dwellings
2. State licensed residential facilities serving six (6) or fewer persons, licensed day care facilities serving twelve (12) or fewer persons, and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve fourteen (14) or fewer children.
3. Duplexes
4. Solar energy systems
5. Accessory structures or uses

(C) Uses Requiring a Conditional Use Permit

1. Mobile home parks
2. Home Occupations
3. Multiple family dwellings
4. Boarding or rooming houses, bed and breakfasts
5. Public and semipublic uses
6. Parks and playgrounds
7. Funeral homes
8. Parking lots
9. Accessory structures and uses

Section 404. (B-1) Restricted Highway Business

(A) Intent

This district is established to accommodate commercial activities which are convenient to motorists and to accommodate those businesses which require large off-street parking or commercial storage areas which generate a significant amount of traffic.

(B) Permitted Uses

1. Restaurants and drive-in eating establishments
2. Automobile service including: automobile sales and service, automobile equipment sales, car washes, gasoline service stations, and trailer service areas
3. Recreation services including: theaters, bowling alleys, pool and billiard rooms, dance halls and roller and ice skating rinks
4. Hotels motels, private clubs, lodges and wholesale establishments
5. Research and testing laboratories, storage building and distributing station

(C) Uses Requiring a Conditional Use Permit

1. Any commercial establishment, professional service, or commercial service not specifically stated as a permitted use.
2. Solar energy systems.
3. Accessory structures.

(D) Uses Requiring an Interim Use Permit

1. Flea market or similar short term temporary retail sales.

Section 405. (B-2) General Highway Business District

(A) Intent

This district is established to accommodate a wide range of commercial activities and professional offices and places of amusement, in a convenient and attractive setting, convenient to motorists and to accommodate those businesses which require off-street parking or commercial storage areas which may generate a significant amount of traffic.

(B) Permitted Uses

1. Business services including: banks; offices; and postal stations
2. Clothing services including: dry cleaning and laundry establishments; laundromats; dressmaking; millinery and tailor shops; and shoe repair shops
3. Equipment sales and services including: radio and television shops and electrical appliance shops
4. Food services including: grocery stores; fruit, vegetable and meat markets; supermarkets; restaurants; taverns; delicatessens; and candy shops and bakeries where products are sold at retail on the premises
5. Personal services including: barber and beauty shops; reducing salons; photography shops; and funeral homes
6. Retail services including: drug stores; hardware stores; stationery and book stores; apparel shops; showrooms for articles to be sold at retail; and flower shops and commercial greenhouses
7. Public and semipublic uses

(C) Uses Requiring a Conditional Use Permit

1. Single family dwelling units located above a building with predominant commercial use
2. Multi-family housing
3. State licensed residential facilities and day care facilities serving sixteen (16) or fewer persons
4. Solar energy systems
5. Accessory structures.

(D) Uses Requiring an Interim Use Permit

1. Flea market or similar short term temporary retail sales

Section 406. (B-3) General Business District

(A) Intent

This district is established to preserve a central business with a wide range of retail uses and businesses, government and professional offices and places of amusement, in a convenient and attractive setting, conducive to and safe for a high volume of pedestrian traffic.

(B) Permitted Uses

1. Business services including: banks; offices; and postal stations
2. Clothing services including: dry cleaning and laundry establishments; laundromats; dressmaking; millinery and tailor shops; and shoe repair shops
3. Equipment sales and services including: radio and television shops and electrical appliance shops
4. Food services including: grocery stores; fruit, vegetable and meat markets; supermarkets; restaurants; taverns; delicatessens; and candy shops and bakeries where products are sold at retail on the premises
5. Personal services including: barber and beauty shops; reducing salons; photography shops; and funeral homes
6. Retail services including: drug stores; hardware stores; stationery and book stores; apparel shops; showrooms for articles to be sold at retail; and flower shops and commercial greenhouses
7. Public and semipublic uses

(C) Uses Requiring a Conditional Use Permit

1. Single family dwelling units located above a building with predominant commercial use.
2. Multi-family housing.
3. State licensed residential facilities and day care facilities serving forty (40) or fewer persons.
4. Solar energy systems.
5. Accessory structures.

Section 407. (I-1) Industrial Storage

(A) Intent

This district is established to preserve areas for industrial storage and related uses of land of such a nature that they required substantial, low cost land, and of such a nature as to not create a demand for costly public improvements.

(B) Permitted Uses

1. Building material and storage yards, lumber yards.
2. Contractor equipment rental or storage yards.
3. Any industrial or manufacturing storage use.
4. Public utility service buildings and yards, electrical transformer stations, substations and gas regulator stations.
5. Solar energy systems.
6. Accessory structures.

(C) Uses Requiring a Conditional Use Permit

1. Explosives storage.
2. Fertilizer storage.
3. Stockyards or animal slaughtering facilities.
4. Petroleum or asphalt storage.
5. Junk yards.

Section 408. (1-2) Manufacturing District

(A) Intent

This district is established to preserve areas for uses incompatible with other uses including adult entertainment, manufacturing and other industrial uses.

(B) Permitted Uses

1. Wholesale businesses including: warehousing and storage buildings; commercial laundries; and dry cleaning plant.
2. Light manufacturing including compounding treatment or assembly of such products as: bakery goods, candy, cosmetics, dairy products, food products, and drugs.
3. Manufacturing processes or treatment of products using light machinery such as: tool and die shops, metal fabricating plants, and welding shops.
4. Educational institutions which have as the primary purpose the instruction of vocational, technical skills.
5. Public utility service buildings and yards; electrical transformer stations, substations and gas regulator stations.
6. Solar energy systems.
7. Accessory structures.

(C) Uses Requiring a Conditional Use Permit

1. Manufacture of cement, concrete, lime, gypsum or plaster.
2. Distillation of bone, coal, tar, petroleum, refuse, grain or wood.
3. Manufacture of explosives.
4. Manufacture of fertilizer.
5. Manufacture or refinement of petroleum or asphalt
6. Steam and board hammers and forging presses.
7. Corrosive acid manufacture or bulk storage thereof.
8. Adult Entertainment

ARTICLE V - HEIGHT AND PLACEMENT REGULATIONS

Except as otherwise specifically provided for in this Ordinance, no new lot shall be created, by plat nor by metes and bounds description, which does not meet the minimum dimensional requirements prescribed herein. No lot area shall be so reduced or diminished so that the yards or other open spaces shall be smaller than the minimum requirements of this Ordinance. The number of dwelling units or other structures shall not be increased in any manner except in compliance with the provisions of this Ordinance. The height of structures shall not exceed the standards prescribed in this Ordinance. The depth of a lot in all districts, except the B-2 District, shall not be more than two times its width.

Section 501. Lot Area Requirements

Following are the minimum lot area requirements. In all cases where the provisions of 501A and 501B conflict, the stricter standards shall apply.

(A) Minimum Lot Area Requirements

District	Minimum Lot Size (sq. ft. unless otherwise noted)
AG-1, Agricultural	5 acres
R-1, Residential	9,000
B-1, Restricted Highway Business	10,000
B-2, General Highway Business	10,000
B-3, General Business	2,500
I-1, Industrial Storage	22,500
I-2, Manufacturing	1 acre

(B) Additional Requirements for Shoreland Areas

For shoreland areas in the City of Bagley the following minimum standards shall apply in all cases where they exceed the standards prescribed for non-shoreland areas.

1. Standards for Unsewered Lots

Residential Use	Riparian Lots (sq. ft.)	Non-Riparian Lots (sq. ft.)
Single	20,000	40,000
Duplex	40,000	80,000
Triplex	60,000	120,000
Quad	80,000	160,000

2. Standards for Sewered Lots

Residential Use	Riparian Lots (sq. ft.)	Non-Riparian Lots (sq. ft.)
Single	15,000	10,000
Duplex	26,000	17,500
Triplex	38,000	25,000
Quad	49,000	32,500

Section 502. Lot Width Requirements

Following are the minimum lot width requirements, measured at the lot frontage line for non-shoreland lots, and measured at both the building line and at the ordinary high water level, if applicable, for shoreland lots.

(A) Minimum Lot Width Requirements

<u>District</u>	<u>Minimum Lot Width (ft.)</u>
AG-1, Agricultural	400
R -1, Residential	75
B-1, Restricted Highway Business	100
B-2, General Highway Business	100
B-3, General Business	25
I-I, Industrial Storage	150
I-2, Manufacturing	200

(B) Additional Requirements for Shoreland Areas

The following lot width standards shall apply in shoreland areas of General Development Lakes, and shall supersede those requirements of Section 502A.

<u>Residential Use</u>	<u>Unsewered Areas</u>		<u>Sewered Areas</u>
	<u>Riparian Lots(ft.)</u>	<u>Non-Riparian Lots(ft)</u>	
Single	100	150	75
Duplex	180	265	135
Triplex	260	375	195
Quad	340	490	255

Section 503. Setback Provisions

All structures, except fences and those specifically exempted by the provisions of this Ordinance, shall meet the setbacks prescribed in this Section. In all cases where the provisions of 503A and 503B differ, the stricter standard shall apply.

(A) Minimum Setback Requirements

<u>District</u>	<u>Front Setback (ft.)</u>	<u>Sidyard Setback (ft.)</u>	<u>Rear Setback (ft.)</u>
AG-1, Agricultural	35	30	20
R -1, Residential	30	4	25
B-1, Rest. Highway Business	35	10	20
B-2, Gen. Highway Business	35	10	20
B-3, General Business	0	0	10
I-I, Industrial Storage	35	15	30
I-2, Manufacturing	35	15	30

No more than one principal structure shall be located on any residential lot, or in any lot in a R-1 district. On all other lots, each principal structure must be located at least twelve feet from any other principal structure on the same lot.

