# Greater Bemidji Area
## Zoning and Subdivision Regulations

## Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preamble</strong></td>
<td>i</td>
</tr>
<tr>
<td>Statutory Authorization</td>
<td>i</td>
</tr>
<tr>
<td>Policy</td>
<td>i</td>
</tr>
</tbody>
</table>

### I. General Provisions

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 101 Title and Application</td>
<td>I-1</td>
</tr>
<tr>
<td>Section 102 Intent and Purpose</td>
<td>I-2</td>
</tr>
<tr>
<td>Section 103 Interpretation</td>
<td>I-2</td>
</tr>
<tr>
<td>Section 104 Relation to Land Use Plan</td>
<td>I-3</td>
</tr>
<tr>
<td>Section 105 Standard Requirements</td>
<td>I-3</td>
</tr>
<tr>
<td>Section 106 Severability</td>
<td>I-3</td>
</tr>
<tr>
<td>Section 107 Annexation of Certain Land</td>
<td>I-4</td>
</tr>
<tr>
<td>Section 108 Effective Date</td>
<td>I-4</td>
</tr>
<tr>
<td>Section 109 Definitions</td>
<td>I-4</td>
</tr>
</tbody>
</table>

### II. Zoning Districts and Shoreland Classification

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 201 Zoning Districts</td>
<td>II-1</td>
</tr>
<tr>
<td>Section 202 Scope and Classification of Public Waters</td>
<td>II-1</td>
</tr>
<tr>
<td>202.1 General Development Lakes</td>
<td>II-2</td>
</tr>
<tr>
<td>202.2 Recreational Development Lakes</td>
<td>II-2</td>
</tr>
<tr>
<td>202.3 Sensitive Area Lakes</td>
<td>II-2</td>
</tr>
<tr>
<td>202.4 Special Protection Lakes</td>
<td>II-2</td>
</tr>
<tr>
<td>202.5 Transition River Segments</td>
<td>II-3</td>
</tr>
<tr>
<td>202.6 Forested River Segments</td>
<td>II-3</td>
</tr>
<tr>
<td>202.7 Tributary River Segments</td>
<td>II-3</td>
</tr>
<tr>
<td>Section 203 Zoning Map</td>
<td>II-3</td>
</tr>
<tr>
<td>Section 204 Interpretation of Zoning Map</td>
<td>II-5</td>
</tr>
</tbody>
</table>

### III. District Regulations

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 301 Permitted and Conditional Uses</td>
<td>III-1</td>
</tr>
<tr>
<td>301.1 Conservation (C)</td>
<td>III-1</td>
</tr>
<tr>
<td>301.2 Rural (R-1)</td>
<td>III-2</td>
</tr>
<tr>
<td>301.3 Suburban Residential – Unsewered (R-2)</td>
<td>III-3</td>
</tr>
<tr>
<td>301.4 Suburban Residential – Sewered (R-3)</td>
<td>III-4</td>
</tr>
<tr>
<td>301.5 Moderate Density Residential (R-4)</td>
<td>III-5</td>
</tr>
<tr>
<td>301.6 High Density Residential (R-5)</td>
<td>III-5</td>
</tr>
<tr>
<td>301.7 Multiple Family (R-6)</td>
<td>III-6</td>
</tr>
<tr>
<td>301.8 Manufactured Home Park (MH)</td>
<td>III-7</td>
</tr>
</tbody>
</table>
IV. Lot Size and Bulk Regulations

Section 401 Minimum Lot Size Requirements and Bulk Requirements
401.1 Conservation (C)
401.2 Rural (R-1)
401.3 Suburban Residential – Unsewered (R-2)
401.4 Suburban Residential – Sewered (R-3)
401.5 Moderate Density Residential (R-4)
401.6 High Density Residential (R-5)
401.7 Multiple Family (R-6)
401.8 Manufactured Home Park (MH)
401.9 Low Density Commercial (B-1)
401.10 General Commercial (B-2)
401.11 Lake Oriented Commercial Development (LC)
401.12 Lake Oriented Development (LD)
401.13 Urban Renaissance (UR)
401.14 Office/ Medical (O/M)
401.15 University (U)
401.16 Light Industrial (I-1)
401.17 General Industrial (I-2)
401.18 Shoreland Overlay (SH)
401.19 Sensitive Area Overlay (SA)
401.20 Trunk Highway 71 Overlay (TH)
401.21 Airport Protection Overlay

V. Nonconformities

Section 501 Nonconforming Use of Land
Section 502 Nonconforming Structures
Section 503 Nonconforming Structures in Shoreland Areas
Section 504 Damage to Nonconforming Structures
Section 505 Deck Additions to Nonconforming Structures in Shoreland
Section 506 Nonconforming Sewage Treatment Systems
Section 905 Vegetative Alterations
Section 906 Topographic Alterations/Grading and Filling
Section 907 Placement and Design of Roads, Driveways and Parking
Section 908 Special Provisions for Agricultural Uses
Section 909 Special Provisions for Forest Management
Section 910 Standards for Commercial, Industrial, Public and Semipublic Uses
Section 911 Storm Water Management

X. Performance Standards

Section 1001 Purpose
Section 1002 Exterior Storage
Section 1003 Screening
Section 1004 Fences
Section 1005 Standards for Single and Two Family Dwellings
Section 1006 Parking Standards
Section 1007 Manufactured Home Park Standards
Section 1008 Landscaping Requirements
Section 1009 Tree Preservation
Section 1010 Temporary Uses
Section 1011 Special Provisions for Mining and Extractive Uses
  1011.1 Information Requirements
  1011.2 Mining and Extractive Use Standards
Section 1012 Special Provisions for Trunk Highway 197 Overlay
Section 1013 Special Provisions for Asphalt Plants and Processing Facilities
Section 1014 Lighting
Section 1015 Special Provisions for Adult Entertainment
Section 1016 Special Provisions for Type II and Type III Home Occupations
Section 1017 Special Provisions for Development in Sensitive Areas
Section 1018 Special Provisions for Airport Protection Overlay
Section 1019 Special Provisions for Bed and Breakfast Establishments
Section 1020 All Applications for Interim Use Permits Shall Include Verification that the Following Criteria are met IAW MN Statute 462.3597

XI. Subdivisions and Planned Unit Developments

Section 1101 Subdivisions
Section 1102 Planned Unit Developments
Section 1103 Territorial Limits of Regulations and Scope
Section 1104 Land Suitability
Section 1105 General Provisions for Planned Unit Developments
Section 1106 PUD Site Suitability Evaluation in Shoreland Areas
Section 1107 Shoreland PUD Density Evaluation in Unsewered Areas
Section 1108 Shoreland PUD Density Evaluation in Sewered Areas
XII. Procedures for Approval of Subdivisions and PUDS

Section 1201 Procedures for Approval of Subdivisions and PUDs XII-1
Section 1202 Necessary Data for Final Plat XII-7
Section 1203 Absence of Utilities XII-8
Section 1204 Dedication of Parks, Open Spaces, Trails and Public Sites XII-8
Section 1205 Minimum Subdivision Design Standards XII-15
Section 1206 Required Improvements on the Site XII-19
Section 1207 Variances XII-22
Section 1208 Land Use or Building Permits XII-23
Section 1209 Copies of Plat XII-23
Section 1210 Enforcement and Penalty XII-23

XIII. Administration

Section 1301 Planning Administrator XIII-1
Section 1302 Planning Commission XIII-1
Section 1303 Board of Adjustment XIII-2
Section 1304 Land Use, Building and Other Permits XIII-3
Section 1305 Conditional Use Permits XIII-4
Section 1306 Variances and Appeals XIII-7
Section 1307 Amendments XIII-9
Section 1308 Public Notice and Hearing Requirements XIII-10
Section 1309 Enforcement and Penalties XIII-11
Section 1310 Fees XIII-11
PREAMBLE

Statutory Authorization

This Zoning Ordinance is adopted pursuant to the authority conferred by the State of Minnesota in the planning in orderly annexation area legislation contained in Minnesota Statutes Chapter 414, Section 414.0325 subd. 5., in the municipal and township planning and zoning enabling legislation contained in the Minnesota Statutes Chapter 103 F and 462, subdivision authorities contained in Minnesota Statutes Chapter 462 and 505, airport zoning authority contained in Minnesota Statutes Chapter 360 and Minnesota Rules, Chapter 8800, Common Interest Ownership contained in Minnesota Statutes Chapter 515B, shoreland management authority contained in Minnesota Regulations, Parts 6120.2500 – 6120.3900, joint powers act authority contained in Minnesota Statutes, Section 471.59, and any amendments to said Statutes and Rules subsequently adopted, for the purpose of protecting the small town character of the Greater Bemidji Area, preserving the natural environmental values of its land, preserving and enhancing the economic and natural environmental qualities and values of surface water and shorelands, and providing for the wise utilization of waters and related land resources.

Policy

The uncontrolled use of land within the Greater Bemidji Area affects the public health, safety and general welfare not only by contributing to pollution of land and waters, but also by impairing the local tax base. It is, therefore, in the best interest of the public health, safety and welfare of Bemidji Area residents for their local governmental entities to come together and govern and plan as one community to provide for the wise utilization of land and water resources through planned subdivision, development and use of land within the Greater Bemidji Area. The Minnesota Legislature has delegated responsibility to local governments of the State to regulate the subdivision, development and use of land within their jurisdictions, including the shoreland of public waters. This responsibility is hereby recognized and embraced by the City of Bemidji, Bemidji Township and Northern Township acting together as the Greater Bemidji Area Joint Planning Board, and will be accomplished through the enactment and enforcement of this Zoning and Subdivision Ordinance.
ARTICLE I
GENERAL PROVISIONS

Section 101. Title, Jurisdiction and Application

This Ordinance shall be known, cited, and referred to as the Greater Bemidji Area Zoning Ordinance. The jurisdiction of this Ordinance is intended to apply to the use of land and water resources within the approximate 72 square mile Greater Bemidji Area, comprised namely of the City of Bemidji, Bemidji Township and Northern Township, and including any land hereafter annexed into the City from surrounding Townships other than Northern and Bemidji.

Application of these regulations shall be in part by establishment of districts, including overlays for shoreland and special use areas, and which district provisions include regulation of the location, size, use and height of buildings, the placement of buildings on lots, and the density of population for the purpose of promoting the public health, safety, order, convenience and general welfare of the Greater Bemidji Area.

This Ordinance supersedes all City and Township Zoning and Subdivision Regulations promulgated under Bemidji Code Chapter 22, Sections 22-1 through 22-73 and Chapter 28, Sections 28-1 through 28-845; Northern Township Zoning and Land Use Ordinance (No. ); and, Bemidji Township Zoning and Land Use Ordinance (No. ).

Application of this Ordinance shall also be consistent with other official controls regulating land use and waters within the Greater Bemidji Area, including Mississippi Headwaters Board (MHB) Ordinance No. 10 (Comprehensive Plan), State Shoreland Standards as administered through the Beltrami County Shoreland Management Ordinance, as amended, which shoreland management authority within the Greater Bemidji Area subject of this Ordinance is delegated to the Greater Bemidji Area Joint Planning Board, and consistent also with Airport Zoning Regulations promulgated under Minnesota Statutes, Chapter 360 and Minnesota Rule, Part 8800.2400, as administered under the Revised Airport Joint Powers Agreement between the City of Bemidji and Beltrami County.

*Before shoreland within Orderly Annexation Areas currently under the jurisdiction of the MHB Plan is annexed into the City of Bemidji, the City and Joint Planning Board (JPB) shall pursue cooperative agreement with the MHB Board for development and administration of appropriate controls and standards consistent with the provisions of the MHB Plan of and for the shoreland to be annexed. The JPB may similarly initiate cooperative agreement discussions with the MHB Board for shoreland outside the City’s current corporate limits, but which is to be served with municipal water and sewer utility services prior to annexation.

**Passage of this ordinance will not impact the current responsibility(s) for administration of Wetland Conservation Act regulations (WCA). Unless subject of a subsequent agreement between the City, County and the Townships, the City through its agent, the Beltrami County Soil and Water Conservation District (SWCD), will continue to administer the WCA within the corporate limits of the City and as to lands annexed thereto, while Beltrami County will continue to administer the WCA on lands outside the corporate limits of the City of Bemidji.
Section 102. Intent and Purpose

This Ordinance is intended to serve the following purposes:

A. Protecting the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area;
B. To guide the future growth and development of the Greater Bemidji Area in accordance with the Transportation Plan and Comprehensive Land Use Plan adopted by the Greater Bemidji Joint Planning Board;
C. Protecting and preserving the natural environment of the Greater Bemidji Area;
D. To protect and conserve the value of land throughout the Greater Bemidji Area, and the value of buildings appropriate to the various districts established by this Ordinance;
E. To provide adequate light, air, and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding and undue congestion of land and population;
F. To bring about the gradual conformity of the uses of land and buildings throughout the Greater Bemidji Area through the zoning regulations set forth in this Ordinance, and to minimize the conflicts among the uses of land and buildings;
G. To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Greater Bemidji Area;
H. To provide a guide for public policy and action in the efficient provision of public facilities and services and for private enterprises in building development, investment and other economic activity relating to uses of land and buildings throughout the Greater Bemidji Area; and,
I. For the purpose of preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shorelands, and providing for the wise utilization of waters and related land resources.
J. To improve and promote the delivery of aviation and airport passenger services by prevention of airport hazards through regulation of adjacent land use, height of structures and trees, and the density of population on lands within airport hazard areas adjacent to the Bemidji Regional Airport.

Section 103. Interpretation

In their interpretation and application, the provision of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Interpretation shall be made by the Planning Administrator, subject to appeal to the Board of Adjustment. The language contained in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

A. The singular number includes the plural and the plural the singular.
B. The present tense includes the past and future tenses, and the future the present.
C. The word “shall” is mandatory, and the word “may” is permissive.
D. The masculine gender includes the feminine and neuter genders.
E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
F. All measured distances expressed in feet shall be to the nearest tenth of a foot.
G. In the event of conflicting provisions, the more restrictive provisions shall apply.

Section 104. Relation to Land Use Plan

It is the policy of the Greater Bemidji Area Joint Planning Board that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Greater Bemidji Area Land Use Plan as developed and amended from time to time by the Joint Planning Board. The Joint Planning Board recognizes the Land Use Plan as the policy for regulating land use and development in accordance with the policies and purposes herein set forth.

Section 105. Standard Requirements

The following standards shall apply to all zoning districts and property, unless otherwise noted in this Ordinance.

A. More Restrictive Provisions to Govern: Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.

B. Conformity with this Ordinance: No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved or altered, and no building, structure or land shall be used for any purpose or in any manner which is not in conformity with the provision of this Ordinance and without a building or land use permit being issued when required by this Ordinance.

C. Building Occupancy: Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

D. Land Reduction: No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this Ordinance.

E. Abrogation and Greater Restrictions: These regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.

Section 106. Severability

It is hereby declared to be the intention of the Joint Planning Board that the several provisions of this Ordinance are severable in accordance with the following:
A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

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

Section 107. Annexation of Certain Land

All land not located within the Greater Bemidji Area, which may hereafter be annexed to the City of Bemidji shall be zoned R-1 upon such annexation until such time that the land may be rezoned under the procedures specified in this Ordinance.

Section 108. Effective Date

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

Section 109. Definitions

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

**ABANDONED SIGN:** A sign which no longer identifies or advertises a bona fide business, lessor/landlord, service, owner, product or activity or for which no legal owner can be found.

**ACCESSORY STRUCTURE OR FACILITY:** Any structure or facility incidental to a principal structure or facility on the same lot.