(B) Additional Shoreland Requirements

	Additional Shoreland Requirements			
	Unsewered Lots GD Lakes	Sewered Lots GD Lakes	Unsewered Lots Tributaries	Sewered Lots Tributaries
Structure setback from ordinary high water level	75	50	100	50
Structure setback from side lot line	20	20	20	20
Structure setback from unplatted cemetery	50	50	50	50
Structure setback from Federal, County, or State HWY Right-of-Way	50	50	50	50
Structure setback from Right-of-Way from other roads	20	20	20	20
Sewage treatment system setback from ordinary high water level	100	50	50	50

(C) Exception to Sideyard Setback in Shoreland Areas

In shoreland areas only, the sideyard structure setback may be set at 20% of the lot width at the ordinary high water level as an alternative to the standards prescribed in 502A and 502B.

Section 504. Lot Coverage Percentage

The total area covered by structures on any lot shall not exceed 30% of the total lot area. The total area covered by structures on any shore land lot shall not exceed 25 % of the total lot area.

Section 505. Height of Structures

1. No structure shall exceed thirty-five (35) feet in height with the following exceptions:

Grain elevators, television and radio towers, church spires, belfries, monuments, tanks, water towers, fire towers, chimneys, smokestacks, conveyors, flagpoles, silos and wind generating facilities may exceed the height limitation provided that the front, side yard and rear setbacks are each increased one foot for each additional foot of height.

2. In shoreland areas, no structures, except for churches and non-residential agricultural structures shall exceed twenty-five (25) feet in height.

Section 506. Averaging Setbacks

In the R-1, Residential District, the front setback requirement from street, road, or highway rights of way may be modified to equal the average of the existing structure setback of lots wholly or partially within 300 feet of the lot proposed to be built upon, and on the same side of the street on the same block, provided that the minimum setback shall not be reduced to less than ten feet.

Section 507. Rear Yard Abutting on Alleys

Garages in the R-1 district abutting an alleyway, with the garage door facing the rear lot line, must meet the setback from the rear lot line described in 503(A). Garages in the R-1 district abutting an alleyway, with the garage door not facing the rear lot line, must meet a minimum setback of 5 feet from the rear lot line.

Section 508. Uses without Water-Oriented Needs

Non-residential uses without water-oriented needs shall be encouraged to locate on lots without public water frontage or, if located on lots with public water frontage shall be either set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography assuming summer, leaf-on conditions.

Section 509. Guest Cottages

In shoreland areas, one guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width standards prescribed in Sections 501 and 502 of this Ordinance, provided that the following minimum standards are met:

1. guest cottage may only be allowed as an accessory structure to a conforming single family structure;
2. for lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal unit;
3. a guest cottage must not cover more than 700 square feet of land surface and must not exceed fifteen (15) feet in height;
4. a guest cottage must be located and designed to reduce its visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

Section 510. Design Criteria for Structures in Shoreland Areas

In shore land areas all structures must be placed, and all lots developed, in accordance with the following design criteria.

Structures must be placed in accordance with any floodplain regulations applicable to the site. Where such controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

1. for lakes, by placing the lowest floor at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
2. for rivers and tributaries, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Statewide Floodplain Management Rules parts 6120.5000 to 6120.6200. If more than one approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities.

Section 511. Bluff Impact Zones

Structures or facilities, except stairways and landings, must not be placed with bluff impact zones.

Section 512. Stairways, Lifts and Landings in Shoreland Areas

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts and landings in shoreland areas must meet the following design requirements:

1. stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a conditional use permit;
2. landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be allowed for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a conditional use permit;
3. canopies or roofs are not allowed on stairways, lifts, or landings;
4. stairways, lifts or landings may be either constructed above the ground on posts or pilings, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosion;
5. stairways, lifts or landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical; and
6. facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed as a conditional use for achieving access to shore areas, provided that the dimensional and performance standards of this section, and the requirements of the State Building Code, Minnesota Regulations 1340, are complied with.

Section 513. Significant Historic Sites in Shoreland Areas

No structure may be placed on a significant historic site in a shoreland area in a manner that affects the value of the site unless adequate information about the site has been removed and documented in a public repository.

Section 514. Steep Slopes in Shoreland Areas

The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for the construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.

Section 515. Fence Heights and Setbacks

Front Yards. No fence greater than four (4) feet in height and setback no less than one (1) foot from a front lot line shall be allowed.

Side and Rear Yards. Fences shall be setback a minimum one (1) foot from all side and rear lot lines. All fences constructed on a boundary between two properties must adhere to the minimum one-foot setback, unless the owner of the adjoining property agrees, in writing, that such a fence may be erected on the division line of the respective properties.

No privacy fence exceeding six (6) feet in height is allowed along the rear line of the front yard with an end terminating at the front corner of the principle structure and the other at the adjacent side yard setback line.

In the residential district, no privacy fence greater than six (6) feet in height shall be allowed in side and rear yards.

Alleyways. Where a lot line abuts an alleyway, the minimum fence set back along that lot line will be five (5) feet.

Corner Residential Lots. On corner lots in residential districts, front yard requirements will be maintained on all lot faces abutting streets.

ARTICLE VI - NONCONFORMITIES AND SUBSTANDARD LOTS OF RECORD

All legally established nonconformities existing as of the date of enactment of this Ordinance may continue provided that they are managed in accordance with applicable state statutes and the following standards.

Section 601. Nonconforming Use of Land

The nonconforming use of land where no structure exists as of the effective date of this Ordinance may continue provided:

1. the nonconforming use of land shall in no way be expanded or extended either on the same or adjoining property;
2. if the nonconforming use of land is discontinued for a period of twelve months, the new use of such land must be in conformity with the provisions of this Ordinance; and
3. uses which constitute a public nuisance shall not be allowed to continue as legal nonconforming uses.

Section 602. Nonconforming Structures

Buildings or structures which were legally constructed prior to the adoption of this Ordinance, but that do not meet the provisions of this Ordinance, may continue in use. Additions or alterations to nonconforming structures are allowed provided that such additions or alterations are in full compliance with the provisions herein. Any addition or alteration to the outside dimensions of a nonconforming structure which does not comply with the dimensional requirements of this Ordinance must be authorized by a variance pursuant to Article XI of this Ordinance.

Section 603. Change of a Nonconforming Use

A legal nonconforming use may be changed to a different nonconforming use, or to a conditional use, only upon approval of a conditional use permit by the City Council. Wherever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use. If a nonconforming use of a building or structure is discontinued for a period of twelve (12) months, any future use of such building or structure must be in conformance with the provisions of this Ordinance.

Section 604. Damage to Nonconforming Structures

The restoration or reconstruction of any nonconforming building or structure which is damaged by fire, collapse, explosion or acts of God or public enemy to the extent that its market value is reduced by 50% as determined by current records of the County Assessor, must meet the requirements of this Ordinance.

Section 605. Deck Additions to Nonconforming Structures

In shoreland areas deck additions are allowed to structures that do not meet the minimum setback from the ordinary high water mark, or to those structures which minimally meet the setback from the ordinary high water mark, without variance, provided that:

1. the structure existed as of the date that the setback from the ordinary high water level was established;
2. a thorough evaluation of the property and structure reveals no reasonable location for a deck which meets or exceeds the setback from the ordinary high water level;
3. the deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level, or does not encroach closer than thirty (30) feet from the ordinary high water level, whichever is more restrictive; and,
4. the deck is constructed primarily of wood, and is not roofed or screened.

Section 606. Substandard Lots of Record

(A) All lots of record, existing as of the effective date of this Ordinance, with the exception of lots located in shore land areas, may be used for the erection of a structure without meeting the minimum lot area and lot width requirements, provided that all other requirements of this Ordinance are complied with.

(B) All lots of record in shoreland areas existing as of the effective date of this Ordinance, that do not meet the minimum lot area and lot width requirements, may be allowed as building sites without a variance from lot size requirements provided that:

1. the use is permitted in the zoning district;
2. the lot has been in separate ownership from abutting lands at all times since it became substandard;
3. the lot was created compliant with the official controls in effect at that time; and
4. the sewage treatment and setback requirements of this Ordinance are met.

A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a shoreland lot that does not meet setback requirements. In evaluating the variance request, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot, and shall deny the variance if adequate facilities cannot be provided.

If, in a group of two or more contiguous shoreland lots under the same ownership, any individual lot does not meet the minimum lot width or lot area requirements specified in this Ordinance, the lot shall not be considered as a separate parcel of land for the purposes of sale or development. Such substandard lots of record in shore land areas must be combined with one or more contiguous shoreland lots so that they equal one or more parcels of land, each meeting the requirements of lot area or lot width to the extent possible.

Section 607. Nonconforming Sewage Treatment Systems

A sewage treatment system that does not meet the requirements specified in Article VIII of this Ordinance must be upgraded, at a minimum, at any time that a variance or permit of any type is required for any improvement on, or use of, the property. For purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the setback of the sewage treatment system from the ordinary high water level.

The Bagley City Council has, by formal resolution, notified the Commissioner of its program to identify nonconforming sewage treatment systems. The City of Bagley requires upgrading or replacement of any nonconforming system identified through this program within two years of identification by the Zoning Administrator or Planning Commission. Sewage treatment systems installed according to the applicable shoreland management regulations adopted under MS Chapter 103, in effect at the time of such installation, shall be considered as conforming except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems shall be considered nonconforming.

ARTICLE VII - ACCESSORY USES AND STRUCTURES

Section 701. Accessory Uses and Structures

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are permitted except where prohibited specifically or by necessary implication provided that:

1. all accessory structures attached to the principal building on a lot, including carports, breezeways and garages, shall be made structurally a part thereof and shall comply with all requirements of this Ordinance applicable to the principal structure;
2. all detached accessory structures in the AG-I and R-I zoning districts shall be located in rear or side yards. Such structures shall comply with all setback requirements applicable to the principal structure within the district;
3. accessory structures and uses in B-1, B-2, B-3, 1-1 and 1-2 districts may occupy any of the ground area which the principal structure is permitted to occupy;
4. piers and docks are allowed, but shall be controlled by applicable state and local regulations;
5. each lot, except for those in the Conservation District, may have one water-oriented accessory structure not meeting the normal structure setback from the ordinary high water level as prescribed in Article V of this Ordinance provided that such structure complies with the following requirements:
 - a) the structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than 250 square feet. Detached decks must not exceed eight (8) feet in height above ground at any point;
 - b) the setback of the structure from the ordinary high water level must be at least ten (10) feet;
 - c) the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - d) the roof may be used as a deck with safety rails, but must not be enclosed as a storage area; and
 - e) the structure or facility must not be designed or used for human habitation, and must not contain water supply or sewage treatment facilities.

A LAND USE PERMIT SHALL BE OBTAINED FROM THE ZONING ADMINISTRATOR PRIOR TO THE CONSTRUCTION OF A WATER-ORIENTED ACCESSORY STRUCTURE.

ARTICLE VIII - SANITATION STANDARDS

Section 801. Sewage Treatment Standards

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

1. The City of Bagley municipal sewer system must be used where available.
2. All private sewage treatment systems must meet or exceed Minnesota Pollution Control Agency's standards for individual sewage treatment contained in the document titled, "Individual Sewage Treatment System Standards, Chapter 7080", which is hereby adopted by reference and declared to be a part of this Ordinance. A copy of this document is on file at the Bagley City Hall.
3. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the minimum standards specified in Section 503 of this Ordinance. Additionally, systems must be set back a minimum of twenty (20) feet from any building intended for human occupancy, ten (10) feet from any lot line, fifty (50) feet from a well or other water supply, and, where feasible, shall be placed down slope from said water supply.
4. Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with Section 607 of this Ordinance.
5. Sewage treatment systems shall not be permitted in shoreland areas where any of the following conditions are present:
 - a) low, swampy areas, or areas subject to recurrent flooding; or
 - b) areas where the highest known groundwater table is within four feet from the bottom of the sewage treatment system at any time; or
 - c) areas of exposed bedrock or shallow bedrock within four feet of the bottom of a sewage treatment system or any other geological formation which prohibits percolation of the effluent.

Section 802. Sewage Treatment Permit Requirements

No person, firm or corporation shall install, alter, repair or extend any individual sewage treatment system without first obtaining a permit therefore from the Bagley Zoning Administrator for the specific installation, alteration, repair or extension to be performed. If the installation, construction, or modification is performed by a licensed sewage treatment installer, said installer shall be responsible for obtaining a permit. Permits shall be valid for a period not to exceed six (6) months from the date of issuance.

1. Applications for permits shall be made in writing upon forms provided by the Zoning Administrator, and shall be signed by the applicant.
2. Each application for a sewage treatment system shall include:
 - a) a correct legal description of the property on which the proposed installation, alteration, repair or extension will occur;
 - b) a plan of the site of reasonable scale and accuracy showing: the location of any proposed and existing buildings, water supply, property lines, underground and overhead utility lines, and an arrow indicating the direction of North;
 - c) a complete plan of the sewage treatment system showing the location, size and design of all parts of the system to be installed, altered, repaired or extended;
 - d) the name of the person, firm or corporation which will install the system;
 - e) any other pertinent information as requested by the Zoning Administrator.
3. All sewage treatment systems must be installed by MPCA certified installers.

Section 803. Revision to Approved Plan

In the event that necessity requires a modification to an approved plan, the installer shall, before commencing or resuming construction of the system, contact the Zoning Administrator and submit to the City of Bagley a revised plan including the proposed modification.

Section 804. Sewage Treatment System Inspection

The Zoning Administrator shall cause such inspection or inspections which are necessary to determine compliance with this Ordinance. No part of the system shall be covered until it has been inspected and approved. It shall be the responsibility of the licensed installer to notify the City of Bagley whether the installation, modification, or construction of the sewage treatment system is ready for inspection, and it shall be the duty of the Zoning Administrator to make inspections within three regular working days, excluding Saturday, Sunday, and all holidays, after such notice has been given. The owner or occupant of the property shall give the Zoning Administrator or his designated inspector access to the property at reasonable times for the purpose of making said inspections. Following final inspection of the system, the city shall require the installer to sign an Affidavit of Installation, stating that the sewage treatment system has been installed in compliance with MPCA regulations. If the system is backfilled before a final inspection is made, the system shall be unearthened for final inspection.

The Zoning Administrator may assign the responsibilities for the administration of these provisions to a qualified inspector.

Section 805. Water Supply Standards

All public or private supplies of water for domestic purposes must meet or exceed the standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. Private wells must be located, constructed, maintained and sealed in accordance with the Water Well Construction Code of the Minnesota Department of Health.

ARTICLE IX - PERFORMANCE STANDARDS

The performance standards established in this Article are designed to encourage a high standard of residential, commercial and industrial development by ensuring that neighboring land uses will be compatible. The performance standards are also designed to prevent and eliminate those conditions that cause blight. All future development in the City of Bagley must comply with these standards. These standards shall also apply to existing development where so stated.

Section 901. Determination of Conformity

Before any permit is issued, the Zoning Administrator shall determine if the proposed use conforms to the performance standards prescribed in this Section. The applicant shall supply information necessary to demonstrate such conformance. Any reasonable information necessary to make such a determination must be supplied to the Zoning Administrator.

Section 902. Home Occupations

In any zoning district where home occupations are allowed, the following provisions shall apply.

1. Such home occupations shall not occupy an area in excess of twenty-five (25) percent of the total floor area of the dwelling.
2. Substantial interior or exterior alteration of a dwelling unit to accommodate a home occupation shall not be permitted.
3. Home occupations which will create odor, noise, electrical glare, vibrations or dust, noticeable from outside of the dwelling shall not be permitted.
4. No sign shall be allowed with the exception of one non-illuminated name plate measuring not more than one and one-half square foot in size.
5. Home occupations shall be conducted by the permanent occupants of the dwelling in which the use is conducted, and not more than one additional person.
6. A conditional use permit issued by the City Council for a home occupation shall not transfer with the change of ownership of such dwelling.

Section 903. Exterior Storage

In the R-1 district all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, with the exception of the following:

1. laundry drying;
2. recreational equipment;
3. construction and landscaping materials;
4. construction equipment currently being used on the premises;
5. agricultural equipment and materials for use on the premises;
6. off-street parking of passenger automobiles and trucks;
7. a maximum of ten (10) cords of wood to be used as house heating fuel; and
8. boats and trailers provided that such equipment is less than twenty (20) feet in length, are stored in a rear yard at least ten (10) feet from any lot line.

In all other districts no materials or equipment may be stored outside except for those which relate directly to the principal use of the property, and those necessary for the construction of permitted facilities.

Section 904. Refuse and Weeds

In every district, all waste materials, debris, refuse or garbage shall be kept in an enclosed building or property contained in a closed container designed for such purposes. The owners of such properties shall be responsible for keeping such land free of refuse and weeds.

Passenger vehicles and trucks in an inoperable state due to age, damage or malfunction shall not be parked in residential districts for a period exceeding seven (7) days. All exterior storage not included as a permitted accessory use, a permitted principal use, within a conditional use, or otherwise permitted by the provisions of this Ordinance shall be considered refuse and shall be removed by the property owner within thirty (30) days after notification by the Zoning Administrator.

Section 905. Screening

Screening shall be required in all R -1 zones under the following conditions:

1. Any off-street parking area containing more than six (6) parking spaces and which is located within thirty (30) feet of an adjacent residential property.
2. Where the driveway to a parking area containing more than six (6) parking spaces is located within fifteen (15) feet of an adjacent residential property.

Where any commercial or industrial use is adjacent to or within one hundred (100) feet of property zoned for residential use, that business or industry shall provide screening along the boundary with the residential property. Screening shall also be provided where a commercial or industrial use is across the street from a residential zone, but not on that side of such business or industry generally considered to be the front. The screening shall consist of a fence or approved planting not less than five (5) feet high and which blocks direct vision. Such screening shall not extend to within fifteen (15) feet of any public street right-of-way. Landscaping between the screening and the pavement shall be required. All screening requirements prescribed by this Ordinance shall apply to existing uses as well as new development.

Section 906. Maintenance

All structures shall be maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values and aesthetics.

All landscaping shall be properly maintained so as to preserve plantings in a live state and free of noxious weeds.

Section 907. Traffic Control

The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on the public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to insure its safe and orderly flow. Traffic into and out of commercial or industrial areas shall in all cases be forward moving with no backing into streets. On corner lots in all R-I and B-1 districts, nothing shall be constructed, placed or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) feet to ten (10) feet above ground level within fifteen (15) feet of any road right-of-way. Yard grades shall not result in elevations that impede vision within fifteen (15) feet of any road right-of-way.

Section 908. Drainage

No land shall be developed and no land use shall be permitted which results in additional water run-off, or causes flooding or erosion on adjacent properties. Such run-off shall be properly channeled into a storm sewer, water course, ponding area or other public facility.

Section 909. Driveways

Lots of 75 feet or less in width shall maintain a minimum one foot side yard setback at driveways. Driveways constructed in all R-I districts shall conform with the side yard structure setback requirements of Section 501. All dwellings shall be located so as to permit an eight (8) foot wide driveway to be placed from either a public street or public alleyway to the rear house line.