**ACCESSORY USE:** Any use which is incidental to the primary use of a lot.

**ADMINISTRATOR:** A Planning Administrator of the Greater Bemidji Area Zoning Ordinance or its authorized agent or representative.

**ADULT USES:** 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. Accessory uses that use less than 200 square feet or ten percent (10%) of the total floor area (square footage), whichever is less, are exempted from obtaining a license under this ordinance and, the requirement of being located in the I-1 zoning district.

**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”.

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

AGRICULTURAL BUILDING OR STRUCTURE: Any building or structure, existing or erected, which is used principally for agricultural purposes, with the exception of dwelling units.

AIRPORT HAZARD: Any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or take off.

AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented as provided in the Aeronautics Statutes, Minnesota Statutes Chapter 360.

AIRPORT PLANNING ADMINISTRATOR: The Airport Manager of the Bemidji Regional Airport, or his/her authorized agent or representative, and who is responsible for administration of airport zoning regulations applicable to the Airport and airport hazard areas, and for coordination of administration and enforcement of airport zoning with other official controls applicable to the same area and which are otherwise administered by the City, County or adjacent Townships.

ALLEY: A minor way which is used primarily for vehicular access to the back or the side of properties abutting a street.

AMENDMENT: An amendment is a change in the zoning ordinance or map. An amendment may be initiated by a landowner, the governing board of a jurisdiction participating in the joint administration of this Ordinance, the Planning Commission, or the Joint Planning Board.

APARTMENT: A room or suite of rooms designed for residence by an individual, a single family, or a group of individuals living together as a single family unit, equipped with cooking facilities. This includes any unit in buildings with more than two (2) dwelling units.

AUTOMOBILE BODY SHOP: A building or any portion thereof designed primarily for major reconditioning of worn or damaged motor vehicles or trailers or collision service including body, frame, or fender straightening or repair, or painting of vehicles.
AUTOMOBILE SERVICE STATION: A building or any portion thereof designed primarily for supplying motor fuel, oil, lubrication and accessories to motor vehicles.

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

AWNING SIGN: A sign painted on, printed on, or attached flat against the surface of an awning.

BANNER: A sign made of fabric or any non-rigid material with no enclosing framework temporarily mounted to a building, structure, or the ground at two or more edges.

BASEMENT: Any part of a structure, including crawl spaces, having its floor or base below ground level on one or more sides, regardless of the depth of excavation below ground level.

BED AND BREAKFAST: A single family dwelling in which six or fewer transient guest rooms are rented on a nightly basis for periods of less than a week, and where at least one meal is offered in connection with the provision of sleeping accommodations

BILLBOARD: A sign erected and used for the purpose of advertising a product, event, place, person, or subject not related to the premises on which the sign is located.

BLOCK: An area of land within a subdivision that is entirely bounded by streets, the exterior boundary of the subdivision, or a stream or water body.

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 shoreland 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 twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater;
4. The slope drains toward the water body.

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

BLUFF IMPACT ZONE: A bluff and land located within twenty (20) feet from the top of the bluff.

BOARD OF ADJUSTMENT: The Greater Bemidji Area Board of Adjustment as appointed by the Greater Bemidji Area Joint Planning Board.

BOARDING (LODGING) HOUSE: A building other than a hotel or motel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, but not to exceed ten (10) persons.
BOATHOUSE: A water-oriented accessory structure used solely for the storage of boats or boating equipment.

BOULEVARD: The portion of the street right-of-way between the curb line and the property line.

BUFFER: A required horizontal separation distance between two uses that may otherwise be incompatible.

BUILDABLE AREA: That area of a platted lot lying within the required setbacks, exclusive of those areas that are prohibited from development due to steep slopes, wetlands, easements or other conditions protected by ordinance or legal agreement.

BUILDING: Any structure, either temporary or permanent, having a roof or other covering, built for the support, shelter or enclosure of persons, animals, or property of any kind, including tents or awnings situated on private property and used for purposes of a building.

BUILDING PERMIT: A permit issued by the Joint Planning Board or a constituent authority thereof, or an authorized agent, authorizing both the use of land in the City pursuant to the requirements of this Ordinance and construction activity consistent with the adopted Building Code.

BUILDING FACE: The exposed face of a building, including windows and doors, from ground level to the roof line.

BUILDING LINE: A line parallel to a lot line or the ordinary high water level, at any story level of a building, representing the distance beyond which all or any part of the building may not extend without violating setback provisions.

BULLETIN BOARD: A sign announcing coming events or activities through the use of changeable copy.

BUTT LOT: A lot at the end of a block and located between two corner lots.

CALIPER INCHES: For significant trees, the trunk diameter measured approximately 4.5 feet above the ground. For trees that branch at or below 4.5 feet above the ground but above one foot, the diameter is measured at the smallest point below 4.5 feet. Trees that branch below one foot will be considered to have multiple stems and the diameter of the tree will equal the sum of the diameters of each stem. For replacement trees, the diameter of a tree measured usually twelve (12) inches above the ground.

CANOPY: A rigid multi-sided structure covered with fabric, metal, or other material, and supported by a building at one or more points or extremities, and by columns or posts embedded in the ground at other points or extremities.
**CANOPY SIGN:** A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

**CARPORT:** An automobile shelter having one or more sides open.

**CERTIFICATE OF (SANITARY SYSTEM) COMPLIANCE:** A document written after a compliance inspection, certifying that a sanitary treatment system is in compliance with applicable requirements at the time of the inspection.

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

**CLEAR CUTTING:** The removal of an entire stand of trees.

**CLEARANCE (OF A SIGN):** The smallest vertical distance between the grade of the adjacent street, highway, or street curb, and the lowest point of any sign, including framework and embellishments, extending over that grade.

**CLEARVIEW ZONE:** The area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the two curb lines intersect, measuring back twenty (20) feet on each street front, and drawing a line across the two back points to form a triangulated area. No sign in excess of three (3) feet above the curb grade nor support pole larger than twelve (12) inches in diameter may be installed in this area. Freestanding signs must have at least ten (10) feet clearance to grade.

**CLINIC:** A place where medical, dental, optometric, chiropractic, psychiatric, or nursing care is furnished to persons on an out-patient basis by one or more licensed professionals.

**CLUB OR LODGE:** A building or structure operated by a non-profit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their bona fide guests.

**COLLECTOR STREET:** A street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and street for circulation within such developments.

**COMMERCIAL USE:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**COMMERCIAL RECYCLING BUSINESS:** A commercial business that deals in materials to be processed for reuse either as parts or to be re-converted to a raw material state. This may be operated in conjunction with other business such as used automobile sales or repair;

1. This may include but not be limited to such operations as dismantling, sorting, storing, or crushing of materials.
2. Buying and selling of materials or parts thereof both for retail and wholesale use are allowed.

COMMISSIONER: The Commissioner of the Department of Natural Resources.

COMMON INTEREST COMMUNITY: Contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on, one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate.

COMMON SPACE: Property owned and managed jointly by members of a planned community.

COMPREHENSIVE DEVELOPMENT PLAN: A land use or comprehensive plan prepared by the Greater Bemidji Area Joint Planning Board indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Greater Bemidji Area Community and includes any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

CONDITIONAL USE: A land use or development as defined by ordinance that may be allowed only after an in-depth review procedure and with appropriate restrictions or conditions as provided by his Zoning Ordinance upon a finding that standards and criteria stated in this Ordinance will be satisfied. A conditional use must conform to the Greater Bemidji Area Land Use Plan and be compatible with the existing neighborhood.

CONDOMINIUM: A multiple unit dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.A.1-101 to 515.A.4-118.

CONSTRUCTION SIGN: A temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

CONTOUR MAP: A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

COOPERATIVE HOUSING: (?)
COPY: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

CUL-DE-SAC: A minor street with only one outlet and having a turnaround.

CRITICAL ROOT ZONE: The area of a circle around a significant tree with a radius that is equal to 1.5 feet for every inch in trunk diameter.

DAY CARE FACILITY: A public or private facility licensed by the Minnesota Department of Human Services which, for gain or otherwise, regularly provides one or more persons, as defined by the State Human Services Licensing Act, with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person’s own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers for children, day training and rehabilitation services for adults, day treatment programs, adult day care centers, and day services.

DEAD END STREET: A street having only one end open to through traffic.

DECK: A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use, structure or site, and at any point extending more than thirty (30) inches above ground. A deck is considered a structure.

DEMOLITION LANDFILL: Any area of land which is used for the disposal of non-leachable solid waste from the construction or demolition of residential or commercial structures and their contents.

DENSITY: The number of dwelling units or square footage of commercial floor area relative to the total lot area.

DIRECTIONAL SIGN: A sign which provides directional assistance to access an establishment.

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.”

DISTRICT: A geographical portion of the greater land area subject of this Ordinance, which geographical portion is assigned a zoning classification and within which classification certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
DOUBLE FACED SIGN: A sign with two faces, either back-to-back, or in a V-shaped construction.

DOWNTOWN BUSINESS DISTRICT: That portion of the shoreland jurisdiction of Lake Bemidji and Lake Irving, including the Mississippi River corridor connecting the two Lakes, bounded by Gould Avenue NE extended to the shoreline of Lake Bemidji, and Sixth (6th) Street NW (north of Library Park) extended to the shoreline of Lake Bemidji, and by Irvine Avenue NW extended to the shoreline of Lake Irving, and the westerly terminus of Gemmel Avenue extended due south to the shoreline of Lake Irving.

DUPLEX, TRIPLEX AND QUAD: Dwelling units 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 or conveyance by an owner of real property of a right to use the owner’s real property for a specific purpose.

ELECTRICAL SIGN: A sign or sign structure in which electrical wiring, connections, or fixtures are used.

EMPLOYEE: Any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW): A 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 to consider alternatives or to institute methods for reducing environmental effects.

ENVIRONMENTAL IMPACT STATEMENT (EIS): (?)

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by local governmental units of underground, surface or overhead utilities, including gas, electric, steam, fuel or water transmission or distribution system collection, communication, supply or disposal system, and including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection
therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

**EXTRACTIVE USE:** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51, and any amendments to said sections subsequently adopted.

**FAÇADE:** The entire front of a building, including the parapet.

**FACE OF SIGN:** The area of a sign on which the copy is placed.

**FAMILY:** An individual or group of two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or a group of not more than four (4) persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

**FARM ANIMAL:** Any animal other than a dog or cat normally kept outside of a dwelling unit. Farm animals include, but are not limited to chickens, cows, geese, goats, horses, llamas and pigs. Keeping farm animals is an agricultural use.

**FEEDLOT:** A lot or building, or any combination thereof, intended or used for the confined feeding, breeding, raising or holding of animals, as specifically designated by Beltrami County or state regulations as a confinement area in which manure may accumulate, or where a concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered animal feedlots under this Ordinance. An open area used in a manner that will require the operator thereof to obtain a Feedlot Permit from the Minnesota Pollution Control Agency shall constitute a feedlot.

**FENCE:** Any partition, structure, wall or gate erected within the required yard.

**FINAL PLAT:** The final map, drawing or chart on which the subdivider’s plan of subdivision is presented for approval and which, if approved, will be submitted to the County Recorder. The plat must conform to the requirements of law.

**FLOOR AREA:** The total gross area of all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, decks and terraces.

**FLOOR AREA PERCENTAGE:** The total floor area divided by the total lot area.

**FOREST LAND CONVERSION:** The clear cutting of forested lands to prepare for a land use other than reestablishment of a forest stand.

**FOOTPRINT:** The leading edge of a structure projected vertically onto the ground.
FREESTANDING SIGN: A sign supported permanently upon the ground by poles or braces and not attached to any building.

FRONT LOT LINE: A line dividing a lot from any public street or highway, except a limited or controlled access highway to which the lot has no access. The front lot line is the right-of-way line of the public highway on which the lot has access. For a riparian lot, the front lot line shall also be that line indicating the ordinary high water level.

FRONTAGE: The distance along a property line along a public right-of-way on which it borders.

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

GARDEN CENTER: A place of business where retail and wholesale products and produce are sold to the retail customer. These centers which may include a nursery and/or greenhouse, import the majority of the items sold. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoses, rakes, shovels, and other garden and farm tools and utensils.

GOVERNMENT SIGN: Any temporary or permanent sign erected and maintained by the Township, City, County, State or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

GRANNY FLAT/DEPENDENT CARE ARRANGEMENT: A temporary secondary living unit incidental to the principal use of the property where an occupant of the unit is to receive from or administer to the principal dwelling occupant continuous care.

GREATER BEMIDJI AREA: The approximate 72 square mile area comprised of the City of Bemidji, Bemidji Township and Northern Township, and including any land hereafter annexed into the City from surrounding Townships other than Northern and Bemidji.

GREEN SPACE: Open space covered by native plants, natural landscape or other vegetative cover.

GREENHOUSE: An accessory building whose roof and sides are made largely of glass of other transparent or translucent materials and in which the temperature and humidity can be regulated for the cultivation of delicate or out of season plants.

GROUND COVERAGE PERCENTAGE: The percentage of lot area included within the outside lines of exterior walls of all buildings located on the lot including: porches, decks, patios, breeze ways, balconies, and bay windows. In shoreland areas, all impervious surfaces are included in computing ground coverage percentages.

GROUND SIGN: A sign which is anchored to the ground in a similar manner as a pylon or freestanding sign, but with a monolithic or columnar line and which maintains essentially the
same contour from grade to top. Height and setback requirements are the same as for freestanding signs.

**GROUP FAMILY DAY CARE:** A day care facility holding a license from Beltrami County or Minnesota pursuant to Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

**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. Guest cottages are not allowed in any district.

**HALF STREET:** A public right-of-way having only half of the width required by the subdivision design requirements prescribed in this Ordinance.

**HARDSHIP:** As defined in M.S. Chapter 462, a hardship exists when the property in question cannot be put to reasonable use under the strict interpretation of the official controls; the plight of the landowner is due to circumstances unique to his property and was not created by the landowner; and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the official controls.

**HEADWATERS LAKES:** There are nine lakes within the Mississippi Headwaters Corridor, including Carr, Irving, Bemidji, and Stump (impoundment).

**HEIGHT OF BUILDING:** The vertical distance between the lowest ground level at the structure, and the highest point of the structure.

**HEIGHT OF SIGN:** The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

**HIGH TREE DENSITY:** Parcels of land containing six (6) or more total caliper inches of significant trees per 1,000 square feet of land.

**HOME OCCUPATION:** The following types of uses which are clearly secondary and incidental to residential occupancy, and which do not change the character thereof.

1. **Type I.** An occupation conducted in a residential district in which no evidence of nonresidential activity is evident from off of the premises, no increase in traffic results from the business activity, and no employees other than household members work on the premises. Type I home occupations are allowed in all residential districts as accessory uses.

2. **Type II.** An occupation conducted in a residential district that does not meet the requirements of a Type I home occupation for one or more reasons, but is not identified as a Type III home occupation. Specifically excluded are any activities that result in the alteration of a building, window display, construction features,
equipment, machinery or outdoor storage, any of which is visible from outside of the lot on which such use is located. Type II home occupations are permitted uses in all residential districts.

3. Type III. In unsewered areas, home occupations that have the potential to adversely affect the functioning of individual sewage treatment systems or those that have the potential to create noise nuisance issues or inappropriate off-street parking. Type III home occupations include daycares, greenhouses, and automobile repair operations. Type III home occupations are conditional uses in unsewered residential districts.

**HOTEL/ MOTEL:** Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than three (3) sleeping rooms, with no cooking facilities in an individual room or apartment. Hotels and motels within shoreland areas are regulated as commercial planned unit developments.

**IDENTIFICATION SIGN:** A sign with a canopy limited to the name and address of a building, institution, or person and/ or activity or occupation being identified.