Section 910. Parking

In all zoning districts, with the exception of the B-3 district, off-street parking facilities for patrons and employees of buildings or structures erected after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

1. All parking areas, with the exception of those parking areas located within fifty (50) feet of the ordinary high water mark of a public watercourse, shall be improved with a dustless and durable hard surfaced area adequate for parking an automobile with room for opening doors on both sides, together with a clear properly related access to a public street or alley and maneuvering room. Such areas shall be so graded and drained so as to dispose of all surface water accumulation within the area. These requirements shall also apply to open sales lots for cars, trucks, and other equipment.
2. Parking areas for single and two family dwellings will not be required to follow the surfacing and parking ordinance. Family dwelling of four and larger, all new businesses and commercial properties will be required to follow the surfacing and parking ordinance.
3. A parking space shall be not less than three hundred (300) square feet of standing and maneuvering area. When application of these regulations results in a requirement of a fractional space, the fraction less than one-half ($1/2$) shall be disregarded. Fractions over one-half shall require one (1) additional space.
4. Required on-site parking spaces or areas so devoted shall be set forth as follows:

ON-SITE PARKING REQUIREMENTS

1. Use	Required Space or Area
2. Residential	One/dwelling unit
3. Churches/Auditoriums	One/each six seats
4. Pre-Schools/Day Care Centers	One-each two employees
5. Elementary Schools	One/each two employees
6. Secondary Schools	One-each two employees
7. Public Halls/Community Centers	Equal in number to 30% of building capacity
8. Nursing Homes	One/each two beds, plus one/each staff doctor
9. Industrial	One/each employee, plus one/each managerial personnel
10. Hotels/Motels	One/unit
11. Ordinary Retail Establishments	Five/1,000 square feet of retail floor space
12. Food Stores	Five/1,000 square feet of floor space used by patrons of the facility
13. Sit-Down Restaurants	Fifteen/1,000 square feet of floor space used by patrons of the facility
14. Highway-Oriented Commercial Establishments & Other than Previously Listed	One square foot of parking area for each square foot of building space open to the public, but not less than nine hundred (900) square feet, plus one per each three employees

Section 911. Mobile Home Parks

The following performance standards are required for mobile home parks:

1. A minimum floor area of five hundred (500) square feet shall be required for all mobile homes in mobile home parks.
2. Adequate provision for the control of surface drainage, approved by the superintendent of maintenance, must be incorporated for all mobile home parks.
3. All areas not used for access, parking, circulation, buildings and service shall be completed landscaped and the entire area maintained in good condition.
4. Within a mobile home park an eight (8) foot green belt shall be maintained along all exterior boundary lot lines not bordering a street.
5. Each mobile home base shall have a suitable hardstand of durable material capable of supporting the vehicle wheels, stands or jacks.

6. Skirting for mobile homes is required. Such skirting shall be in accordance with the decor of the mobile home and in good repair. Each mobile home shall be parked upon a jack or block approved by the City. No mobile home in a mobile home park shall be placed on walls or any temporary or permanent foundation not part of the approved plan for the mobile home park. No other building or structure shall be attached to or located on the same lot as such mobile home except for one (I) utility cabinet or entryway with a permit from the Zoning Administrator. These provisions are not meant to prevent the use of an awning of aluminum, canvas or fiberglass, enclosed by a mesh screen, or unenclosed.
7. There shall be a minimum of twenty (20) feet between mobile homes.
8. Each mobile home shall be anchored to resist damaging movement by wind or storm.

Section 912. Special Provisions for Single Family Dwellings

Single family dwellings, except for mobile homes in mobile home parks, shall have a minimum of one thousand (1,000) square feet of floor space. All single family dwellings, except for mobile homes in mobile home parks, shall be a minimum of twenty (20) feet in width. All mobile homes, except mobile homes in mobile home parks, shall be attached to a permanent foundation.

Section 913. Temporary Dwellings

No temporary dwellings are allowed on any lot or parcel in the City of Bagley except the following:

1. Travel and motor home coaches may be used for such purposes for a period not to exceed four weeks, cumulative, in a six month period.

Section 914. Nuisance

All of the lot other than the portion occupied by a building or landscape treatment shall be surfaced to control dust and drainage.

When a lot is adjacent to a lot located in a residential district a fence of acceptable design shall be erected along that particular side.

Section 915. Special Provisions for Adult Entertainment

(A) Purpose

It is the purpose of this Section to provide standards for Adult Oriented Establishments in order to promote the health, safety, morals, and general welfare of the City of Bagley and to establish uniform regulations to:

1. Prevent additional criminal activity within the community;
2. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within neighborhoods;
3. To locate Adult Oriented Establishments away from residential areas, schools, religious institutions, parks and playgrounds;
4. Prevent concentration of Adult Oriented Establishments.

The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including Adult oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to adult oriented materials protected by the First and Fourteenth Amendments to the Constitution of the United States or to deny access by distributors and exhibitors of Adult oriented entertainment to their intended market. This Ordinance represents a balancing of the legitimate ends of the City by imposing incidental, content-neutral place, time and manner of regulation of sexually oriented entertainment and businesses without limiting alternative avenues of communication, The special regulations deemed necessary to control the undesirable effects arising from these enterprises are set forth in this Ordinance.

(B) Application of this Ordinance

Except as may otherwise be permitted in this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance. No Adult Oriented Business shall engage in any activity or conduct, or permit any other person to engage in any activity or conduct, in or about an establishment which is prohibited by any Ordinance of the City of Bagley, the laws of the State of Minnesota or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale or distribution of specified material to minors.

(C) Nonconforming Uses

Any legally established adult oriented business existing on the effective date of the adoption of this Ordinance may be continued subject to the provisions of Article VI of this Ordinance and the following provisions:

1. No such adult oriented business shall be expanded or enlarged except in conformity with the provisions of this Ordinance.

(D) Conditional Use Permit Required.

Adult oriented establishments may be located only in the I-2 Manufacturing Zoning District, as defined in Article III of this Ordinance.

(E) Location Conditions of Conditional Use Permit

An adult oriented establishment located in the I-2 Zoning District shall be subject to the following conditions:

1. No adult oriented establishment shall be located closer than 300 feet from any other adult use or sexually oriented business in the City or County. Measurements shall be made in a straight horizontal line, without regard to local government boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually oriented business to the nearest point of the actual business premises of any other adult use or sexually oriented business.

2. No adult oriented establishment shall be located closer than 500 feet from any residential lot line, place of worship, school, public park, licensed family daycare home, public library, or licensed child care or daycare center in the City or County. Measurements shall be made in a straight horizontal line, without regard to local government boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually oriented business to the nearest property line of the premises or building used as a dwelling or residence, place of worship, school, public park, licensed family daycare home, licensed group family daycare home, public library or licensed child care or daycare center.
3. No adult oriented establishments shall be located closer than 500 feet from any residential lot line, any residential zoning district or any residential planned unit development (PUD). Measurements shall be a straight horizontal line, without regard to local government boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult oriented establishment to the nearest property line of the premises or building used as a dwelling or residence, residential zoning district or PUD
4. No adult oriented establishments shall be located closer than 500 feet from any State or federal trunk highway.
5. The building owner or operator of an adult oriented use is prohibited from having more than one (1) of the following uses, tenants or activities in the same building structure:
 - a) Adult body painting studio;
 - b) Adult book store;
 - c) Adult cabaret;
 - d) Adult car wash;
 - e) Adult companionship establishment;
 - f) Adult entertainment facility;
 - g) Adult hotel or motel;
 - h) Adult modeling studio;
 - i) Adult sauna/steam room/bathhouse;
 - j) Adult motion picture theater;
 - k) Adult mini-motion picture theater;
 - l) Adult massage parlor;
 - m) Adult health/sports club;
 - n) Adult novelty business;
 - o) Any business or establishment in which there is an emphasis on the presentation, display depiction, or description of “specified sexual activities” or “specified anatomical areas” that the public can see.

6. An adult oriented establishment shall not sell or dispense non-intoxicating or intoxicating liquors, nor shall it be located within 500 feet of a building that contains a business that sells or dispenses 3.2% malt liquor beverage or intoxicating liquors. An adult use oriented establishment shall not allow the consumption of non-intoxicating or intoxicating liquors anywhere on a parcel containing that use or business.
7. No adult oriented establishment's entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment that is prohibited by any local government ordinance, the laws of the State of Minnesota or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.
8. No adult use oriented establishment shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use, of any materials depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
9. All adult use oriented establishments shall prominently display a sign at the entrance and located within two (2) feet of the door opening device of the adult use establishment or section of the establishment devoted to adult books or materials which states: "This business sells or display material containing adult themes. Persons under eighteen (18) years of age shall not enter".
10. No adult oriented establishments (principal) shall be open to the public between the hours of 10:00 p.m. and 10:00 a.m. on the days of Monday through Saturday. No adult oriented establishments (principal) shall be open to the public on Sunday.
11. Adult use accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.
12. An adult oriented establishment shall prevent off-site viewing of its merchandise, which if viewed by a minor would be in violation of Minnesota Statutes Chapter 617 or other applicable federal or state statutes or local ordinances.
13. All entrances to the establishment with the exception of the emergency fire exits which are not useable by patrons to enter the business shall be visible from a public right-of-way.
14. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material.
15. Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.
16. Signage shall also be in compliance with the requirements prescribed under this section of the Ordinance.

ARTICLE X - GENERAL SHORELAND REQUIREMENTS

Section 1001. Vegetative Alterations

Removal or alteration of vegetation, except for agricultural and forest management uses as regulated by Sections 1006 and 1007 of this Ordinance, is allowed subject to the following standards:

1. Intensive vegetative clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetative clearing for forest land conversion to another use outside of these areas is allowed as a conditional use provided an erosion control and sedimentation plan is developed and approved by the Clearwater Soil and Water Conservation District.
2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting and pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, lifts and landings, picnic areas, access paths, livestock watering areas and beach and watercraft access areas, provided that:
 - a) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - b) along rivers, existing shading of water surfaces is preserved; and
 - c) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
3. Vegetative alterations necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 1003 of this Ordinance are exempt from the vegetative alteration standards prescribed in this Section.