**ILLEGAL SIGN:** A sign which does not meet the requirements of this Ordinance, and which has not received legal nonconforming status.

**IMPERVIOUS SURFACE:** A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, septic tank, parking lots, storage areas and concrete, asphalt or gravel roads (see also lot coverage).

**IMPROVED LOT:** A lot that contains any structure, and which is served by a sewage disposal system and water supply.

**INCIDENTAL SIGN:** A small sign, emblem, or decal informing the public of goods, services, or facilities available on the premises, including credit cards accepted or hours of operation.

**INDIVIDUAL SEWAGE TREATMENT SYSTEM:** A sewage treatment system, other than a public, municipal 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:** Inoperative shall mean a vehicle that is incapable of movement under its own power and in need of repair or junking, and shall include vehicles incapable of legal movement on public roads.

**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 a particular event, or until zoning regulations no longer permit it. Interim use permits are not recorded and do not run with the land upon transfer. All interim uses shall conform as a minimum to the performance standards listed in section 1020.

JPB: Acronym for Greater Bemidji Area Joint Planning Board or Joint Planning Board.

JOINT PLANNING BOARD: The Greater Bemidji Area Joint Planning Board as created under a Joint Powers Agreement between the City of Bemidji, Bemidji Township, and Northern Township.

JUNK: Waste, discarded or salvaged materials including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles

JUNK YARD: Land or buildings where waste, discarded or salvaged materials are brought, purchased, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles, provided further that the storage of three (3) or more inoperative and/or unlicensed motor vehicles for a period in excess of three (3) months shall also be considered a junk yard.

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

LAND USE PERMIT: A permit issued by the Joint Planning Board or its authorized agent authorizing the use of land in the Townships pursuant to the requirements of this Ordinance.

LAND USE PLAN: The land use component of a comprehensive plan or comprehensive development plan. The land use plan provides the primary policy basis for the official land use controls.

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

LAUNDRY PLANT: A central processing facility for dry cleaning or laundering of clothing or fabrics collected from and returned to patrons or dry cleaning and laundry companies.

LICENSED FAMILY DAYCARE, LICENSED GROUP FAMILY DAYCARE, LICENSED CHILD CARE CENTER: A facility holding a license from Beltrami County or Minnesota pursuant to Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

LICENCED SEWAGE TREATMENT SYSTEM INSTALLER: A person licensed by the Minnesota Pollution Control Agency to install individual sewage treatment systems.
LICENSED SITE EVALUATOR: An individual licensed by the Minnesota Pollution Control Agency to complete a site evaluation report needed for the installation of an individual sewage treatment system.

LOT: A parcel of land designated by plat, auditor’s plat, metes and bounds description, registered land survey, 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, excluding that portion of a lot within shoreland which is below the ordinary high water level.

LOT – CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than one hundred thirty-five (135) degrees.

LOT COVERAGE: Lot coverage shall include all structures, driving surfaces, including gravel surfaces, septic tank, parking areas regardless of type of surface, and other improved surfaces (see also impervious surface).

LOT IMPROVEMENT: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

LOT LINE: A line marking a boundary of a lot except that where any portion of a lot extends in to the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

LOT LINE – FRONT: 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.

LOT LINE – REAR: The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

LOT LINE – SIDE: 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.

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 or portions of said description for the purpose of sale, lease or separation thereof that has been recorded in the Office of the County Recorder.
LOT WIDTH: The shortest distance between side lot lines measured at the midpoint of the building line.

LOW PROFILE SIGN: A sign mounted directly to the ground and not exceeding six (6) feet in height.

LOW TREE DENSITY: Parcels of land containing less than six (6) total caliper inches of significant trees per 1,000 square feet of land.

MAINTENANCE: The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

MANSARD: A roof having two slopes on all sides with the lower slope steeper than the upper slope.

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. Manufactured homes shall be treated as single family housing units for purposes of these regulations.

MANUFACTURED HOME PARK: Any park, court, lot, parcel or tract of land, designed, improved, maintained or intended for the purpose of supplying a location for manufactured home units or upon which any manufactured homes are parked. It shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the manufactured home park or not.

MARGINAL ACCESS STREET: A minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

MARQUEE: A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

MARQUEE SIGN: Any sign attached to or supported by a marquee structure.

MASTER PLAN: A master plan shall have the same meaning as a comprehensive development plan.

METES AND BOUNDS DESCRIPTION: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.
MINIMUM SUBDIVISION DESIGN STANDARDS: The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

MINING: The use of land for subsurface removal of metallic minerals and peat as regulated under Minnesota Statutes, Sections 93.44 through 93.51, and any amendments to said section subsequently adopted.

MINNESOTA POLLUTION CONTROL AGENCY: State Agency with the stated purpose of protecting Minnesota's environment through monitoring environmental quality and enforcing environmental regulations.

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

MINOR STREET: A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

MINOR SUBDIVISION: Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Land Use Plan or these regulations.

MISSISSIPPI HEADWATERS BOARD: A joint powers board established pursuant to law charged with planning and zoning within the Upper Mississippi River corridor.

MOBILE HOME: (see manufactured housing.)

MONUMENT SIGN: A low profile sign.

MULTIPLE FACED SIGN: A sign containing three (3) or more faces, not necessarily in back-to-back configuration.

MULTIPLE FAMILY 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, townhomes, row houses, and similar housing types. Multiple family dwellings do not include hotels, motels, nursing homes or hospitals.

NAMEPLATE: A non-electric on-premise identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

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.
NONRIPARIAN LOT: Any lot which is not bounded on any side by public water frontage.

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.

NURSERY: a business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.

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-PREMISE SIGN: A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured, or furnished on the property on which the sign is located.

OFFICIAL MONUMENT: A marker established by the original Federal Land Survey for use as a reference point in surveying and subdividing land.

ON-PREMISE SIGN: A sign which pertains to the use of the premises and/ or property on which it is located.

OPEN SPACE: All area not covered by impervious surface as defined in this Ordinance.

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.

OWNER: Any individual, firm, associate, syndicate, partnership, trust, or any other legal entity having sufficient proprietary interest in the land.

PAINTED WALL SIGN: Any sign which is applied with paint or similar substance on the surface of a wall.

PARKING SPACE: An area of definite length and width designed for parking of motor vehicles; said area shall be exclusive of drives, aisles or entrances giving access thereto.

PASSIVE RECREATION FACILITY: A facility that provides persons comfortable use of parks, open space or green space in a manner that does not significantly impact natural, cultural,
or scientific areas. Passive recreational facilities include park benches, picnic tables, and gazebos.

**PATIO:** A horizontal unenclosed platform without railings, seats, trellises, or other features attached or functionally related to a principal use or site at ground level or at no point extending more than thirty (30) inches above the ground. Platforms with railings, seats, trellises or other features shall be regulated as decks regardless of height above ground level.

**PEDESTRIAN WAY:** The right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, cross-walk or however otherwise designated.

**PERFORMANCE BOND:** A bond which may be required by the Joint Planning Board, Planning Commission or Board of Adjustment to insure the completion of any activity falling under the jurisdiction of this Ordinance.

**PERMANENT FOUNDATION:** A foundation meeting the Building Code and consisting of approved footings, crawl space or a basement.

**PERMIT:** Documentation of duly authorized approval provided in the form of a land use permit, conditional use permit, sewage treatment permit, or variance, allowing a property owner to undertake an activity regulated under the provisions of this Ordinance.

**PERSON:** Any individual, corporation, association, firm, partnership, or similarly identified interest.

**PLACE OF WORSHIP:** A building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.

**PLANNED UNIT DEVELOPMENT:** 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, cooperative housing; 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; mobile home parks; resorts; hotels; motels; and conversions of structures and land uses to these uses.

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

**PLANNED UNIT DEVELOPMENT – GENERAL:** A planned unit development may be deemed “general” when it is not solely residential in nature but does not necessarily meet the
definition of a commercial planned unit development. A general planned unit development may include a mixture of uses, and may be a single structure developed or converted under the statutory requirements of a common interest community.

PLANNED UNIT DEVELOPMENT – RESIDENTIAL: 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 uses. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

PLAT: A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to the law.

POINT OF PURCHASE DISPLAY: Advertising of a retail item accompanying its display.

POLITICAL SIGN: A temporary sign used in connection with a local, state or national election or referendum.

PORTABLE SIGN: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

PRELIMINARY PLAT: The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Administrator, Planning Commission, and Joint Planning Board for consideration.

PRIVATE STREET: A way for vehicular traffic, located within the Greater Bemidji Area, which is not owned by the City, Township, State or County.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot upon which it is situated.

PRINCIPAL USE: The principal use to which the premises are devoted.

PROFESSIONAL OFFICES: Places of business from which licensed or certified practitioners such as dentists, attorneys, accountants, surveyors, engineers, etc. provide a service to the public and from which only limited associated retail products incidental to the service provided are sold.

PROJECTING SIGN: A sign other than a flat wall sign which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

PROTECTIVE COVENANTS: Contracts entered into between private parties constituting a restriction on the use of all private property within a subdivision for the benefit of property
owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**PUBLIC IMPROVEMENT:** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, utility or other facility for which either the City or a Township may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**PUBLIC LIBRARY:** Any library that provides free access to all residents of a city or county without discrimination and is organized under Minnesota Statutes, Chapter 134.

**PUBLIC PARK:** A park, reservation, playground, beach, or recreation or community center in the community owned, leased, or used wholly or in part by a township, city, county, state, school district, or federal government for recreational purposes.

**PUBLIC USES:** Uses owned or operated by municipal, school districts, county, state or other governmental units.

**PUBLIC WATERS:** Any waters as defined in Minnesota Statutes, Section 103G.005, subdivision 15-18. However, no lake, pond, or flowage of less than 10 acres in size will be regulated for purposes of these parts. A body of water created by a private user where there was no previous shoreland shall be exempt from the provisions of this ordinance. The official determination of the size of public water basins and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

**REAL ESTATE SIGN:** A temporary sign advertising the real estate upon which the sign is located being for rent, lease or sale.

**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. Recreational Vehicle Campgrounds are considered commercial planned unit developments.

**REGULAR OR REGULARLY:** A consistent, ongoing, and substantial course of conduct, such that the films, performances, or business activities so described constitute a significant and substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business. See FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 259-261 (1990) (Scalia, J., concurring in part and dissenting in part).

**REPLACEMENT TREE:** A tree planted as part of the tree replacement plan, which must be at least two (2) caliper inches measured twelve (12) inches from the ground and which otherwise meets the requirements of this section, except Bur Oak, Ironwood and similar trees accepted by
the Joint Planning Board which may be 1.25 caliper inches. A coniferous tree five (5) feet high will meet the minimum caliper inches required, except on steep slopes.

**RESORT:** A private commercial recreational development which includes multiple units intended for habitation on a temporary basis for relaxation or recreational purposes. Resorts are considered commercial planned unit developments.

**RIGHT-OF-WAY:** The land covered by a public road and adjacent land designated or reserved for public use.

**RIPARIAN LOT:** Any lot which is bounded on one or more sides by public waters frontage.

**RIVER LOT:** A lot or parcel, any part of which abuts a watercourse identified in Section __ of this Ordinance.

**ROAD AGREEMENT:** An agreement between a developer and the road authority prescribing standards for roads.

**ROOF SIGN:** Any sign erected over or on the roof of a building.

**SANITARY LANDFILL:** Any area of land intended or used for the disposal of solid waste.

**SATELLITE TELEVISION ANTENNAS:** Dish-type antennas greater than one meter in diameter used in the reception of television communication signals from orbiting satellites.

**SCHOOL:** A building or space that is principally used as a place where twenty-five (25) or more persons receive a full course of educational instruction. Any post-secondary or post high school educational building, including any college or other vocational technical college, shall not be deemed a school for purposes of adult sexually oriented business distance restrictions under this Ordinance.

**SCREENING:** The reduction of negative visual impact of a structure or use on adjacent or nearby properties by use of fencing, permanent landscape plantings, or other suitable means.

**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.

**SEMI-PUBLIC USES:** Uses owned by private or private non-profit organizations which are open to some, but not all, of the public such as denominational cemeteries, private schools, clubs, lodges, recreation facilities, churches, etc.

**SEPARATE OWNERSHIP:**

**SEPTIC TANK:** Any water tight, covered receptacle designed and constructed to receive the discharge of sewage from a building’s 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 the outer extremity of a structure, sewage treatment system, or other facilities 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 which uses subsurface soil treatment and disposal whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil and includes those systems commonly known as: seepage beds; disposal field; and mounds. All private sewage treatment systems must meet or exceed the standards prescribed in MPCA Chapter 7080.

**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 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 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 the required 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; 500 feet from that stretch of the Mississippi River classified as Scenic River; and 300 feet from any other river or stream classification, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shoreland 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.

**SIDEYARD SETBACK:** The minimum horizontal distance between the outermost exterior wall or foundation of a structure and the side property line.

**SIGN:** Any device, structure, fixture, or placard using graphics, symbols and/ or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods or services.
SIGN AREA: The space inside a continuous line drawn around and enclosing all letters, designs, and background materials, exclusive of border, trim and structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.

SIGNIFICANT TREE: Any deciduous or coniferous tree measuring eight (8) caliper inches in diameter or greater, measured at 4.5 feet above the ground level, which is not dead or actively infected with a tree killing disease or organism such as, but not limited to, Oak Wilt, Dutch Elm Disease, except Bur Oak, Ironwood and similar slow growing trees which are accepted by the Joint Planning Board which may be four (4) caliper inches in diameter or greater.

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 Historic Society, or is locally designated by the City or township as a historic property or district. 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.

SITE EVALUATION REPORT. A report completed by a licensed site evaluator containing a description of site and soil characteristics, percolation tests, and other information needed to ensure compliance with MPCA Chapter 7080.

SNIPE SIGN: A temporary sign or poster affixed to a tree, pole or fence.

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-oral 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, zoerasty; 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.

STEEP SLOPES: 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.

STEM CALIPER: A measurement of caliper inches.

STREET: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, place, lane, court, or other such designation.

STREET WIDTH: The shortest distance between the lines delineating the right-of-way of a street.

STRUCTURAL ALTERATION: Any change to a structure, except those required by law or Ordinance, which would prolong the life of its supporting members, including but not limited to, bearing walls, columns, beams, or girders.

STRUCTURE: That which is built or constructed, an edifice or building or appurtenance thereto, or any piece of work artificially built up, or composed of parts joined together in some definable manner, except aerial or underground utility lines such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting appurtenances.

STUDIO APARTMENT: Apartment without a formally designed bedroom.

SUBdivider: Any person commencing proceedings under the terms of this Ordinance to affect a subdivision of land hereunder for himself or for another.

SUBDIVISION: The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building or development or, if a new street is involved, any division of a parcel of land; the term includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.
SUBDIVISION IDENTIFICATION SIGN: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

SUBSTANDARD LOT: A lot that was legally established and recorded under the terms of regulations in existence at the time such lot was created, but which does not now meet the minimum dimensional standards prescribed by this Ordinance.

SUITABLE LAND: That portion of a lot, tract, or parcel of land that is a minimum of two (2) feet above the high water table.

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 SIGN: A sign not constructed or intended for long-term use. Such sign is intended for special events, prior to a permanent sign, a business that will soon be opening, or similar temporary purposes.

TEMPORARY STRUCTURE: Any structure which has been erected or moved unto 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.

THOROUGHFARE: A street provided for heavy volumes of fast moving vehicles, having considerable continuity, and used primarily as traffic arteries between large areas.

TOE OF THE BLUFF: The lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

TOP OF THE BLUFF: The higher point of a 50 foot segment with an average slope exceeding 18 percent.

TOWNSHIP:

TREE REMOVAL: Any excavating, grading, clearing, filling or other earth change, or any cutting, which may result in removal or killing more than ten per cent (10%) of the significant tree caliper inches on any land within any period of five (5) years.

UNDER-CANOPY SIGN: A sign suspended beneath a canopy, ceiling, roof, or marquee.

UNIFIED SITE PLAN OR EQUIVALENT:

WALL SIGN: A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, cabinet signs, and signs on a mansard.
VARIANCE: Relief from certain provisions of this Ordinance, when due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in a hardship upon the property owner. A variance shall not be used to permit a use in a district where it is not allowed under the terms of this 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 the 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 and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

WATER SUPPLY PURPOSE: Any use of water for domestic, commercial, industrial or agricultural use.

WATERCOURSE: A river or tributary identified by the Minnesota Department of Natural Resources as a public water, or any river or stream identified in this Ordinance.


WINDOW SIGN: Lettering placed directly on a window surface.

PLANNING ADMINISTRATOR: A Planning Administrator of the Greater Bemidji Area, or its authorized agent or representative.
ARTICLE II
ZONING DISTRICTS AND SHORELAND CLASSIFICATION

Section 201. Zoning Districts

The Greater Bemidji Area is hereby divided into the following zoning districts as shown below. These zoning districts are created in order to promote the orderly development of land within the Greater Bemidji Area, including the shoreland of its public waters.

<table>
<thead>
<tr>
<th>Symbol</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>C Conservation</td>
</tr>
<tr>
<td>2.</td>
<td>R-1 Rural</td>
</tr>
<tr>
<td>3.</td>
<td>R-2 Suburban Residential - Unsewered</td>
</tr>
<tr>
<td>4.</td>
<td>R-3 Suburban Residential - Sewered</td>
</tr>
<tr>
<td>5.</td>
<td>R-4 Moderate Density Residential</td>
</tr>
<tr>
<td>6.</td>
<td>R-5 High Density Residential</td>
</tr>
<tr>
<td>7.</td>
<td>R-6 Multiple Family</td>
</tr>
<tr>
<td>8.</td>
<td>MH Manufactured Home Park</td>
</tr>
<tr>
<td>9.</td>
<td>B-1 Low Density Commercial</td>
</tr>
<tr>
<td>10.</td>
<td>B-2 General Commercial</td>
</tr>
<tr>
<td>11.</td>
<td>LC Lake Oriented Commercial</td>
</tr>
<tr>
<td>12.</td>
<td>LD Lake Oriented Development</td>
</tr>
<tr>
<td>13.</td>
<td>UR Urban Renaissance</td>
</tr>
<tr>
<td>14.</td>
<td>O/M Office/Medical</td>
</tr>
<tr>
<td>15.</td>
<td>U University</td>
</tr>
<tr>
<td>16.</td>
<td>I-1 Industrial Park/Light Industrial</td>
</tr>
<tr>
<td>17.</td>
<td>I-2 Heavy Industrial</td>
</tr>
<tr>
<td>18.</td>
<td>SH Shoreland</td>
</tr>
<tr>
<td>19.</td>
<td>SA Sensitive Area Overlay</td>
</tr>
<tr>
<td>20.</td>
<td>TH Trunk Highway 197 Overlay</td>
</tr>
<tr>
<td>21.</td>
<td>AP Airport Protection Overlay</td>
</tr>
</tbody>
</table>

Section 202. Scope and Classification of Public Waters

The shoreland overlay district shall be overlaid upon the zoning districts established by the Greater Bemidji Area Joint Planning Board so that any parcel of land located within shoreland shall also lie in an established zoning district. All structures and uses shall be required to meet the requirements of the regulations for the zoning district in which such structure or use is located, and, in addition, such structures and uses shall be required to meet the requirements of the shoreland overlay district. No permits may be issued, and no approvals may be made until all such necessary requirements have been met.

The public waters of the Greater Bemidji Area have been classified below consistent with the criteria found in Minnesota Rules, Part 6120.3300, the MHB Plan and the Protected Waters Inventory Map for Beltrami County, Minnesota. The shoreland jurisdiction for water bodies
listed in sections 202.1 through 202.6 shall be within the distances as defined in Section 109 of this Ordinance and as shown on the official Zoning Map for the Greater Bemidji Area. The public waters of the Greater Bemidji Area have been classified as follows:

### Section 202.1 General Development Lakes

<table>
<thead>
<tr>
<th>Lake Name</th>
<th>Lake I.D. Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Bemidji*</td>
<td>4-130</td>
</tr>
<tr>
<td>Lake Irving*</td>
<td>4-140</td>
</tr>
</tbody>
</table>

*Also subject to MHB Ordinance No. 10

### Section 202.2 Recreational Development Lakes

<table>
<thead>
<tr>
<th>Lake Name</th>
<th>Lake I.D. Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Bass</td>
<td>4-132</td>
</tr>
<tr>
<td>Marquette</td>
<td>4-142</td>
</tr>
<tr>
<td>Movil</td>
<td>4-152</td>
</tr>
<tr>
<td>Plantagenet</td>
<td>29-156</td>
</tr>
</tbody>
</table>

### Section 202.3 Sensitive Area Lakes

<table>
<thead>
<tr>
<th>Lake Name</th>
<th>Lake I.D. Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Name</td>
<td>4-131</td>
</tr>
</tbody>
</table>

### Section 202.4 Special Protection Lakes

<table>
<thead>
<tr>
<th>Lake Name</th>
<th>Lake I.D. Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Gnat</td>
<td>4-133</td>
</tr>
<tr>
<td>Carr*</td>
<td>4-141</td>
</tr>
<tr>
<td>Addition</td>
<td>4-144</td>
</tr>
<tr>
<td>No Name</td>
<td>4-145</td>
</tr>
<tr>
<td>No Name</td>
<td>4-146</td>
</tr>
<tr>
<td>Britten</td>
<td>4-147</td>
</tr>
<tr>
<td>Bakkum</td>
<td>4-149</td>
</tr>
<tr>
<td>Sumac</td>
<td>4-150</td>
</tr>
<tr>
<td>Alice</td>
<td>4-151</td>
</tr>
<tr>
<td>Grass</td>
<td>4-216</td>
</tr>
<tr>
<td>No Name</td>
<td>4-356</td>
</tr>
</tbody>
</table>

*Also subject to MHB Ordinance No. 10
Section 202.5  Scenic and Transition River Segments (SC&TR)

River Name: From To
Mississippi* SC - West section line, Section 19, Inlet of Lake Irving, T146N, R33W in Section 20, T146N, R33W
Mississippi TR – Outlet of Lake Irving, Sec. 20, Inlet of Lake Bemidji in T146N, R33W Section 16, T146N, R33W

*Also subject to MHB Ordinance No. 10

Section 202.6  Forested River Segments (FR)

River Name: From To
Mississippi Outlet of Lake Bemidji in East section line, Section 1, Section 2, T146N, R33W T146N, R33W

Section 202.7  Tributary River Segments (Tr)

River Name: From To
Unnamed Outlet of Big Bass Lake in Inlet of Lake Bemidji in section 24, T147N, R33W section 23, T147N, R33W
Schoolcraft Outlet of Lake Plantagenet in Inlet of Carr Lake in section 31, T146N, R33W Section 29, T146N, R33W
Balsam West section line of, Section 18, Inlet of Lake Alice in Section 18, T147N, R33W
Balsam Outlet of Lake Alice, Section 18, Inlet of Lake Bemidji, T147N, R33W Section 28, T147N, R33W

All protected watercourses in the Greater Bemidji Area shown on the Protected Waters Inventory for Beltrami County, which is hereby adopted by reference, not given a classification in Sections 202.5 through 202.7 of this Ordinance, shall be considered “Tributary.”

Section 203.  Zoning Map

The official zoning map of the Greater Bemidji Area is located at the offices of the Joint Planning Board. This map is hereby adopted by reference. A copy of this map is included in this Ordinance. Copies are also available at the Bemidji Town Hall, Bemidji City Hall and Northern Town Hall.
Section 204. Interpretation of Zoning Map

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the official Zoning Map, which shall be located in the office of the Joint Planning Board, shall be the final authority as the current zoning status of land within the Greater Bemidji Area.

A. **District Boundaries**: The location and boundaries of the districts established by this Ordinance are set forth on the official Zoning Map. District boundary lines as indicated on the Zoning Map follow lot lines, property lines, rights-of-way or center lines of streets or alleys, rights-of-way or center lines of streets or alleys projected, the corporate city limit lines, and shorelines, all as they exist upon the effective date of this Ordinance. If said boundary lines do not follow any of the above, the district boundary lines are established as drawn on the Zoning Map. If a lot held in single ownership on the date of adoption of this Ordinance is divided by a district boundary line, the entire lot shall be construed to be within the more restrictive district.

B. **Vacated Ways**: Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

C. **Appeals**: Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment.
ARTICLE III
DISTRICT REGULATIONS

Section 301. Permitted Uses and Conditional Uses

Permitted and conditional uses are as included in the zoning district classification for each underlying district. Permitted and conditional uses must meet the required criteria of both the zoning district and any overlay district. In cases where two standards exist, the stricter standard shall apply. Building and/or Land Use Permits are required unless specifically exempted in this section.

There shall be erected or placed no more than one principal structure on any lot in a C, R-1, R-2, R-3, R-4, or R-5 District. Whenever an application proposes a use not identified by this Ordinance as either permitted or conditional, the Planning Administrator, after review by the Planning Commission, shall issue a statement of clarification, finding that the use is either substantially similar in character and impact to a use identified as either permitted or conditional within the particular district, or that the use is not sufficiently similar to another use listed within the district. Such statement of clarification shall include the findings that led to such conclusion, and shall be filed in the official repository of the Joint Planning Board. If the proposed use is not sufficiently similar to a use regulated as either a permitted or conditional use in the specific district, the use shall be prohibited.

Section 301.1 Conservation (C)

A. Intent
The Conservation District is intended to provide areas of low intensity uses and development in order to preserve wildlife habitat and protect sensitive natural resources.

B. Permitted Uses
The following uses are permitted in the Conservation District.
1. Agriculture (permit not required);
2. Forestry (permit not required);
3. Accessory uses and structures consistent with Article VI of this Ordinance;
4. Signs consistent with Section 709 of this Ordinance;
5. Fences consistent with Section 1004 of this Ordinance (permit not required).

C. Conditional Uses
1. Public Parks or athletic fields;
2. Passive recreational facilities.
Section 301.2 Rural (R-1)

A. Intent
The Rural District is intended to provide areas of low density development and low intensity uses and development in order to preserve a predominantly rural residential character.

B. Permitted Uses
The following uses are permitted in the Rural District.
1. Agriculture (permit not required);
2. Forestry consistent with Section 1009 of this Ordinance (permit not required);
3. Public parks, playgrounds and athletic fields (permit not required);
4. Agricultural buildings;
5. Single family detached dwelling units;
6. State licensed residential facilities serving six or fewer persons;
7. Licensed day care facility serving twelve or fewer persons;
8. Group family day care facilities serving fourteen or fewer children;
9. Type II Home Occupations consistent with the provision of Section 1016 of this Ordinance;
10. Signs consistent with Section 710 of this Ordinance;
11. Fences consistent with Section 1004 of this Ordinance (permit not required);
12. Accessory uses and structures consistent with Article VI of this Ordinance.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Passive recreational facilities;
2. Campground;
3. Cemeteries;
4. Residential planned unit developments;
5. Public Buildings.

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Asphalt products and crushing facilities consistent with Section 1013 of this Ordinance;
2. Type III Home Occupations consistent with the provisions of Section 1016 of this Ordinance;
3. Riding stables;
4. Bed and breakfast establishments;
5. Extractive uses consistent with the standards prescribed in Section 1011 of this Ordinance;
Section 301.3  Suburban Residential - Unsewered (R-2)

A. Intent
The intent of the Suburban Residential – Unsewered District is to provide areas for low density residential development, and other compatible uses, at a density which will not require the provision of centralized sewer or water services.

B. Permitted Uses
The following uses are permitted in the Suburban Residential – Unsewered District.
1. Agriculture (permit not required);
2. Forestry consistent with Section 1009 of this Ordinance (permit not required);
3. Public parks, playgrounds and athletic fields;
4. Single family detached dwelling units;
5. State licensed residential facilities serving six or fewer persons;*
6. Licensed day care facilities serving twelve or fewer persons;*
7. Group family day care facilities serving fourteen or fewer children;*
8. Agricultural buildings;
9. Type II Home Occupations consistent with the provisions of Section 1016 of this Ordinance;*
10. Signs consistent with Section 710 of this Ordinance;
11. Fences consistent with Section 1004 of this Ordinance (permit not required);
12. Accessory uses and structures consistent with Article VI of this Ordinance.

* Separate permits required in unsewered areas only.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Cemeteries;
2. Schools and Churches;
3. Public buildings;
4. Public utility buildings without storage yards;
5. Residential planned unit developments;

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Type III Home Occupations consistent with the provisions of Section 1016 of this Ordinance;
2. Bed and breakfast establishments;
3. Extractive uses consistent with the standards prescribed in Section 1011 of this Ordinance.
Section 301.4 Suburban Residential - Sewered (R-3)

A. Intent
The intent of the Suburban Residential – Sewered District is to provide areas for suburban residential development, and other compatible uses, at a density which will encourage the provision of centralized sewer or water services.

B. Permitted Uses
The following uses are permitted in the Suburban Residential – Sewered District.
1. Agriculture (permit not required);
2. Forestry consistent with Section 1009 of this Ordinance (permit not required);
3. Public parks, playgrounds and athletic fields;
4. Single family detached dwelling units;
5. State licensed residential facilities serving six or fewer persons;*
6. Licensed day care facilities serving twelve or fewer persons;*
7. Group family day care facilities serving fourteen or fewer children;*
8. Agricultural buildings;
9. Type II Home Occupations consistent with the provisions of Section 1016 of this Ordinance;*
10. Signs consistent with Section 710 of this Ordinance;
11. Fences consistent with Section 1004 of this Ordinance (permit not required);
12. Accessory uses and structures consistent with Article VI of this Ordinance.

* Separate permits required in unsewered areas only.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Cemeteries;
2. Schools and Churches;
3. Public buildings;
4. Public utility buildings without storage yards;
5. Residential planned unit developments;

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Bed and breakfast establishments;
Section 301.5 Moderate Density Residential (R-4)

A. Intent
The intent of the Moderate Density Residential District is to provide areas for residential development, and other compatible uses, at a moderate density served by centralized sewer and water.

B. Permitted Uses
The following uses are permitted in the Moderate Density Residential District.
1. Public parks and playgrounds;
2. Single family detached dwelling units;
3. State licensed residential facilities serving six or fewer persons;*
4. Licensed day care facility serving twelve or fewer persons;*
5. Group family day care facilities serving fourteen or fewer children;*
6. Type II Home Occupations consistent with the provisions of Section 1016 of this Ordinance;*
7. Signs consistent with Section 710 of this Ordinance;
8. Fences consistent with Section 1004 of this Ordinance (permit not required);
9. Accessory uses and structures consistent with Article VI of this Ordinance.

* Separate permits required in unsewered areas only.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Cemeteries;
2. Schools and Churches;
3. Public buildings;
4. Rest homes and nursing homes;
5. Residential planned unit developments;
6. General planned unit developments.

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Group day care center and nursery schools;
2. Bed and breakfast establishments;

Section 301.6 High Density Residential (R-5)

A. Intent
The intent of the High Density Residential District is to provide areas for residential development and compatible uses at a density designed to promote efficiency in the delivery of central services.