Section 1002. Topographic Alterations/Grading and Filling

1. With some specified exceptions, a grading and filling permit will be required for:
 - a) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones;
 - b) the movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones; and
 - c) the total cumulative movement of materials not to exceed fifty (50) cubic yards.
2. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards prescribed in this Section must be incorporated into the issuance of permits for the construction of structures, sewage treatment systems, and driveways.
3. Public roads and parking areas must meet the requirements prescribed in Section 1003 of this Ordinance
4. The following considerations and conditions must be adhered to for the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

- a) grading and filling in any type 2, 3, 4, 5, 6,7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the functional qualities of the wetland, including: sediment and pollutant trapping and retention; storage of surface runoff to prevent or reduce flood damage; fish and wildlife habitat; recreational use; shoreline or bank stabilization; and noteworthiness, including special qualities such as historic significance, and critical habitat for endangered plants and animals. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corp of Engineers. The applicant will be so advised by the Zoning Administrator;
 - b) alterations must be conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible;
 - c) mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetative cover must be established as soon as possible;
 - d) methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - e) altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Clearwater Soil and Water Conservation District and the United States Soil Conservation Service;
 - f) fill or excavated material must not be placed in a manner that creates an unstable slope;
 - g) plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater;
 - h) fill or excavated material must not be placed in bluff impact zones;
 - i) any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources under Minnesota Statutes, Section 1030;
 - j) alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - k) placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
5. Excavating where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, requires an excavation permit from the Zoning Administrator. Such excavation permit shall only be granted after the Commissioner of Natural Resources has approved the proposed connection to public waters.

Section 1003. Placement and Design of Roads, Driveways, Recreational Trails and Parking Areas

1. Public and private roads, recreational trails and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the technical guides of the Clearwater Soil and Water Conservation District, or other technical materials. Roads, driveways, recreational trails and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, but must be designed to minimize adverse impacts. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided that the vegetative screening and erosion control conditions of this Section are met. For private facilities, the grading and filling provisions prescribed in paragraph 4, Section 1002 of this Ordinance must be met.

Section 1004. Stormwater Management Standards

1. When possible, existing natural drainages, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
4. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Clearwater Soil and Water Conservation District.
5. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
6. Impervious surface coverage of lots must not exceed 25 percent of the lot area.

Section 1005. Special Provisions for Commercial, Industrial, Public and Semipublic Uses

1. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards.
 - a) in addition to meeting impervious coverage limits, setbacks and other dimensional provisions of this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

- b) uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and,
- c) uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - (1) no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Clearwater County Sheriff;
 - (2) signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey the location and name of the establishment and the general type of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lighting, such lights shall be shielded or directed to prevent illumination out across public waters; and
 - (3) other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This section does not preclude the use of navigational lighting.
- 2. Uses without water-oriented needs must be located on lots or parcels without public water frontage, or, if located on lots with public water frontage, must either be set back double the normal setback from the ordinary high water level or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Section 1006. Special Provisions for Agricultural Uses

- 1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the Clearwater Soil and Water Conservation District or the United States Soil Conservation Service, as provided by a qualified agency or individual. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level, or half of the structure setback from the ordinary high water level within the particular management district, whichever is greater.
- 2. Animals feedlots must meet the following standards:
 - a) new feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins; and,

- b) modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones,
 - c) feedlots must comply with Minnesota Pollution Control Agency Rules 7020.0100 - 7020.1900.
3. Agricultural practices and associated uses must be conducted consistent with the provisions of Agriculture and Water Quality, "Best Management Practices for Minnesota", a copy of which is on file at the City Hall, Bagley, Minnesota.

Section 1007. Special Provisions for Forest Management

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment -Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota", a copy of which is on file at the City Hall, Bagley, Minnesota.

Section 1008. Special Provisions for Extractive Uses

1. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. The plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
2. Processing machinery must be located consistent with setback standards for structures from the ordinary high water level of public waters and from bluffs.
3. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 to 93.51 shall be a permitted use provided the provisions of the specified Sections of State Statutes are satisfied.

ARTICLE XI - SIGN REGULATIONS

Section 1101. Sign Regulations

The regulations established in this chapter are designed to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, prevent and reduce potential traffic hazards caused by distracting and obstructing signs, and to remove safety hazards to pedestrians that may be caused by signs projecting over public rights-of-way.

The construction or placement of signs shall require a permit from the Zoning Administrator.

Section 1102. On-Site Advertising Signs

1. No more than two signs, free standing, attached or painted shall be permitted for each business fronting on a street.
2. On-site signs shall not exceed 25 square feet for each 50 linear feet of total street frontage.
3. There shall be a minimum setback of fifteen (15) feet from the front lot line, and five (5) feet from the side lot line, for all freestanding signs.

Section 1103. Off-Site Advertising Signs

1. Off-site advertising signs shall be a permitted use in B-1, B-2, B-3, I-I, and 1-2 Districts as conditional uses. Off-site advertising signs shall also be permitted at tourist services areas and visitor information centers designed for the purpose of informing the motoring public of services available.
2. Off-site advertising structures shall not be erected which exceed two hundred fifty (250) square feet in advertising area. The maximum size limitation stated herein shall apply to each facing of an off-site advertising sign. Two outdoor advertising signs not exceeding two hundred fifty (250) square feet each may be erected in a facing (end to end).
3. There shall be a minimum setback of fifteen (15) feet from the front lot line, and five (5) feet from the side lot line, for all freestanding signs.

Section 1104. Poorly-Maintained Signs

Unpainted signs, broken signs and signs on vacated buildings shall be removed from the premises on order of the official responsible for enforcement.

Section 1105. Symbolic Signs

Symbolic signs such as a barber pole which are traditional in nature and size shall be permitted. Small identifying signs under canopies or on retractable awnings shall be permitted.

Section 1106. Announcement Signs

Signs for the following purposes not exceeding ten (10) square feet in area and placed back ten (10) feet from front lot line shall be permitted in all districts:

1. A sign advertising only the sale, rental, or lease of the building or premises on which it is maintained.
2. An announcement sign or bulletin board for the use of a public, charitable, or religious institution occupying the premises.
3. An advertising sign in connection with a lawfully maintained non-conforming use.

Section 1107. Lighting

Signs that are illuminated by flashing, intermittent rotating or moving light or lights are allowed in B-1, B2, and B-3 zones provided their presence is not confusing or hazardous to motorists.

In all districts, any lighting used to illuminate a lot or structure, thereon, including signs, shall be arranged so as to deflect light away from adjacent lots and streets. The source of light shall be hooded or shielded so as to prevent beams or rays of light from being directed at any portion of adjoining properties or streets.

Section 1108. Nonconforming Signs

Signs erected prior to the date of enactment of this Ordinance, which do not conform to the sign regulations contained herein, shall not be expanded, modified or changed in any way except in conformity with these sign regulations. Nonconforming signs shall be removed or modified to conform to the requirements of this Ordinance.

ARTICLE XII - SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

Section 1201. Applicability

All plats, re-plats or modifications thereof shall be submitted to the Bagley Planning Commission and City Council in the manner set forth in this Ordinance, and shall be in conformity therewith, and with such regulations as may be established by resolution of the City Council of the City of Bagley. Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this Ordinance shall be prepared, presented for approval, modified as required, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development. Any subdivision of land into two, three or four lots where at least one such lot does not front on an existing street, and five or more lots in all cases, must be platted in accordance with the provisions of Section 1211 of this Ordinance. Any subdivision which is not platted shall be accomplished by a registered land survey.

Section 1202. Land Suitability

1. Each lot created through the subdivision process, including planned unit developments authorized under the provisions of this Ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City of Bagley will consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the City of Bagley.
2. Sufficient information must be submitted by the applicant to enable the City of Bagley to make a determination of land suitability. The information shall include at least the following:
 - a) topographic contours at ten foot intervals from United States Geological Survey (USGS) maps or more accurate sources, showing limiting site characteristics;
 - b) the surface water features required by Minnesota Statutes, section 505.02, subdivision I, to be shown on plats, obtained from the United States Geological Survey quadrangle topographic maps or more accurate sources;
 - c) adequate soils information to determine suitability for building and on-site sewage capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - d) information regarding adequacy of domestic water supply;
 - e) extent of anticipated vegetation and topographic alterations;
 - f) near-shore aquatic conditions including depths, types of bottom sediments, and aquatic vegetation;

- g) proposed methods for controlling stormwater runoff and erosion both during, and after, construction activities;
 - h) location of 100 year floodplain areas and floodway districts from existing adopted maps or data; and
 - i) a line or contour representing the ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of bluff, and from the public waters.
3. The Bagley City Council shall make its decision, in writing, specifying the facts upon which the suitability determination is made. If a determination is made that the land is not suitable for development the applicant will be notified, in writing, regarding the particular facts leading to such determination. The applicant will be afforded the opportunity to appeal such determination in accordance with the procedure for appeal specified in Article XIII of this Ordinance.

Section 1203. Platting Requirements

No land platted under the jurisdiction of this Ordinance may be recorded or sold until the subdivision process described in this Article is completed. This process consists of: a preapplication meeting between the applicant and the Planning Commission or its authorized representative; the submission and review of preliminary and final plats by the Planning Commission; and the approval of the final plat by the Bagley City Council.