B. Permitted Uses
The following uses are permitted in the High Density Residential District.
1. Public parks and playgrounds;
2. Single family dwelling units;
3. Two-family units;
4. Multi-family housing not to exceed four units;
5. State licensed residential facilities serving six or fewer persons;
6. Licensed day care facilities serving twelve or fewer persons;
7. Group family day care facilities serving fourteen or fewer children;
8. Type II Home Occupations consistent with the provisions of Section 1016 of this Ordinance;
9. Signs consistent with Section 710 of this Ordinance;
10. Fences consistent with Section 1004 of this Ordinance (permit not required);
11. Accessory uses and structures consistent with Article VI of this Ordinance.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Schools and Churches;
2. Public buildings;
3. Rest homes and nursing homes;
4. Residential planned unit developments;
5. General planned unit developments.

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Dependent care facility;
2. Bed and breakfast establishments;
3. Non-residential counseling/assistance centers
4. Professional Offices

Section 301.7 Multiple Family (R-6)

A. Intent
The intent of the Multiple Family District is to provide areas for multiple family residential development and compatible uses in both an urban and suburban setting.

B. Permitted Uses
The following uses are permitted in the Multiple Family District.
1. Public parks and playgrounds;
2. Multiple family housing;
3. State licensed residential facilities serving no more than sixteen persons;*
4. Licensed day care facilities serving no more than sixteen persons;*
5. Type II Home Occupations consistent with the provisions of Section 1016 of this Ordinance;*
6. Signs consistent with the provisions of Section 710 of this Ordinance;
7. Fences consistent with Section 1004 of this Ordinance (permit not required);
8. Accessory uses and structures consistent with Article VI of this Ordinance;
9. Off street parking and loading as required by Section 1006 of this Ordinance.

* Separate permits required in unsewered areas only.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Schools and Churches;
2. Public buildings;
3. Rest homes and nursing homes;
4. Residential planned unit developments;
5. General planned unit developments;

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Type III Home Occupations consistent with the provisions of Section 1016 of this Ordinance, except automobile repair and body shop operations;
2. Non-residential counseling/assistance centers
3. Professional Offices

Section 301.8 Manufactured Home Park (MH)

A. Intent
The intent of the Manufactured Home Park District is to provide areas for the placement of mobile homes in an approved mobile home park.

B. Permitted Uses
The following uses are permitted in the Manufactured Home Park District.
1. Single family detached dwelling units
2. State licensed residential facilities serving six or fewer persons
3. Licensed day care facilities serving twelve or fewer children;
4. Group family day care facilities serving fourteen or fewer children
5. Type II Home Occupations consistent with the provisions of Section 1016 of this Ordinance;
6. Signs consistent with the provisions of Section 710 of this Ordinance;
7. Fences consistent with Section 1004 of this Ordinance (permit not required);
8. Accessory uses and structures consistent with Article VI of this Ordinance.

C. Conditional Uses
The following use is permitted with the issuance of a conditional use permit.
1. Public buildings.

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Type III Home Occupations consistent with the provisions of Section 1016 of this Ordinance, except automobile repair and body shop operations;
2. Professional Offices

Section 301.9 Low Density Commercial (B-1)

A. Intent
The intent of the Low Density Commercial District is to provide areas for the placement of commercial establishments, including service, retail, and wholesale providers, and uses complimentary to such uses, in areas where central services are not available.

B. Permitted Uses
The following uses are permitted in the Low Density Commercial District.
1. Business and professional offices;
2. Agricultural implement sales and service;
3. Ambulance services;
4. Automotive sales, services and parts;
5. Armories, auditoriums and theaters;
6. Barbershops and beauty salons;
7. Boat sales, rental and service;
8. Appliance stores;
9. Car washes;
10. Licensed day care;
11. Grocery and convenience stores;
12. Retail stores;
13. Banks and other financial institutions;
14. Restaurants;
15. Liquor stores;
16. Medical clinics;
17. Pharmacies;
18. Hotels and Motels;
19. Public buildings;
20. Garden Centers and nurseries;
21. Parks, playgrounds, and recreational facilities;
22. Fraternal and service clubs;
23. Lumber yards;
24. Signs consistent with the provisions of Section 711 of this Ordinance;
25. Fences consistent with Section 1004 of this Ordinance (permit not required);
26. Accessory uses and structures consistent with Article VI of this Ordinance.
C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Schools;
2. Churches;
3. Outdoor theater;
4. Commercial planned unit developments;
5. General planned unit developments;
6. Apartment units co-located within commercial units. IAW Section 1005F.

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Gasoline sales with or without service stations;
2. Kennels and small animal hospitals;
3. Amusement park;
4. Non-residential counseling/assistance centers.

Section 301.10 General Commercial (B-2)

A. Intent
The intent of the General Commercial District is to provide areas for the placement of commercial establishments, including service, retail, and wholesale providers, and uses complimentary to such uses, in areas where central services are available.

B. Permitted Uses
The following uses are permitted in the General District.
1. All uses identified as permitted uses in the Low Density Commercial (B-1) District with the exception of signs;
2. Signs consistent with the provisions of Section 712;

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. All uses identified as conditional uses in the Low Density Commercial (B-1) District.

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. All uses identified as interim uses in the Low Density Commercial (B-1) District.

Section 301.11 Lake Oriented Commercial Development (LC)

A. Intent
The intent of the Lake Oriented Commercial District is to promote and preserve a high quality commercial area that provides an attractive transition from the southern entrance of the community into the downtown.

B. Permitted Uses
The following uses are permitted in the Lake Oriented Commercial District.
1. Grocery and convenience stores;
2. Retail stores;
3. Banks and other financial institution;
4. Business and professional offices;
5. Restaurants;
6. Liquor stores;
7. Pharmacies;
8. Barbershops and beauty salons;
9. Signs consistent with the provisions of Section 711 of this Ordinance;
10. Fences consistent with Section 1004 of this Ordinance (permit not required);
11. Accessory uses and structures consistent with Article VI of this Ordinance.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Churches;
2. General Planned Unit Developments.

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Gasoline sales with or without service stations;
2. Garden stores, greenhouses and nurseries;

Section 301.12 Lake Oriented Development (LD)

A. Intent
The intent of the Lake Oriented Development District is to provide areas for a mixture of residential and commercial development that take advantage of the unique recreational opportunities in this unique lakeshore area.

B. Permitted Uses
The following uses are permitted in the General District.
1. Grocery and convenience stores;
2. Retail stores;
3. Banks and other financial institution;
4. Business and professional offices;
5. Restaurants;
6. Liquor stores;
7. Pharmacies;
8. Barbershops and beauty salons;
9. Signs consistent with the provisions of Section 711;
10. Fences consistent with Section 1004 of this Ordinance (permit not required);
11. Accessory uses and structures consistent with Article VI of this Ordinance.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Residential planned unit developments;
2. Commercial planned unit developments;
3. General planned unit developments;
4. Hotels and motels;
5. Events or convention centers.

Section 301.13 Urban Renaissance (UR)

A. Intent
The intent of the Urban Renaissance District is to provide areas for retail, recreational, and governmental functions in a high amenity setting, accessible by automobile but conducive to pedestrians.

B. Permitted Uses
The following uses are permitted in the Urban Renaissance District.
1. Retail establishments;
2. Banks and other financial institutions;
3. Gasoline stations with or without service;
4. Art galleries, museums and libraries;
5. Barber and beauty shops;
6. Bus stations;
7. Restaurants;
8. Pharmacies;
9. Business and professional offices;
10. Churches;
11. Nursing homes;
12. Medical and dental clinics;
13. Counseling centers;
14. Hotels and motels;
15. Government buildings;
16. Radio and television broadcasting stations;
17. Parks, playgrounds, and recreational facilities;
18. Parking garages and lots;
19. Indoor theaters;
20. Public utilities including substations;
21. Ambulance services;
22. Signs consistent with the provisions of Section 713 of this Ordinance;
23. Fences consistent with Section 1004 of this Ordinance (permit not required);
24. Accessory uses and structures consistent with Article VI of this Ordinance.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Schools;
2. Multiple family housing;
3. General planned unit developments;
4. Events or convention centers.
5. Apartment units co-located within commercial buildings. IAW Section 1005F.

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Non-residential counseling/assistance centers.

Section 301.14 Office/ Medical (O/M)

A. Intent
The intent of the Office/ Medical District is to provide areas for the placement of medical and professional office uses and compatible commercial uses.

B. Permitted Uses
The following uses are permitted in the Office/ Medical District.
1. Business and professional offices;
2. Churches;
3. State licensed residential facilities;
4. Licensed day care facility serving twelve or fewer children;
5. Group family day care facilities;
6. Hospitals, medical clinics, and nursing homes;
7. Pharmacies;
8. Medical laboratories;
9. Parks, playgrounds, and recreational facilities;
10. Restaurants, provided such use is contained within a permitted structure and no exterior signage is utilized;
11. Hotels and motels;
12. Signs consistent with the provisions of Section 714 of this Ordinance;
13. Fences consistent with Section 1004 of this Ordinance (permit not required);
14. Accessory uses and structures consistent with Article VI of this Ordinance.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Schools;
2. Public buildings;
3. Multiple family housing;
4. Hotels, boarding and lodging facilities;
5. General planned unit developments.

D. **Interim Uses**
The following uses are permitted with the issuance of an interim use permit.
1. Barber and beauty shops;
2. Mortuaries and funeral homes;
3. Florist shops;
4. Laundry and dry cleaning establishments;
5. Non-residential counseling/assistance centers.

### Section 301.15  University (U)

A. **Intent**
The intent of the University District is to provide areas for secondary educational institutions to develop in a manner designed to accommodate their unique physical development needs.

B. **Permitted Uses**
The following uses are permitted in the University District.
1. Colleges, universities, and theological schools, including administrative buildings, faculty offices, classrooms, lecture halls, laboratories, auditoriums, chapels, libraries, student and faculty centers, athletic and recreational facilities, dormitories and apartments;
2. Art galleries and museums;
3. Fraternal and service clubs;
4. Fraternities and sororities;
5. Offices, meeting rooms, and facilities used for educational, fraternal, professional, religious, or research;
6. Hotels and motels;
7. Signs consistent with the provisions of Section 714 of this Ordinance;
8. Fences consistent with Section 1004 of this Ordinance (permit not required);

C. **Conditional Uses**
The following uses are permitted with the issuance of a conditional use permit.
1. Schools;

D. **Interim Uses**
The following uses are permitted with the issuance of an interim use permit.
1. Day care facilities;
2. Commercial uses not primarily intended for use by faculty and students.
Section 301.16 Industrial Park/Light Industrial (I-1)

A. Intent
The Light Industrial District is intended to provide areas for wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to areas within the district and in no manner affect in a detrimental way any properties in surrounding districts. The I-1 District is intended to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared materials. These areas are intended to encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants. The uses permitted in this district are generally required to be in an enclosed structure and all premises are to be developed in accordance with an approved plan. It is further intended that the processing of raw materials for shipment in bulk form for use in an industrial operation at another location not be permitted.

B. Permitted Uses
The following uses are permitted in the Light Industrial District:

1. Building materials sales yards and storage;
2. Public utility buildings and structures;
3. Government buildings and structures;
4. Laundry plants;
5. Medical, dental, optical labs and manufacture;
6. Metal fabrication and assembly;
7. Printing, engraving and publishing;
8. Repair and maintenance shops;
9. Research, testing and design facilities;
10. Sales, rental and storage lots;
11. Specialized service and repair;
12. Warehouses and storage;
13. Trade shops;
14. Transportation services;
15. Wholesale businesses;
16. Veterinary services;
17. Offices associated with a permitted industrial use;
18. Accessory and temporary uses as permitted by Article VI of this Ordinance;
19. Signs as permitted by Section 715 of this Ordinance;
20. Fences consistent with Section 1004 of this Ordinance (permit not required);
21. Off-street parking and loading as required by Section 1008 of this Ordinance;
22. Any other light industrial use not specifically listed provided that it meets the intent and standards prescribed by Section 301.16A.
C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Refuse services;
2. Relay stations (radio, television, cellular phone etc.);
4. Nurseries and Garden Centers

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. Adult Entertainment uses provided that such uses comply with the requirements prescribed in Section 1015 of this Ordinance;
2. Recycling services;
3. Open and outdoor storage accessory to a principal use, and open and outdoor service, sale, and rental as a principal or accessory use provided that:
   a. The area is fenced and screened from view of neighboring non-industrial uses;
   b. Storage is screened from view from the public right-of-way on a year round basis;
   c. Screening is accomplished through architectural or vegetative materials of not less than six (6) feet in height which may include fences, walls, earth berms, hedges, trees, or other live landscape materials;
4. Sand and gravel storage yard when accessory to a permitted use.

Section 301.17 General Industrial (I-2)

A. Intent
The General Industrial District is intended to provide areas for manufacturing, assembly, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt by some degree by surrounding properties. The I-2 District is intended to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from both raw materials or from previously prepared materials. These areas are intended to encourage the development of industrial uses which are apt to have some impact on properties located in close proximity. Therefore, the uses in this district should be separated form residential districts and other low intensity districts by intervening light industrial or commercial districts.

B. Permitted Uses
The following uses are permitted in the General Industrial District:
1. All uses identified as permitted uses in the Light Industrial District;
2. Flour and grain milling, storage and elevators;
3. Monument and stone works;
4. Relay stations (radio, television, cellular phone etc.);
5. Signs as permitted by Section 715 of this Ordinance;
6. Fences consistent with Section 1004 of this Ordinance (permit not required);
7. Any other light industrial use not specifically listed, except for adult entertainment uses, provided that such use meets the intent and standards prescribed by Section 301.17A.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.
1. Aircraft and related aeronautical components and manufacturing;
2. Foundry;
3. Fuel storage or distribution;
4. Motorized vehicles and watercraft manufacturing;
5. Sawmills or wood processing manufacturing;

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.
1. All interim uses identified as interim uses in the Light Industrial district, except Adult Entertainment uses;
2. Concrete batching or “ready mix” plant;
3. Propane gas storage and distribution;
4. Salvage storage yard;
5. Extractive uses consistent with standards prescribed in Section 1011 of this Ordinance.

Section 301.18 Shoreland Overlay (SH)

A. Intent
1. The Shoreland Overlay District is intended to provide preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. In order to be permitted, uses within shoreland areas must be allowed within both the Shoreland Overlay and the underlying land use district. In sewered areas, all uses identified as permitted within Sections 301.1 through 301.15 of this Ordinance are permitted within the Shoreland Overlay;

B. Permitted Uses in Unsewered Areas
The following uses are permitted in the Shoreland Overlay District if allowed in the underlying zoning district:

1. Forestry (permit not required);
2. Agricultural uses (permit not required);
3. Single family homes, except in Sensitive Area Shoreland;
4. Duplex, triplex and quads, except in Sensitive Area, Special Protection, or River Segment Shoreland;
5. Accessory buildings other than guest cottages, except in Sensitive Area Shoreland;
6. Decks, stairways and handicapped access, except in Sensitive Area Shoreland;
7. Water oriented accessory structures, except in Sensitive Area and Special Protection Shoreland;
8. Fences, except in Sensitive Area Shoreland (permit not required);
9. Private roads necessary for a permitted or conditional use allowed under the terms of this Ordinance;
10. Signs necessary for public health, safety and recreational use;
11. Driveways, provided that such is consistent with the provisions of Section 907 of this Ordinance;

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit. (Uses must be allowed in underlying zoning district)

1. Single family homes in Sensitive Area Shoreland;
2. Accessory building in Sensitive Area Shoreland;
3. Decks, stairways and handicapped access in Sensitive Area Shoreland;
4. Water oriented accessory structure in Sensitive Area Shoreland;
5. Residential planned unit developments, except in Natural Environment, Sensitive Area, Special Protection, and River Segment Shoreland;
6. Commercial planned unit developments, except in Natural Environment, Sensitive Area, Special Protection, and River Segment Shoreland;
7. Utility transmission power lines;
8. Campgrounds; except in Sensitive Area and Special Protection Shoreland;
9. Golf courses, except in Sensitive Area, Special Protection, and River Segment Shoreland;
10. Public access boat ramps;
11. New public roads;

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit. (Uses must be allowed in underlying zoning district.)