1. Prior to the submission of a preliminary plat to the Bagley Planning Commission under the provisions of this Ordinance, the subdivider shall meet with the Bagley Planning Commission or its authorized representative to introduce himself/herself as a potential subdivider, and to learn what shall be expected of him/her in such a capacity. (S)he shall also present a sketch of the proposed subdivision containing: proposed lots and roads and the physical features of the property. The sketch plan shall be signed and dated by the applicant. If a zoning change is needed, the subdivider shall submit to the Zoning Administrator a petition for appropriate zoning to be considered at a public hearing to be conducted by the Planning Commission within sixty (60) days of receipt of such application.
2. After the pre-application meeting the subdivider shall submit five (5) copies of a preliminary plat to the Zoning Administrator along with the required fees at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission at which the plat is to be reviewed. The preliminary plat shall show: present property lines; natural and manmade features; the proposed location of streets, alleys, lots and existing public facilities; the name of the subdivider; the name of the proposed subdivision; contours with intervals of ten (10) feet; an arrow indicating the direction north; and the appropriate scale.
3. The Planning Commission shall review the preliminary plat from the standpoint of the public health, safety and welfare. The Planning Commission shall conduct a public hearing on the proposed plat as required by law within thirty (30) days.

4. The Planning Commission shall provide, in writing, its approval, conditional approval or disapproval of the proposed subdivision. If the Planning Commission approves the preliminary plat, such approval shall mean the acceptance of the design as the basis for preparation of the final plat. If said preliminary plat is disapproved, the grounds for any such disapproval shall be set forth in the minutes of the proceedings of the hearing and shall be reported to the subdivider. If disapproved, applicants may resubmit the preliminary plat after appropriate changes are made.
5. The subdivider shall me three (3) copies of the final plat, at a minimum scale of two hundred (200) feet to the inch, with the Zoning Administrator at least ten (10) days before the next regularly scheduled meeting of the Planning Commission. These copies shall conform substantially to the preliminary plat, as approved by the Planning Commission.
6. The final plat shall include: the boundary lines of the area being subdivided with accurate distances and bearings; the date, scale, arrow indicating the direction north, and the subdivision name; the lot lines of all adjoining properties and the lines of adjoining streets and alleys indicating their width and their name; the boundaries of properties intended to be dedicated for public use; all dimensions given to the nearest one boundaries of properties intended to be dedicated for public use; all dimensions given to the nearest one hundredth (*1/100*) of a foot for all lots, streets, alleys, and easements; the radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded curves; the location of all survey monuments and benchmarks; the certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments and benchmarks; and certificates of approval for endorsement by the Bagley City Council.
7. The Planning Commission shall check the final plat to ensure that it is in substantial agreement with the preliminary plat as approved. The subdivider will be notified of the time and place of the Planning Commission meeting at which (s)he will be given an opportunity to appear. The Zoning Administrator shall forward a copy of the plat to the Commissioner of Natural Resources at least ten (10) days before a hearing is conducted by the Planning Commission. Such hearing shall be conducted in accordance with MS 462.358 to consider the recommendation to the County Board concerning final plat approval.
8. The Planning Commission shall act upon the final plat within sixty (60) days after receipt of the final plat. Following the recommendation of approval or disapproval of the final plat by the Planning Commission, the Zoning Administrator shall notify the subdivider of the recommendation made by the Planning Commission. If approval of the final plat is recommended, such plat shall be considered within thirty (30) days by the City Council. The City Council shall make a determination within 90 days of their first consideration of the plat. If disapproval is recommended, the subdivider may opt to withdraw the plat from consideration by the City Council and resubmit said plat to the Planning Commission after appropriate changes have been made.
9. The City Council may either approve or disapprove the final plat based upon the recommendation of the Planning Commission and any other information that the City Council deems appropriate. Plat approval shall be null and void if the plat is not filed with the County Recorder within thirty (30) days after the date of approval.

Section 1204. Consistency with other Controls

Subdivisions, and lots created within subdivisions, must conform to all of the official controls prescribed in this Ordinance. A subdivision will not be approved where a variance from the official controls will later be needed in order to use a lot for its intended purpose. A subdivision will not be approved unless domestic water supply is available and a sewage treatment system in full compliance with Section 801 of this Ordinance can be provided for every lot. Each lot in a subdivision shall meet the minimum lot size and dimensional requirements prescribed in Article V of this Ordinance. Each lot shall also include a minimum contiguous lawn area, that is free of limiting factors, sufficient for the construction of two standard sewage treatment systems. Subdivisions which include lots that would require holding tanks shall not be approved.

Section 1205. Dedications

1. The City Council may require that suitable sites within a subdivision be dedicated or reserved for future public use such as: parks, public access or open space as needed by the particular subdivision.
2. The City Council may require that easements for drainage ways of widths sufficient to accommodate anticipated storm water runoff be provided.
3. The City Council may require that easements for public utilities be provided.

Section 1206. Controlled Access on Recreational Lots

A riparian lot which is intended to be used as a private access to public waters for non-riparian lots and/or dwelling units in any existing or proposed subdivision, outlot development or planned unit development shall require a conditional use permit, and shall comply with the following provisions:

1. Access lots must meet the minimum width and size requirements for residential lots. In addition, the access lot shall have a minimum width of 200 feet at the water line, and shall extend a minimum of 400 feet back from the ordinary high water level or to the back limits of the development. If docking, mooring, or over-water storage of watercraft is intended at a controlled access lot, then the width of the lot must be increased by the percent of the minimum lot width requirement for riparian residential lots for each watercraft provided for beyond six, consistent with the following table:

Ratio of Lake Size (acres) To Shore Length (miles)	Required Increase in Frontage (%)
Less than 100	25
100-200	20
201-300	15
301-400	10
More than 400	5

2. A minimum of twenty-five (25) foot sideyard area on both sides of the private access lot shall be maintained with vegetative cover and screening abutting lots.

3. The ownership and the responsibility for the maintenance and upkeep of a private access lot shall be vested in an incorporated association of the dwelling unit owners and their successors in interest who have access privileges over and upon such lots. The non-riparian dwelling units and lots shall be subjected to restrictive conditions and covenants for the equitable proration and assessment of the cost of maintenance and upkeep of the private access lot. Covenants must be developed which specify which lot owners have authority to utilize the access lot, and activities that are allowed on such lots. Further, the covenants shall limit the total number of vehicles parked and watercraft moored, docked, beached or otherwise situated to be visible to users of the public water to a maximum of one of each per lot served. Covenants must require centralization of all facilities and activities in the most suitable locations on the lot to minimize topographic and vegetative alterations. They must also require all buildings, parking areas and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.
4. The construction of any facility including: docks, roadways, launching facilities, playground, parking facility, or sports and game facility on any private access lot shall require the issuance of a Conditional Use Permit. The application for such permit shall be made by the corporation charged with the maintenance and upkeep of the lot. All facilities, with the exception of docks, must meet the setback provisions specified in Article V of this Ordinance.
5. No watercraft access lot may provide access rights for more than twenty-five (25) non-riparian lots.

Section 1207. Lot Size

1. Newly created lots shall be of size and shape to satisfy all requirements of Article V of this Ordinance.
2. The shape of individual lots may render parts unusable for the installation of private sewage disposal systems or to provide adequate separation distance between them and watercourses or water wells. Therefore, any portion of a lot that is less than thirty (30) feet in width shall not be used in computing the minimum lot area.

Section 1208. Public and Private Streets

1. The design of all streets shall be considered in relation to existing and planned streets, to reasonable circulation of traffic, and to the proposed uses of the area to be served. Topographic conditions shall be considered, including the heaving capacity and erosion potential of the soil. Streets shall be designed to facilitate snowplowing and fire protection.
2. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins undivided land susceptible to being subdivided, then the new street shall be carried to the boundaries of such undivided land.
3. A street terminated within a plat by a cul-de-sac shall not exceed five hundred (500) feet in length to the vehicular turn-around. The maximum block length in residential and commercial districts shall be 1,000 feet.

4. When new streets are extensions of existing streets, the new streets shall be at the same or greater width than such existing streets, but in no case may a new street be less than the minimum width required by this Section.
5. All streets, roads and easements intended for vehicular traffic, and all platted streets and roads within a subdivision shall meet the following standards for minimum road right-of-way and road surface.

<u>Street Classification</u>	<u>Right-of-Way Width</u>	<u>Roadway Width</u>
Streets in commercial and industrial districts	80 ft.	48 ft.
Major streets in residential districts	60 ft.	44 ft.
End of a Cul-de-sac	55 ft. radius	30 ft.
Alleys in commercial and industrial districts	24 ft.	20 ft.
Alleys in residential districts	24 ft.	20 ft.

Section 1209. Storm Drainage

Storm drainage facilities, where required, shall be designed to permit the unimpeded flow of natural watercourses, insure the drainage of all points along the line of streets, and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and the prevention of excess runoff onto adjacent property.

Section 1210. Water Supply Facilities

Where there is an existing public water supply system on or near the proposed subdivision, the City Council, shall determine the feasibility of service and the requirements to be followed by the subdivider in connecting to the system. Where there is no public water supply system, individual water supply systems will be permitted in accordance with Minnesota Department of Health Standards for water quality. Such water supply systems must be located in accordance with Minnesota Department of Health Standards and the requirements of this Ordinance.

Section 1211. Sanitary Sewerage

1. In areas having a public sanitary sewer system on or near the proposed subdivision. The City Council shall determine the feasibility of service and the requirements to be followed by the subdivider in connecting to the system.
2. In areas not served by a public sewer system, on-site sewage treatment systems will be allowed provided that all requirements of the Minnesota Pollution Control Agency "Individual Sewage Treatment System Standards", Chapter 7080, appendices, and future amendments are complied with.
3. Sewage treatment systems shall be constructed to meet the requirements of the Minnesota Department of Health, and shall meet the standards prescribed in Article V and Article VIII of this Ordinance.

Section 1212. Planned Unit Development Review

Planned unit developments (PUD's) are allowed as conditional uses for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land in those management districts where specifically identified in Article V. Planned unit developments shall be processed as a conditional use, except that an expansion to an existing commercial PUD involving six or fewer new dwelling units or sites since the date of enactment of this Ordinance is allowed as a permitted use provided that the total project density does not exceed the allowable densities as prescribed in this Section. Approval shall not occur until the environmental review process (EAW/EIS) has been completed.

An applicant for a PUD shall submit the following documents prior to final action being taken on the application request:

1. A site plan and/or plat for the project showing: the boundary of the proposed development; surface water features and other natural and manmade features; existing and proposed structures and other facilities, proposed land alterations; the location of existing and proposed sewage treatment and water supply systems; and topographic contours at a minimum of ten-foot intervals. A PUD that combines commercial and residential structures shall indicate and distinguish which buildings and portions of a project are commercial, residential or a combination of the two.
2. For residential planned unit developments a property owners' association agreement with mandatory membership, all in accordance with the maintenance and administrative requirements prescribed in Section 1215 of this Ordinance.
3. Deed restrictions, covenants, permanent easements or other instruments that:
 - a) properly address future vegetative and topographic alterations; construction of additional buildings; beaching of watercraft; and construction of commercial buildings in residential PUD's; and,
 - b) ensures the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in the maintenance and administrative requirements of this Section.
4. For commercial planned unit developments and for commercial structures within a residential planned unit development, a master plan/drawing describing the proposed project and the floor plan for all commercial structures to be occupied.
5. Any additional documents as requested by the Planning Commission that are necessary to explain how the PUD will be designed and will function.

Section 1213. PUD Site Suitability Evaluation

Proposed new, or expansions to existing, planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site evaluation described in Section 1214.

1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:
 - a) General Development Lakes- first tier 200 ft.
 - b) General Development Lakes- other tiers 267 ft.
 - c) Rivers and Tributaries 300 ft.

The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, and land below the ordinary high water level of public waters. This suitable area and the proposed development are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites within each tier.

Section 1214. Residential and Commercial PUD Density Evaluation

The procedures for determining the allowable density of residential and commercial planned unit developments are as follows. Allowable densities may be transferred from a tier to any other tier farther from the public water. but shall not be transferred to any tier closer to the public water.

1. To determine the allowable density for Residential Planned Unit Developments:
 - a) the suitable area within each tier is divided by the lot width standard times the tier depth for the applicable management district;
 - b) the proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the maintenance and design criteria prescribed in Section 1215.
2. To determine the allowable density for Commercial Planned Unit Developments:
 - a) compute the average inside living area size of dwelling units or sites;
 - b) computation of inside living area need not include decks, patios, stoops, steps, garages, porches or basements unless such areas are habitable space;
 - c) the appropriate floor area ratio is then selected from the following table based upon the average unit floor area for the appropriate public water classification.

Commercial Planned Unit Development, Floor Area Ratio by Public Waters Classification

Average Unit Floor Area (square feet)	GD Lakes (1st Tier), Tributaries	GD Lakes (except 1st Tier), Forested River Segments
Equal to or less than 200	0.04	0.02
300	0.048	0.024
400	0.056	0.028
500	0.065	0.032
600	0.072	0.038
700	0.082	0.042
800	0.091	0.046
900	0.099	0.05
1000	0.108	0.054
1100	0.116	0.058
1200	0.125	0.064
1300	0.133	0.068
1400	0.142	0.072
More than 1,500	0.15	0.075

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

1. the suitable area within each tier is multiplied by the floor area ratio to yield the total floor area in each tier allowed to be used for dwelling units or sites;
2. the total floor area for each tier is divided by the average living area size to yield the number of dwelling units or sites allowed for each tier;
3. proposed locations and numbers of dwelling units or sites for the commercial planned unit developments are then compared with the tier, density and suitability analyses herein and the maintenance and design criteria prescribed in Section 1215.

Section 1215. PUD Maintenance and Design Criteria

1. Before final approval of a planned unit development may be granted, adequate provisions must be developed for the preservation and maintenance of open spaces in perpetuity, and for the continued existence and functioning of the development.
2. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - a) commercial uses shall be prohibited in residential planned unit developments;

- b) vegetative and topographic alterations, except for routine maintenance, shall be prohibited;
 - c) construction of additional buildings or the storage of vehicles and/or other materials is prohibited;
 - d) uncontrolled beaching of watercraft shall be prohibited.
3. All residential planned unit developments must have a property owners association with the following features:
- a) membership shall be mandatory for each dwelling unit or site owner;
 - b) each member must pay a pro-rata share of the expenses of the association, and unpaid assessments may become liens on units or sites;
 - c) assessments must be adjustable to accommodate changing conditions; and
 - d) the association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
4. All planned unit developments must contain open space meeting all of the following criteria;
- a) at least 50 percent of the total project area must be preserved as open space
 - b) dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, and structures are developed areas and shall not be included in the computation of open space;
 - c) open space must include those areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 - d) open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - e) open space may include subsurface sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on such systems;
 - f) open space must not include commercial facilities or uses;
 - g) the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
 - h) the shore impact zone, based upon normal structure setbacks, must be included as open space. For residential planned unit developments, at least 50 percent of the shore impact zone of existing developments and at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial planned unit developments, at least 50 percent of the shore impact zone must be preserved in its natural state.

5. Erosion control and stormwater management plans must be developed and the PUD must:
 - a) be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetative buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by the Clearwater Soil and Water Conservation District may be required if warranted by project size and/or the physical characteristics of the site;
 - b) be designed and constructed to effectively manage reasonably expected quantities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial planned unit developments 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan consistent with Section 1004 of this Ordinance.
6. Centralization and design of facilities and structures must be done according to the following standards:
 - a) planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Articles V and VIII of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 - b) dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the applicable shoreland classification: setback from the ordinary high water level; elevation above the surface water features; and maximum height;
 - c) shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas and launching ramps must be centralized and located in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
 - d) structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided; and
 - e) accessory structures and facilities must meet the required principal structure setback, and must be centralized.

Section 1216. Conversions to PUD's

Conversions of resorts or other land uses and/or facilities may be converted to residential planned unit developments provided all of the following standards are met:

1. Proposed conversions must be initially evaluated using the same procedures as for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and the PUD standards shall be identified.
2. Deficiencies involving water supply and sewage treatment, impervious surface coverage, open space and shore recreation facilities must be corrected as part of the conversion, or as specified in the Conditional Use Permit.
3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a) removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - b) remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - c) if existing dwelling units are located in shore or bluff impact zones, conditions that preclude exterior expansions in any dimension or substantial alteration are attached to approvals of all conversions. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations meeting all setback and elevation requirements when they are rebuilt or replaced.
4. Existing dwelling unit or dwelling site densities that exceed standards prescribed in Section 1214 of this Ordinance may be allowed to continue but shall not be increased, either at the time of conversion or in the future. Efforts must be made during any such conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

ARTICLE XIII - ADMINISTRATION

Section 1301. Zoning Administrator

The position of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Bagley City Council and shall serve at its pleasure. The Zoning Administrator shall receive such compensation as the City Council may from time to time determine. The Zoning Administrator shall:

1. Act as Inspector for the City of Bagley;
2. Inspect all construction and development to ensure that the standards of this Ordinance are complied with;
3. Enforce and administer the provisions of this Ordinance;
4. Issue permits for permitted uses and/or activities which comply with the provisions of this Ordinance;
5. Receive applications for conditional use permits and forward along with recommendations. to the Planning Commission;
6. Receive applications for variance requests and forward along with recommendations. to the Board of Adjustment;
7. Receive applications for zoning amendments and forward along with recommendations. to the Planning Commission;
8. Maintain all records relating to the application for and deliberations relating to the issuance or denial of permits;
9. Develop and maintain a public information bureau relating to local development issues;
10. Maintain the Official Zoning Map as described in Article III.

Section 1302. Permits

Permits shall be required for the following permitted uses: Building construction/alteration, sewage treatment systems, and grading and filling.

All contractors, subcontractors, builders, or other persons having charge of the erection, alteration, moving, changing, or remodeling of the exterior of any building or structure that will change the outside dimension of such building shall apply for a building permit from the Bagley Zoning Administrator before beginning or undertaking such work. After the appropriate fee has been paid and if the proposed work does not conflict with any portion of the Bagley Zoning Ordinance, the permit shall be granted. If the permit is not granted, the reasons for such denial will be provided, in writing, to the applicant.

All land use permit applications shall be examined and processed within thirty (30) days of receipt of all information needed to process such application.

1. Application for a building permit shall be made to the Zoning Administrator on blank forms to be provided by the City. Each application for a permit to construct, alter, move or change a building shall be accompanied by a plan, drawn to scale, showing: the dimensions of the lot to be built upon; and the size and location of the buildings and accessory building. Applications for building permits shall contain other such information as may be deemed necessary for the proper enforcement of this Ordinance.
2. Permits for the installation of sewage treatment systems or grading and filling in shoreland areas must also be obtained from the Zoning Administrator before such installation or shoreland alteration has begun.
3. Permits for the construction or placement of signs must be obtained from the Zoning Administrator before such construction or placement shall be allowed.
4. All building, sanitary, excavation and related permits shall expire one year from the date of approval. A request for an extension may be considered by the Board of Adjustment pursuant to M.S. Chapter 462.

Section 1303. Planning Commission

There is hereby created a Planning Commission consisting of five (5) members. The members of the Planning Commission shall be appointed by the Mayor consistent with the Planning Commission bylaws as adopted by the Bagley City Council. The Planning Commission now in existence shall continue as presently constituted.