1. Restaurants, dinner clubs, drive-ins, novelty shops, taverns, gas stations, riding stables, marinas, sea plane base, and service facilities, except in Natural Environment, Sensitive Area, Special Protection and River Segment Shoreland;
2. Retail businesses, except in River Segment Shoreland, Natural Environment, Sensitive Area, and Special Protection Shoreland.
Section 301.19  Sensitive Area Overlay (SA)

A. Intent
The Sensitive Area Overlay District is intended to allow the appropriate development of land consistent with the intent of the underlying zoning district provided that adequate protection of sensitive environmental areas is ensured.

B. Permitted Uses
The following uses are permitted in the Sensitive Area Overlay District:

1. All uses identified as permitted in the underlying zoning district are permitted in the Sensitive Area Overlay District, provided that such use is in full compliance with the performance standards prescribed in Section 1017 of this Ordinance.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.

1. All conditional uses identified in the underlying zoning district as conditional uses will be considered as conditional uses in the Sensitive Area Overlay District. The proposed use must meet the minimum requirements prescribed in Section 1017 of this Ordinance.

D. Interim Uses
The following uses are permitted with the issuance of an interim use permit.

1. All interim uses identified in the underlying zoning district as conditional uses will be considered as interim uses in the Sensitive Area Overlay District. The proposed use must meet the minimum requirements prescribed in Section 1017 of this Ordinance.

Section 301.20  Trunk Highway 197 Overlay (TH)

A. Intent
The Trunk Highway 197 Overlay is intended to protect the character of development along the corridor, and to protect the functionality of the highway.

B. Permitted Uses
The following uses are permitted in the Trunk Highway 197 Overlay District:

1. All uses identified as permitted in the underlying zoning district are permitted in the Trunk Highway 197 Overlay District, provided that such use is in full compliance with the performance standards prescribed in Section 1012 of this Ordinance.

C. Conditional Uses
The following uses are permitted with the issuance of a conditional use permit.

1. All conditional uses identified in the underlying zoning district as conditional uses will be considered as conditional uses in the Trunk Highway 197 Overlay District. The proposed use must meet the minimum requirements prescribed in Section 1012 of this Ordinance.

Section 301.21 Airport Protection Overlay

A. Intent
The Airport Protection Overlay is intended to protect the character of airport operations, airport safety, and the development within the airport safety zones at the ends of the runways.

B. Permitted and Conditional Uses
The permitted and conditional uses identified in underlying zoning districts shall be permitted in the Airport Protection Overlay if they meet the applicable Safety Zone use, density, height, lighting and radio interference requirements for Safety Zones A, B and C as defined in Section V. of the Bemidji-Beltrami County Joint Airport Zoning Ordinance, administered by the Airport Planning Administrator.
ARTICLE IV
LOT SIZE AND BULK REGULATIONS

Section 401. Minimum Lot Size Requirements and Bulk Requirements

The following requirements shall apply to all lots existing at the time of the adoption of this Ordinance. No new lot shall be created that does not meet the minimum dimensional standards of the encompassing zoning district. Whenever a standard specified within a particular zoning district and that within an overlay district conflict, the stricter standard shall prevail. All setbacks shall be measured to the furthest protruding/leading edge (eaves) unless otherwise noted in this article. Minimum lot sizes as prescribed, shall be exclusive of roadway and utility easements.

Notwithstanding the height regulations prescribed within each of the following subsections, and excepting the building height limitation in commercial planned unit developments prescribed in Section 1016B, no structures in residentially zoned shoreland areas, nor non-service oriented uses or structures of a residential character in non-residentially zoned shoreland areas, with the exception of churches and agricultural structures, shall exceed thirty-five (35) feet in height. In all other shoreland areas the height of buildings shall be regulated by the standards prescribed in the following Sections.

In any zoning district allowing more than one principal structure per lot there shall be a minimum distance of ten (10) feet between principal structures.

Section 401.1 Conservation Area (C)

A. Lot Size:
   1. Minimum lot area: 5 acres
   2. Minimum lot width: 330 feet
   3. Minimum lot depth: 200 feet

B. Setbacks:
   1. Front yard 50 feet
   2. Side yard, principal structure 15 feet
   3. Side and rear yard, accessory structures 15 feet
   4. Rear yard 30 feet

C. Height of Structures 35 feet

Section 401.2 Rural Area (R-1)

A. Lot Size:
   1. Minimum lot area: 5 acres
   2. Minimum lot width: 300 feet
   3. Minimum lot depth: 200 feet

B. Setbacks:
1. Front yard 50 feet
2. Side yard, principal structure 15 feet
3. Side and rear yard, accessory structures 15 feet
4. Rear yard 30 feet
5. Corner lot, exterior side yard 20 feet

C. Height of Structures 35 feet

D. Maximum Impervious Surface Coverage 25%

Section 401.3 Suburban Residential - Unsewered (R-2)

A. Lot Size:
   1. Minimum lot area: 2 acres
   2. Minimum lot width: 200 feet
   3. Minimum lot depth: 200 feet

B. Setbacks:
   1. Front yard 50 feet
   2. Side yard, principal structure 15 feet
   3. Side and rear yard, accessory structures 15 feet
   4. Rear yard 30 feet
   5. Corner lot, exterior side yard 20 feet

C. Height of Structures 35 feet

D. Maximum Impervious Surface Coverage 25%

Section 401.4 Suburban Residential - Sewered (R-3)

Lots in the suburban residential – sewered district may be developed without central sewer. Unsewered lots within this district shall comply with the standards prescribed in Section 401.3. Lots served by central sewer may be developed utilizing the following standards.

A. Lot Size:
   1. Minimum lot area: 22,000 square feet
   2. Minimum lot width: 100 feet
   3. Minimum lot depth: 100 feet

B. Setbacks:
   1. Front yard 30 feet
   2. Side yard, principal structures 7.5 feet*
   3. Side and rear yard, accessory structures 7.5 feet*
   4. Sidewall setback all structures 10 feet
   5. Rear yard 30 feet
   6. Corner Lot, exterior side yard 20 feet

*Not applicable in shoreland
C. Height of Structures 35 feet

D. Maximum Impervious Surface Coverage 30%

**Section 401.5  Moderate Density Residential (R-4)**

A. Lot Size:
   1. Minimum lot area: 6,000 square feet
   2. Minimum lot width: 60 feet
   3. Minimum lot depth: 100 feet

B. Setbacks:
   1. Front yard 30 feet
   2. Side yard, principal structures 5 feet
   3. Side and rear yard, accessory structures 5 feet
   4. Sidewall setback all structures 7.5 feet
   5. Rear yard 25% of lot depth up to 25 feet
   6. Corner Lot, exterior side yard 20 feet

C. Height of Structures 35 feet

D. Maximum Impervious Surface Coverage 40%

**Section 401.6  High Density Residential (R-5)**

A. Lot Size:
   1. Minimum lot area: 6,000 square feet
   2. Minimum lot width: 60 feet
   3. Minimum lot depth: 100 feet

B. Setbacks:
   1. Front yard 30 feet
   2. Side yard, principal structures 5 feet
   3. Side and rear yard, accessory structures 5 feet
   4. Sidewall setback all structures 7.5 feet
   5. Rear yard 25% of lot depth up to 25 feet
   6. Corner Lot, exterior side yard 20 feet

C. Height of Structures 35 feet

D. Maximum Impervious Surface Coverage 40%
Section 401.7  Multiple Family (R-6)

A. Lot Size:  
1. Minimum lot area:  
   - Unsewered Lots: 2 acres  
   - Sewered Lots: 3,000 sq feet per dwelling unit; 6,000 square feet per lot  
2. Minimum lot width: 200 feet  
3. Minimum lot depth: 150 feet

B. Setbacks:  
1. Front yard 50 feet  
2. Side yard, principal structures 15 feet  
3. Side and rear yard, accessory structures 15 feet  
4. Rear yard 30 feet  
5. Corner Lot, exterior side yard 30 feet

C. Height of Structures 35 feet

D. Maximum Impervious Surface Coverage 25%

Section 401.8  Manufactured Housing Park (MH)

In unsewered areas manufactured housing parks may be developed in districts where they are identified as permitted or conditional uses, and are prohibited in all other districts. In sewered areas manufactured housing parks are allowed only as designated on the zoning map. The following standards apply to manufactured housing parks in sewered areas.

A. Lot Size:  
1. Minimum lot area: 2 acres for Park and 5,000 square feet per mobile home space, excluding streets and rights-of-way  
2. Minimum lot width: 40 feet per space generally, 45 feet for corner spaces  
3. Minimum lot depth: 100 feet per space

B. Setbacks:  
1. Front yard Greater of 30 feet from lot line or 55 feet from centerline.  
2. Side yard, principal structures 7.5 feet  
3. Side and rear yard, accessory structures 7.5 feet  
4. Rear yard 10 feet

C. Height of Structures 35 feet
D. Maximum Impervious Surface Coverage 40%

Section 401.9 Low Density Commercial (B-1)

A. Lot Size:
   1. Minimum lot area: 2 acres
   2. Minimum lot width: 150 feet
   3. Minimum lot depth: 200 feet

B. Setbacks:
   1. Front yard: 50 feet
   2. Side yard, principal structures: 15 feet
   3. Side yard, accessory structures: 15 feet
   4. Rear yard: 30 feet

C. Height of Structures, 35 feet generally, 65 feet for towers and flagpoles.

D. Maximum Impervious Surface Coverage 40%

Section 401.10 General Commercial (B-2)

A. Lot Size:
   1. Minimum lot area: 7,500 square feet
   2. Minimum lot width: 75 feet
   3. Minimum lot depth: 100 feet

B. Setbacks:
   1. Front yard: 30 feet
   2. Side yard, principal structures: 10 feet
   3. Side and rear yard, accessory structures: 10 feet
   4. Rear yard: 20 feet

C. Height of Structures: 50 feet

D. Maximum Impervious Surface Coverage 80%

Section 401.11 Lake Oriented Commercial (LC)

A. Lot Size:
   1. Minimum lot area: 7,500 square feet
   2. Minimum lot width: 75 feet
   3. Minimum lot depth: 100 feet

B. Setbacks:
   1. Front yard: 30 feet
   2. Side yard, principal structures: 15 feet
   3. Side and rear yard, accessory structures: 10 feet
   4. Rear yard: 30 feet
C. Height of Structures 35 feet
D. Maximum Impervious Surface Coverage 70%

Section 401.12 Lake Oriented Development (LD)

A. Lot Size:
   1. Minimum lot area: 7,500 square feet
   2. Minimum lot width: 75 feet
   3. Minimum lot depth: 100 feet

B. Setbacks:
   1. Front yard 30 feet
   2. Side yard, principal structures 15 feet
   3. Side and rear yard, accessory structures 10 feet
   4. Rear yard 30 feet

C. Height of Structures 35 feet
D. Maximum Impervious Surface Coverage 60%

Section 401.13 Urban Renaissance Area (UR)

A. Lot Size:
   1. Minimum lot area: None
   2. Minimum lot width: 25 feet
   3. Minimum lot depth: 100 feet

B. Setbacks:
   1. Front yard None
   2. Side yard, principal structures 10 feet if abutting residential district
   3. Side and rear yard, accessory structures 10 feet if abutting residential district
   4. Rear yard 10 feet if abutting residential district

C. Height of Structures None
D. Maximum Impervious Surface Coverage 100%

Section 401.14 Office/ Medical (OM)

A. Lot Size:
   1. Minimum lot area: 20,000 square feet
   2. Minimum lot width: 100 feet
   3. Minimum lot depth: 125 feet
B. Setbacks:
   1. Front yard 30 feet
   2. Side yard, principal structures 20 feet
   3. Side yard, accessory structures 20 feet
   4. Rear yard 25 feet

C. Height of Structures 75 feet

D. Maximum Impervious Surface Coverage 50%

Section 401.15 University (U)

A. Lot Size:
   1. Minimum lot area: None
   2. Minimum lot width: None
   3. Minimum lot depth: None

B. Setbacks:
   1. Front yard 40 feet plus one foot for each two feet of building height over forty
   2. Side yard, principal structures 40 feet
   3. Side and rear yard, accessory structures 40 feet
   4. Rear yard 40 feet

C. Height of Structures 50 feet

D. Maximum Impervious Surface Coverage 30%

Section 401.16 Light Industry (I-1)

A. Lot Size:
   1. Minimum lot area: 20,000 sq. ft.
   2. Minimum lot width: 75 feet
   3. Minimum lot depth: 100 feet

B. Setbacks:
   1. Front yard 30 feet
   2. Side yard, principal structures 20 feet
   3. Side and rear yard, accessory structures 10 feet
   4. Rear yard 20 feet

C. Height of Structures None

D. Maximum Impervious Surface Coverage 50%
Section 401.17  General Industry (I-2)

A. Lot Size:
   1. Minimum lot area: 20,000 square feet
   2. Minimum lot width: 75 feet
   3. Minimum lot depth: 100 feet

B. Setbacks:
   1. Front yard 30 feet
   2. Side yard, principal structures 20 feet
   3. Side yard, accessory structures 10 feet
   4. Rear yard 20 feet

C. Height of Structures
   None

D. Maximum Impervious Surface Coverage
   50%

Section 401.18  Shoreland Overlay (SH)

The following standards apply to lots located within shoreland areas. Whenever these standards conflict with the requirements of the underlying zoning district the stricter standards shall apply.

A. Minimum Size of Lots

1. Lots Served by Municipal Sewer on General Development Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots: (sq.ft.)</th>
<th>Nonriparian lots: (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Duplex</td>
<td>26,000</td>
<td>26,000</td>
</tr>
<tr>
<td>Triplex</td>
<td>38,000</td>
<td>38,000</td>
</tr>
<tr>
<td>Quad</td>
<td>49,000</td>
<td>49,000</td>
</tr>
</tbody>
</table>

*Outside City limits, lot area must contain a minimum of 30,000 square feet of contiguous land that is not a Type 1-8 wetland for Riparian lots and a minimum of 40,000 square feet of land that is not Type 1-8 wetland for Non-Riparian lots. Non-Riparian lots connected to municipal sewer and water may be 20,000 square feet in area.

2. Lots Not Served by Municipal Sewer on General Development Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots: (sq.ft.)</th>
<th>Nonriparian lots: (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>20,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Duplex</td>
<td>40,000</td>
<td>80,000</td>
</tr>
<tr>
<td>Triplex</td>
<td>60,000</td>
<td>120,000</td>
</tr>
<tr>
<td>Quad</td>
<td>80,000</td>
<td>160,000</td>
</tr>
</tbody>
</table>
Outside City limits, lot area must contain a minimum of 30,000 square feet of contiguous land that is not a Type 1-8 wetland for Riparian lots and a minimum of 40,000 square feet of land that is not Type 1-8 wetland for Non-Riparian lots.