1. The Planning Commission shall elect a Chair and a Vice-Chair from among its members. It shall adopt rules or bylaws for the transaction of its business and shall keep a permanent public record of its proceedings, findings and determinations. The Planning Commission shall cause all such records of its proceedings, findings and determinations to be filed at the Bagley City Hall.
2. The Planning Commission shall be advisory in nature, and shall serve at the pleasure of the City Council. In this advisory role the Planning Commission shall:
 - a) assist the City Council in the formulation of goals, policies and programs for the future development of the City of Bagley;
 - b) assist the City Council in the preparation of development controls designed to promote development consistent with adopted goals and policies;
 - c) review applications for conditional use permits and Ordinance amendments, conduct public hearings in accordance with the provisions of this Ordinance, and make recommendations to the City Council;
 - d) review subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings, and forward final plat along with recommendation to the City Council;
 - e) any other such duties as required or requested by the City Council to further goals and policies in furtherance of the intent of this Ordinance.

Section 1304. Conditional and Interim Use Permits

Any use listed as a Conditional Use or Interim Use in this Ordinance shall be permitted only upon application to the Zoning Administrator, review and recommendation of the Planning Commission, and approval and issuance of a Conditional or Interim Use Permit by the Bagley City Council. The applicant for a conditional or interim use permit shall fill out and submit to the Zoning Administrator an Application for Conditional or Interim Use Permit, as applicable. When such permit is submitted the appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission. A thorough site evaluation shall be conducted by the Zoning Administrator and the Planning Commission prior to consideration of the permit.

1. In considering the granting of any conditional or interim use permit the Planning Commission and City Council shall evaluate the effect of the proposed use upon:
 - a) the maintenance of the public health, safety and welfare;
 - b) the prevention and control of water pollution, including sedimentation and nutrient loading;
 - c) existing topography and drainage features and vegetative cover on the site;
 - d) the location of the site with respect to floodplains and floodways of rivers or tributaries;
 - e) the erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover;
 - f) the location of the site with respect to existing and proposed access roads;
 - g) its compatibility with adjacent land uses;
 - h) the need for the proposed use for a shoreland location;
 - i) the amount of liquid waste to be generated and the adequacy of the proposed sewage treatment system;
 - j) the visibility of structures and other facilities as viewed from public waters;
 - k) adequacy of the site for water supply and on-site sewage treatment systems;
 - l) the types, uses and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate these watercraft.

2. Upon consideration of the factors listed above, the Planning Commission may attach such conditions, in addition to those required elsewhere in this Ordinance, which it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to conditional or interim use permits may include, but shall not be limited to:
 - a) type and extent of shore cover;
 - b) increased yards and setbacks;
 - c) specified sewage treatment and water supply facilities;
 - d) landscaping and vegetative screening;
 - e) periods and/or hours of operation;

- f) operational control sureties;
 - g) deed restrictions;
 - h) location of piers, docks, parking, and signs;
 - i) type of construction;
 - j) any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.
3. An applicant for a Conditional or Interim Use Permit may be required to furnish the Planning Commission, in addition to the information required for the building or other permit, the following:
 - a) a plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope, and vegetative cover;
 - b) location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover;
 - c) plans of buildings, sewage treatment facilities, water supply systems, and arrangements of operations;
 - d) specifications for areas of proposed grading, filling, lagooning, dredging, or other topographic alterations;
 - e) other pertinent information necessary to determine if the proposal meets the requirements and intent of this Ordinance.
 4. The Planning Commission and the City Council, in evaluating each conditional or interim use permit application may request the Clearwater Soil and Water Conservation District to make available expert assistance to assist in the evaluation and consideration of such application.

Section 1305. Board of Adjustment

There is hereby established a Board of Adjustment vested with the authority as is hereinafter provided, and as provided in Minnesota Statutes Chapter 462. The City Council shall act as the Bagley Board of Adjustment.

1. The Board of Adjustment shall elect a Chairperson and a Vice Chairperson from among its members. It shall adopt rules or bylaws, for the transaction of its business and shall keep a permanent public record of its proceedings, findings and determinations. The Board of Adjustment shall cause all such records of its proceedings, findings and determinations to be filed in the Bagley City Hall.
2. The meeting of the Board of Adjustments shall be held as specified in the rules or bylaws, and at other such times as the Chairperson of the Board of Adjustment shall deem necessary and appropriate.
3. The Board of Adjustment shall have the exclusive power concerning the following:
 - a) to grant variances from the strict enforcement of the standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criterion prescribed in Section 1306 of this Ordinance;

- b) to hear and decide any appeal from an order, requirement, decision, or determination made by the Zoning Administrator;
- c) to interpret any management district boundary on the Official Zoning Map;
- d) All decisions by the Board of Adjustment in granting variances, or in hearing any appeals from administrative order, requirement, decision or determination shall be final except that any aggrieved person, department, agency, Board or Commission shall have the right to appeal to the District Court within thirty (30) days after receipt of the notice of the decision made by the Board of Adjustment.

Section 1306. Variances and Appeals

1. The Bagley Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official controls including restrictions placed on nonconformities. All such variances shall be granted in accordance with M.S. Chapter 462. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases where there are practical difficulties in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the City’s Land Use Plan. The Board of Adjustment shall consider the criteria set forth below when passing upon a variance request:

- a) Has the applicant demonstrated a practical difficulty? Practical difficulty means that the property cannot be put to a reasonable use under conditions allowed by the Zoning Ordinance. Economic considerations alone do not constitute a practical difficulty.
- b) Are there exceptional circumstances unique to this property which was not created by the land owner?
- c) Can the variance be granted without upsetting the purpose and intent of the Zoning Ordinance?
- d) Can the variance be granted without altering the essential character of the surrounding area?

The Board of Adjustment must make an affirmative finding on all of the four criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied. A variance shall not be granted for a use that is not permitted under this ordinance.

The Board may impose conditions upon a variance that relate to the purposes and objectives of this ordinance. If conditions are imposed, the variance shall not be effective until the applicant is in compliance with all conditions. A conditional variance shall be in effect only as long as the applicant maintains compliance with all conditions. If a condition is not complied with, the variance may be revoked and the City may pursue the enforcement remedies set forth in Section 1310 herein.

2. An applicant desiring a variance shall fill out and submit to the Bagley Zoning Administrator an Application for Consideration of Variance Request form, copies of which are available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment

3. The Zoning Administrator shall make a recommendation, in writing, to the Board of Adjustment who shall make the final decision after conducting a public hearing in accordance with M.S. 462 and the provisions of this Ordinance.
4. An appeal of any administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Zoning Administrator an Application for Appeal, which is available from the Zoning Administrator. Such appeal shall be heard by the Board of Adjustment within sixty (60) days of the date that such application is submitted to the Zoning Administrator.

Section 1307. Amendments

The procedure for amendments to this Ordinance shall be as follows:

1. An amendment may be initiated by a property owner, the Planning Commission or the City Council. Property owners wishing to initiate an amendment shall fill out an Application for Amendment form, available from the Zoning Administrator. Such application shall be filled out and submitted to the Zoning Administrator together with the appropriate fee;
2. The applicant shall appear before the Planning Commission to answer any questions that Commission members may have concerning the amendment request;
3. A public hearing on the amendment request shall be conducted by the Planning Commission within sixty (60) days following such initial meeting. The Public hearing shall be conducted in accordance with M.S. 462;
4. The Planning Commission shall make a recommendation to the City Council after the proceedings of this public hearing. The applicant shall be notified in writing of the recommendation that shall be forwarded to the City Council;
5. The City Council shall consider the recommendation of the Planning Commission recommendation within thirty (30) days after the public hearing is conducted.

Section 1308. Public Notice and Hearing Requirements

1. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, requests for amendments, and final plat approval shall be reviewed at a public hearing conducted at least ten (10) days following official public notification including publication in the Official newspaper of the City of Bagley and notification of all property owners within the following distances from affected property when such notice is applicable: In the case of variances and conditional uses, all property owners within 350 feet must be notified. In the case of amendments to official controls which involve changes in district boundaries of five acres or less, all owners of property within 350 feet must be notified.
2. The Commissioner of Natural Resources must also receive at least ten (10) days notification of hearings to be conducted concerning applications for conditional use permits, interim use permits, variances, amendments or final plat approvals in shoreland areas. Notice of hearings to consider subdivisions must include copies of the proposed final plat.

3. The Commissioner must also receive a copy of approved conditional use permits, interim use permits, variances, zoning amendments and final plats in shoreland areas postmarked within ten (10) days of final action.

Section 1309. Access to Private Property

The Zoning Administrator or his or her agent shall have the right, at all reasonable times, to enter upon private property for the purpose of administration or enforcement of this Ordinance. This includes the right to conduct investigations, sampling, test borings and other actions necessary for the enforcement of this Ordinance.

Section 1310. Enforcement and Penalties

1. In the event of violation or threatened violation of this Ordinance, the City Council, in addition to other remedies including prosecution under Section 1310B of this Ordinance, 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 Bagley City Attorney to institute such action.
2. Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provisions herein, or who shall make any false statement in any document required to be submitted under such provisions, shall be guilty of a petty misdemeanor, and upon conviction thereof shall be punished by such penalties and fines provided by law. Each day that the violation continues shall constitute a separate offense.

Section 1311. Fees

In order to defray the administrative costs associated with the processing of applications for building and related permits, conditional use permits, variance requests, amendments and subdivision plat approval, a schedule of fees has been adopted by the Bagley City Council. The schedule of fees shall be posted in the Bagley City Hall, and may be altered or amended only by resolution of the Bagley City Council.

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