3. Lots Served by Municipal Sewer on Recreational Development Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots: (sq.ft.)</th>
<th>Nonriparian lots: (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>20,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Duplex</td>
<td>35,000</td>
<td>26,000</td>
</tr>
<tr>
<td>Triplex</td>
<td>50,000</td>
<td>38,000</td>
</tr>
<tr>
<td>Quad</td>
<td>65,000</td>
<td>49,000</td>
</tr>
</tbody>
</table>

*No Recreational Development Lake currently served by Municipal Sewer*

4. Lots Not Served by Municipal Sewer on Recreational Development Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots: (sq.ft.)</th>
<th>Nonriparian lots: (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>45,000</td>
<td>45,000</td>
</tr>
<tr>
<td>Duplex</td>
<td>90,000</td>
<td>90,000</td>
</tr>
<tr>
<td>Triplex</td>
<td>135,000</td>
<td>135,000</td>
</tr>
<tr>
<td>Quad</td>
<td>180,000</td>
<td>180,000</td>
</tr>
</tbody>
</table>

*Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1-8 wetland.

5. Lots on Sensitive Area Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots:</th>
<th>Nonriparian lots:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>130,690 Sq. Ft.</td>
<td>130,690 Sq. Ft.</td>
</tr>
</tbody>
</table>

*Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1-8 wetland.

6. Lots on Special Protection Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots:</th>
<th>Nonriparian lots:</th>
</tr>
</thead>
</table>

*Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1-8 wetland.

7. Lots on Rivers or Tributaries

The minimum lot size for the Scenic River Segment of the Mississippi is 5 acres.

The minimum lot size for all other lots located within the shoreland of rivers or tributaries will be governed by the requirements of the underlying zoning district as prescribed by this Ordinance.

B. Lot Width
All lot widths shall be measured at both the building line and at the ordinary high water level.

1. Lots Served by Municipal Sewer on General Development Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots: (ft.)</th>
<th>Nonriparian lots: (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Duplex</td>
<td>135</td>
<td>135</td>
</tr>
<tr>
<td>Triplex</td>
<td>195</td>
<td>195</td>
</tr>
<tr>
<td>Quad</td>
<td>255</td>
<td>255</td>
</tr>
</tbody>
</table>

*Outside City limits, lot width minimums the same as unsewered.

2. Lots Not Served by Municipal Sewer on General Development Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots: (ft.)</th>
<th>Nonriparian lots: (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>100</td>
<td>150</td>
</tr>
<tr>
<td>Duplex</td>
<td>180</td>
<td>265</td>
</tr>
<tr>
<td>Triplex</td>
<td>260</td>
<td>375</td>
</tr>
<tr>
<td>Quad</td>
<td>340</td>
<td>490</td>
</tr>
</tbody>
</table>

3. Lots Served by Municipal Sewer on Recreational Development Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots: (ft.)</th>
<th>Nonriparian lots: (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Duplex</td>
<td>135</td>
<td>135</td>
</tr>
<tr>
<td>Triplex</td>
<td>195</td>
<td>190</td>
</tr>
<tr>
<td>Quad</td>
<td>255</td>
<td>245</td>
</tr>
</tbody>
</table>

*No Recreational Development Lake currently served by Municipal Sewer.

4. Lots Not Served by Municipal Sewer on Recreational Development Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots: (ft.)</th>
<th>Nonriparian lots: (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Duplex</td>
<td>225</td>
<td>265</td>
</tr>
<tr>
<td>Triplex</td>
<td>300</td>
<td>375</td>
</tr>
<tr>
<td>Quad</td>
<td>375</td>
<td>490</td>
</tr>
</tbody>
</table>

5. Lots on Sensitive Area Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots: (ft.)</th>
<th>Nonriparian lots: (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>300</td>
<td>300</td>
</tr>
</tbody>
</table>

6. Lots on Special Protection Lakes

<table>
<thead>
<tr>
<th>Structure</th>
<th>Riparian lots: (ft.)</th>
<th>Nonriparian lots: (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>400</td>
<td>400</td>
</tr>
</tbody>
</table>
7. Lots on Rivers. On Scenic River Segment of Mississippi the minimum width is 330 feet.

<table>
<thead>
<tr>
<th>Structure:</th>
<th>Remote:</th>
<th>Forested:</th>
<th>Transitional:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>300</td>
<td>200</td>
<td>250</td>
</tr>
<tr>
<td>Duplex</td>
<td>450</td>
<td>300</td>
<td>375</td>
</tr>
<tr>
<td>Triplex</td>
<td>600</td>
<td>400</td>
<td>500</td>
</tr>
<tr>
<td>Quad</td>
<td>750</td>
<td>500</td>
<td>625</td>
</tr>
</tbody>
</table>

8. Lots on Tributaries.

<table>
<thead>
<tr>
<th>Structure:</th>
<th>Sewered:</th>
<th>Unsewered:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>100</td>
<td>150</td>
</tr>
<tr>
<td>Duplex</td>
<td>115</td>
<td>200</td>
</tr>
<tr>
<td>Triplex</td>
<td>150</td>
<td>250</td>
</tr>
<tr>
<td>Quad</td>
<td>190</td>
<td>300</td>
</tr>
</tbody>
</table>

C. Lot Coverage

The maximum ground coverage percentage shall be 25% on all lots within the shoreland district. This shall include all structures, paving, cement, and all other impermeable surfaces.

D. Setbacks:

Structure setbacks in the shoreland overlay district are as follows:

1. General Development Lakes

<table>
<thead>
<tr>
<th>Distance in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure setback from ordinary high water level (unsewered)</td>
</tr>
<tr>
<td>Structure setback from ordinary high water level (sewered)</td>
</tr>
<tr>
<td>Structure setback from top of bluff</td>
</tr>
<tr>
<td>Structure setback from side lot line</td>
</tr>
<tr>
<td>Structure setback from unplatted cemetery</td>
</tr>
<tr>
<td>Structure setback from federal, State, or County right-of-way</td>
</tr>
<tr>
<td>Structure setback from right-of-way of other roads</td>
</tr>
<tr>
<td>Sewage treatment system setback from ordinary high water level</td>
</tr>
</tbody>
</table>

*Outside City limits, Lake Bemidji setback from OHW (unsewered) 100

2. Recreational Development Lakes

<table>
<thead>
<tr>
<th>Distance in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure setback from ordinary high water level (unsewered)</td>
</tr>
<tr>
<td>Structure setback from ordinary high water level (sewered)</td>
</tr>
<tr>
<td>Structure setback from top of bluff</td>
</tr>
<tr>
<td>Structure setback from side lot line</td>
</tr>
<tr>
<td>Structure setback from unplatted cemetery</td>
</tr>
<tr>
<td>Distance in Feet</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>50</td>
</tr>
<tr>
<td>20</td>
</tr>
<tr>
<td>100</td>
</tr>
</tbody>
</table>

3. **Sensitive Area Lakes**

- Structure setback from ordinary high water level: 300 feet
- Structure setback from top of bluff: 30 feet
- Structure setback from side lot line: 10 feet
- Structure setback from unplatted cemetery: 50 feet
- Structure setback from federal, State, or County right-of-way: 50 feet
- Structure setback from right-of-way of other roads: 20 feet
- Sewage treatment system setback from ordinary high water level: 150 feet

4. **Special Protection Lake**

- Structure setback from ordinary high water level: 400 feet
- Structure setback from top of bluff: 30 feet
- Structure setback from side lot line: 10 feet
- Structure setback from unplatted cemetery: 50 feet
- Structure setback from federal, State, or County right-of-way: 50 feet
- Structure setback from right-of-way of other roads: 20 feet
- Sewage treatment system setback from ordinary high water level: 200 feet

5. **Remote River Segments (incl. Scenic River)**

- Structure setback from ordinary high water level: 200 feet
- Structure setback from top of bluff: 30 feet
- Structure setback from side lot line: 10 feet
- Structure setback from unplatted cemetery: 50 feet
- Structure setback from federal, State, or County right-of-way: 50 feet
- Structure setback from right-of-way of other roads: 20 feet
- Sewage treatment system setback from ordinary high water level: 200 feet

6. **Forest River Segment**

- Structure setback from ordinary high water level: 150 feet
- Structure setback from top of bluff: 30 feet
- Structure setback from side lot line: 10 feet
- Structure setback from unplatted cemetery: 50 feet
- Structure setback from federal, State, or County right-of-way: 50 feet
- Structure setback from right-of-way of other roads: 20 feet
- Sewage treatment system setback from ordinary high water level: 150 feet

7. **Transition River Segments**

- Structure setback from ordinary high water level: 150 feet
- Structure setback from top of bluff: 30 feet
Structure setback from side lot line 10
Structure setback from unplatted cemetery 50
Structure setback from federal, State, or County right-of-way 50
Structure setback from right-of-way of other roads 20
Sewage treatment system setback from ordinary high water level 150

8. Tributary River Segments

Structure setback from ordinary high water level (unsewered) 100
Structure setback from ordinary high water level (sewered) 50
Structure setback from top of bluff 30
Structure setback from side lot line 10
Structure setback from unplatted cemetery 50
Structure setback from federal, State, or County right-of-way 50
Structure setback from right-of-way of other roads 20
Sewage treatment system setback from ordinary high water level 100

E. Maximum Building Height:
No structure in residential districts in the shoreland overlay, except churches and agricultural structures, shall exceed thirty-five (35) feet in height. All other height limitations shall be as prescribed for the underlying zoning district.

Section 401.19 Sensitive Area Overlay (SA)
The following standards apply to lots located within the Sensitive Area Overlay District. Whenever these standards conflict with the requirements of the underlying zoning district, or another overlay district, the stricter standards shall apply.

A. Lot Size:
1. Minimum lot area: 5 acres
2. Minimum lot width: 200 feet
3. Minimum lot depth: 200 feet

B. Setbacks:
1. Front yard 30 feet
2. Side yard, principal structures 10 feet
3. Side and rear yard, accessory structures 5 feet
4. Rear yard 25 feet

C. Height of Structures 45 feet

Section 401.20 Trunk Highway 197 Overlay (TH)
The following standards apply to lots located within the Trunk Highway 197 Overlay District. Whenever these standards conflict with the requirements of the underlying zoning district, or another overlay district, the stricter standards shall apply.
A. Lot Size:
   1. Minimum lot area: 7,500 square feet
   2. Minimum lot width: 75 feet
   3. Minimum lot depth: 100 feet

B. Setbacks:
   1. Front yard 30 feet
   2. Side yard, principal structures 10 feet
   3. Side and rear yard, accessory structures 10 feet
   4. Rear yard 20 feet

C. Height of Structures 50 feet

D. Maximum Impervious Surface Coverage 70%

Section 401.21 Airport Protection Overlay

The standards and requirements of the underlying zoning district shall apply, except that height restriction, setback from runway centerline, and configuration of lighting placement shall be applied based on the proposed site plan.
ARTICLE V
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 all applicable official controls, State Statutes and the following standards.

Section 501. Nonconforming Uses of Land

The nonconforming lawful use of land where no structure exists as of the effective date of this Ordinance may continue as provided under Minnesota Statute, Section 462.357 Subd. 1e, as amended, and further provided:

A. The nonconforming use of land shall in no way be expanded or extended either on the same property or onto an adjoining lot of record. Prohibited expansion or extension shall include anything that increases the intensity of the use, including a change to a more intense nonconforming use or a physical expansion of the existing use that increases the height, volume and/or area dimensions of the non-conforming use.

B. When any lawful non-conforming use of any structure or land has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

C. If the nonconforming use of land is discontinued for a period of twelve (12) months, the subsequent use of land shall be in conformity with the provisions of this Ordinance.

D. Uses which are declared to be public nuisances shall not be allowed to continue as legal nonconforming uses.

Section 502. Nonconforming Structures

Except as provided in Section 503, buildings or structures which were legally constructed prior to the adoption of this Ordinance, but do not meet the provisions of this Ordinance, may continue in use as provided under Minnesota Statutes, Section 462.357 Subd. 1e, as amended. Additions or alterations to nonconforming structures are allowed, provided that such additions or alterations are in full compliance with the provisions herein and all other applicable official controls. No addition or alteration to the outside dimensions of a nonconforming structure which does not conform to the dimensional requirements of this Ordinance may be authorized without a variance issued in accordance with Article XIII of this Ordinance.

Section 503. Nonconforming Structures in Shoreland Areas

A. Buildings or structures which were legally constructed prior to the adoption of shoreland controls or prior to adoption of this Ordinance, but that do not meet the provisions of this Ordinance may continue in use. A
nonconforming structure may be repaired, replaced, restored, maintained, or improved, but not expanded, except as may be permitted in this Section. Any addition or alteration to the outside dimensions of a nonconforming structure shall be allowed by building permit provided that:

1. The sewage treatment system is in full compliance with this Ordinance;
2. The lot size meets the standards of a minimum of 15,000 sq. ft., 100 feet in width at the building line, and, for riparian lots, 100 feet in width at the ordinary high water level; Additions or alterations shall not proceed waterward with the exception of decks as specified in Section 505 of this Ordinance;
3. Any additions or alterations to the outside dimensions of a nonconforming structure that cannot meet these provisions must be authorized by a variance according to the requirements of this Ordinance;
4. All other provisions of this Ordinance are complied with.

B. No additions shall be allowed to nonconforming accessory structures.

Section 504. Damage to Nonconforming Structures

Whenever a lawful, nonconforming structure shall be damaged by fire, collapse, flood, explosion, earthquake, war, riot, or act of God or public enemy, it may be reconstructed and used as before provided that:

A. A permit to reconstruct the structure is applied for within 180 days of when the property is damaged; and,

B. It is reconstructed within twelve (12) months after such calamity.

Section 505. Deck Additions to Nonconforming Structures in Shoreland

Deck additions are allowed to structures that do not meet the minimum setback from the ordinary high water level, or to those structures that minimally meet the setback requirement to the ordinary high water level, without a variance, provided:

A. The structure existed on the date the structure setbacks were established;

B. A thorough evaluation of the property reveals no reasonable location for a deck which meets or exceeds the established setback from the ordinary high water level;

C. 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, and does not encroach closer than thirty (30) feet; and,
D. The deck is constructed primarily of wood, and is not roofed or screened.

Section 506. Nonconforming Sewage Treatment System

A sewage treatment system that does not meet the requirements specified in Section VIII of this Ordinance must be upgraded within one (1) year of the discovery date of the noncompliance. A nonconforming sewage treatment system also must be upgraded any time that a variance or permit of any type is required for any improvement on, or use of, the property. If central services are available in an abutting street or alley within 200 feet of the residents’ structure, such resident shall connect to the sewer and/or water service if such service may be legally provided. For the 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.

Before a permit may be issued, the Planning Administrator shall cause such inspections which are necessary to determine if the sewage treatment system is in conformance with the criteria as stated in Article VIII, “Sanitation Standards.”

The Joint Planning Board requires upgrading or replacement of any nonconforming system identified through this program within one (1) year of identification by the Planning 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, unless they are determined to be failing, 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.

Section 507. Nonconforming Signs

Existing signs which were legally erected, placed or maintained which do not conform to the specific provision of this Ordinance may continue in use provided that:

A. The signs were installed in conformance with all Ordinances in effect at that time, and valid permits were issued, if required.

B. Such signs are properly maintained and do not in any way endanger the public.

A legal nonconforming sign may not be relocated or replaced and may not be altered in any way except toward compliance with this ordinance. This does not refer to changeable copy signs or normal maintenance. The legal nonconforming sign is subject to all requirements of this ordinance regarding safety, maintenance, and repair. However, if use of the sign is discontinued for a period of one (1) year or is destroyed to an extent greater than fifty (50) percent, as based on appraisal, and no permit to replace or repair the sign has been applied for within 180 days of when the damage occurred, it must be brought into compliance with the requirements of this Ordinance.
Section 508. Substandard Lots of Record

A lot of record existing upon the effective date of this Ordinance may be used for the erection of a structure without meeting the minimum lot area and lot width requirements provided that:

A. The use is permitted in the zoning district;

B. The lot has been in separate ownership from abutting lands at all times since it became substandard;

C. The lot was created compliant with the official controls in effect at that time;

D. The sewage treatment and setback requirements prescribed by this Ordinance are met;

E. The lot area and width are within seventy percent (70%) of the minimum requirements of this Ordinance. In the B-1, R-1, R-2 and R-3 districts, lots of record greater than one acre and with a width of at least 100 feet may be developed without a variance.

F. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a structure or facility to be constructed or placed on a substandard lot that does not meet the setback provisions of this Ordinance. 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; and,

G. Appropriate land use and/or building permit(s) is/are obtained from the Planning Administrator or building authority.

Section 509. Combining Substandard Lots of Record

If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the minimum lot width and lot area requirements specified in this Ordinance, the lot shall not be considered as a separate parcel of land for the purpose of sale or development. Such lot must be combined with one or more contiguous lots so that they equal one or more parcels of land, each meeting the requirements of lot area and lot width to the extent possible.
ARTICLE VI
ACCESSORY USES AND STRUCTURES

Section 601. Accessory Uses and Structures

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized, with the issuance of a Building/Land Use Permit, except as prohibited specifically or by necessary implication in this or any other ordinance, provided that:

A. All accessory buildings and structures, including but not limited to decks, stairways, handicapped access, carports and breezeways, attached to the principal building on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of the Ordinance applicable to the principal building.

B. All detached accessory buildings shall comply with all of the requirements applicable to the principal structure and maintain a minimum of 10 feet between all structures.

C. No accessory building or structure shall be constructed, altered, or moved to any location within 10 feet of the principal building unless the structure is made an integral part of the principal building.

D. In the R-3 district, no accessory buildings shall exceed 1,500 square feet of floor area. In the R-4 and R-5 districts, no accessory buildings shall exceed 1,000 square feet of floor area.

E. No more than one accessory building (storage building) in excess of 120 square feet of floor area shall be allowed in the R-2 and R-3 districts except where the parcel is larger than two acres.

F. Accessory structures shall not exceed twenty-five (25) feet in height, and side walls may not exceed twelve (12) feet in height.

G. All detached accessory buildings or structures shall be located in the side or rear yards. All such structures shall comply with all yard requirements applicable to the principal structures located within the zoning district.

H. One structure per parcel of land, with a floor area 120 square feet or less is exempt from the Building/Land Use Permit requirement.

I. Accessory structures shall not be constructed or occupied on any lot in the R-4 through R-6 zones prior to the time of construction of the principal structure to which it is an accessory. The structure shall not be designed or used for human habitation and shall not contain sewage treatment facilities.
Section 602. Accessory Uses and Structures in Shoreland

Where a shoreland lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance, provided that the requirements of Section 601 are met, and that:

A. Piers and docks are allowed, but shall be controlled by applicable State and local regulations.

B. Each riparian lot may have one water-oriented accessory structure not meeting the normal setback from the ordinary high water level as specified in Article IV of this Ordinance, provided that such structure complies with the following provisions:
   1. Such structure shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than 120 square feet;
   2. The setback of the structure from the ordinary high water level must be at least ten (10) feet;
   3. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color assuming summer, leaf-on conditions;
   4. The roof may be used as a deck with safety rails, but shall not be enclosed as a storage area; and,
      a. The structure shall not be designed or used for human habitation and shall not contain sewage treatment facilities.

Section 603. Home Occupations

Home occupations meeting all of the following criteria are considered accessory uses and are allowed without a permit:

1. No customers visit the premises;
2. No person who does not reside on the premises is employed on-site;
3. There is no evidence from outside of the principal or accessory structures that any business enterprise occurs on-site.

Section 604. Accessory Buildings in Manufactured Housing Parks

No more than one storage building not to exceed 120 square feet is allowed per lot. A carport may also be allowed on manufactured home lots. All accessory buildings must meet setbacks. Storage and accessory buildings must be maintained and designed to enhance the general appearance of the lot.
ARTICLE VII
SIGN REGULATIONS

Section 701. Purpose and Intent

The purpose of this Section shall be to coordinate the type, placement, and scale of signs within the different zoning districts to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use and maintenance of signs. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Ordinance.

Because of its unique environmental setting, it is further the intent of this ordinance to encourage quality and aesthetics in the size, design and the materials used for sign construction; to enhance the overall appearance and image of the community; and to assure that the public is not endangered by the unsafe, disorderly or unnecessary use of signage.

Section 702. Scope

The primary focus of this Article shall be to regulate signs intended to be viewed from any vehicular or pedestrian public right-of-way.

This ordinance shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Section 703. General Provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the Greater Bemidji Area except in accordance with the provisions of this Ordinance. Signs, other than governmental signs, are prohibited within public rights-of-way and easements and on public property. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above the said pedestrian way of eight (8) feet.

Section 704. Prohibited Signs

The following signs are prohibited in all districts:

A. Signs on vacant or abandoned buildings, or signs located at businesses which have ceased to operate as commercial enterprises. Such signs shall be removed by the property owner within 30 days of abandonment or business cessation;
B. Signs imitating or resembling official traffic or public safety signs or signals in shape, size or color;

C. Snipe signs or signs attached to trees, telephone or utility poles, public benches, streetlights, or placed on any public property or public right-of-way;

D. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs (this does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business);

E. Signs that interfere with the safe operation of official traffic control devices.

F. Signs that emit sound;

G. Signs anchored by guy wires, chains, cables or similar devices that project down to the ground or in any way, or which create an unsafe condition for pedestrians or motorists;

H. Signs placed in any public right-of-way, except those placed by State or local government for public safety or informational purposes, and directional signs as identified in Section 708 of this Ordinance.

Section 705. Permits Required

Unless otherwise provided by this Ordinance, all signs shall require a sign permit issued by the Planning Administrator. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

Section 706. Signs Not Requiring Permits

The following types of signs are exempt from permit requirements but must be in compliance with all other requirements of this Ordinance:

A. Construction signs of thirty-two (32) square feet or less;

B. Holiday or special events decorations;

C. Nameplates of two (2) square feet or less;

D. Non-illuminated political signs not to exceed sixteen (16) square feet per sign per lot. Such signs shall not be erected more than thirty (60) days prior to an election or referendum and shall be removed no later than ten (10) days following such election or referendum. Political signs may be placed only on private property with permission of the property owner;

E. Public signs or notices, or any sign relating to an emergency;

F. Real estate signs, not exceeding sixteen (16) square feet per lot. Real estate signs must be removed within seven (7) days after sale;

G. Window signs;

H. Incidental signs;

I. Any public notice or warning sign required by a valid and applicable federal, state, or local law, regulation, or ordinance;

J. Works of art that do not include a commercial message;

K. Flags;

L. Ad signs on vehicles traveling or lawfully parked on operating and insured vehicles;
M. Freestanding or portable signs for garage sales not more than four (4) square feet in size, on private property for not more than three (3) days. Property owner is responsible for removal of signs;

N. Temporary or permanent signs by public utilities to warn the public;

O. Banners in the B-1 and B-2 districts for point of purchase displays or special events not to exceed two (2) banners per lot. No banner may exceed fifty (50) square feet in size, and a five (5) foot setback from all lot lines is required. No more than two (2) banners total, may be placed on a lot for more than thirty (30) days in any six (6) month period beginning on January 1 and July 1. Banners are allowed in the UR District as follows: 1 per parcel not to exceed 30 square feet and more than 1 banner for 30 days in a six month period. A permit is required in the UR District.

P. “No Hunting” or “No Trespassing” signs posted on private property;

Q. Easel signs, in the B-1, B-2, LC, LD and UR districts, provided that there are no more than two such signs per interior lot, and three per corner lot;

R. Scoreboards in athletic stadiums.

Section 707. Sign Standards

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Planning Administrator shall order the repair or removal of any sign which is defective, damaged, or substantially deteriorated. Replacement of support posts, columns, pylons or other structural supports for any sign shall constitute removal of such sign, and its replacement shall be done in compliance with the terms of this Ordinance.

Illuminated signs, if permitted by this Ordinance, shall be backlit and shall avoid direct casting of light upon property located in any residential district, upon public waters, or onto any public right-of-way.

Section 708. Signs Allowed in All Districts

The following signs are allowed in all districts with the proper permit, if required:

A. All signs not requiring permits, as identified in Section 706 of this Ordinance;

B. One non-illuminated sign for each lot within a construction project, not to exceed thirty two (32) square feet in sign area in residential zones or forty-eight (48) square feet in sign area in all other zones. Such signs may be erected sixty (60) days prior to beginning of construction and shall be removed thirty (30) days following completion of construction;

C. Directional signs, not illuminated and not exceeding 2 square feet in size, for uses such as: churches, schools, hospitals, nursing homes, clubs, libraries or similar - only one per avenue or street directly leading to the establishment;

D. Signs adorning fences located in permitted outdoor recreational facilities.
Section 709. Signs Permitted in the (C) Conservation District

No sign shall be allowed in the Conservation District with the exception of those identified in Section 708 of this Ordinance. No sign shall be located less than ten feet from a road right-of-way.

Section 710. Signs Permitted in the R-1, R-2, R-3, R-4, R-5, R-6 and MH Districts

The following signs are permitted with the issuance of a sign permit provided that no such sign may be illuminated.

A. All signs as permitted in Section 708 of this Ordinance;
B. One subdivision identification sign per street frontage, neighborhood, subdivision or development, not to exceed thirty-two (32) square feet in area in each location;
C. One identification sign per entrance to each building in an apartment or condominium complex, not to exceed thirty-six (36) square feet in area;
D. Permitted non-residential uses, including churches, schools, clinics, are allowed one freestanding sign per street frontage not to exceed twenty-four (24) square feet in area. One wall sign of twenty-four (24) square feet is also allowed per street frontage;
E. Home occupations are allowed no more than one sign not to exceed four square feet in size. The sign must be located in the front yard or the side yard;
F. All permitted freestanding signs shall have a maximum height limit of six (6) feet and shall have a setback of fifteen (15) feet from any public right-of-way. The width of the support structure of freestanding signs shall not exceed the sign.

Section 711. Signs Permitted in the B-1, LC and LD Districts

The following signs are permitted with the issuance of a sign permit:

A. On-premise signs:
   1. Bulletin Board Sign;
   2. On Premises Business Sign;
   3. Construction Sign;
   4. Identification Sign;
   5. Under Canopy Signs;
   6. Portable signs no larger than fifty (50) square feet. Such sign shall be setback no less than five (5) feet from any lot line, and shall be limited to no more than a total of thirty (30) days within a six month period.

B. Number and size of signs:
   1. There shall be no more than two (2) signs affixed to the wall of a principal building, and one (1) free-standing sign, or three (3) wall signs;
   2. Signage on each parcel shall not exceed one hundred twenty five (125) square feet, except for multi-tenant commercial buildings;
3. For multi-tenant commercial buildings, a total of one wall mounted sign is allowed per business per building face, the total signage not to exceed fifty (50) square feet per business. Plus one pylon or ground mounted sign per multi-tenant commercial building not to exceed one hundred fifty (150) square feet.

C. Maximum Height:
   1. No sign shall exceed thirty (30) feet above average grade at the base of the principal structure.

D. Required Setbacks:
   1. There shall be a minimum setback of fifteen (15) feet from the front property line. Side yard setbacks shall be five (5) feet in LC, LD and ten (10) feet in B-1 districts.

Section 712. Signs Permitted in the (B-2) General Commercial District

The following signs are permitted with the issuance of a sign permit:

A. On-premise signs:
   1. Bulletin Board Sign;
   2. On Premises Business Sign;
   3. Construction Sign;
   4. Portable signs no larger than fifty (50) square feet. Such sign shall be setback no less than five (5) feet from any lot line, and shall be limited to no more than thirty (30) days within a six month period;

B. Number and size of signs:
   1. There shall be no more than two (2) signs affixed to the wall of a principal building, and one (1) free-standing sign, or three (3) wall signs;
   2. Signage on each parcel shall not exceed one hundred twenty five (125) square feet, except for multi-tenant commercial buildings;
   3. For multi-tenant commercial buildings, a total of one wall mounted sign is allowed per business per building face, the total signage not to exceed fifty (50) square feet per business. Plus one pylon or ground mounted sign per multi-tenant commercial building not to exceed one hundred fifty (150) square feet.

C. Maximum Height:
   1. No sign shall exceed thirty (30) feet above average grade at the base of the principal structure.

D. Required Setbacks:
   1. There shall be a minimum setback of fifteen (15) feet from the front property line, with the exception of signage requirements along one-way pairs prescribed in Section 712 E. All signs shall comply with the minimum district setbacks for principal structures in all rear yards. Side yard setbacks shall be five (5) feet.
E. Additional Signage Along One-Way Pairs:
   1. Where any business is located between two one-way streets or highways, additional signage may be permitted as follows:

   a. One (1) additional pylon sign per parcel, with a ten foot setback for the sign overhang;
   b. An equal square footage of wall signage permitted under the terms of this Ordinance shall be permitted for the building wall facing each of the two one-way streets or highways;
   c. A business fronting on only one of the one-way streets or highways shall be allowed off-premise advertising signage to be located within the immediate zoning district, but only to the extent that the square footage of the off-premise signage does not exceed the total on-premise square footage permitted for the parcel. Location of the off-premise sign must be authorized by the property owner.

Section 713. Signs Permitted in the (UR) Urban Renaissance District

The following signs are permitted with the issuance of a sign permit:

A. On-premise signs:
   1. Bulletin Board Sign;
   2. On Premises Business Sign;
   3. Construction Sign;
   4. Identification Sign;
   5. Under canopy signs not to exceed eight (8) square feet with a minimum clearance of 8' to grade. Under canopy signs shall count in the total allowable square footage;
   6. Each parcel may have one (1) banner not to exceed 30 square feet for a period not to exceed 30 days in a 6 month period beginning on January 1 and July 1.

B. Number and size of signs:
   1. There is no limit to the number of signs provided that the area requirement is not exceeded.
   2. The total area of signs shall not exceed three (3) square feet per lineal foot of street frontage.
   3. Maximum size of portable signs shall not exceed fifty (50) square feet;
   4. For multi-tenant buildings, a total of one wall mounted sign is allowed per business per building face, the total signage not to exceed fifty (50) square feet per business.

C. Maximum Height:
   1. No sign shall exceed thirty (30) feet above average grade at the base of the principal structure.

D. Required Setbacks:
1. There shall be no required setback except that no private sign shall be erected on public property and no private sign extending over public property shall be closer than two (2) feet from the back of any public street curb.

Section 714. Signs Permitted in the O/M and U Districts

The following signs are permitted with the issuance of a sign permit.

A. On-premise signs:
   1. Bulletin Board Sign;
   2. On-Premises Business Sign;
   3. Portable signs. Such sign shall be setback no less than five (5) feet from any lot line, and shall be limited to no more than thirty (30) days within a six month period;
   4. Construction Sign;
   5. Under canopy signs not to exceed eight (8) square feet with a minimum clearance of 8' to grade. Under canopy signs count in the total allowable square footage;
   6. Principal signs containing the name of a permitted institution.

B. Number and size of signs:
   1. There shall be no more than two signs per twenty five (25) lineal feet of street frontage.
   2. The total area of signs shall not exceed one (1) square foot per each five (5) lineal foot of street frontage.
   3. Outdoor recreational stadiums shall be permitted two (2) identification signs not to exceed one hundred sixty (160) square feet for each sign;
   4. For multi-tenant buildings, a total of one wall mounted sign is allowed per business per building face, the total signage not to exceed fifty (50) square feet per business;

C. Maximum Height:
   1. No free-standing sign shall exceed ten (10) feet above average grade at the base of the principal structure. The height limit for signs attached to the wall of a principal building shall be limited to the height of the building.

D. Required Setbacks:
   1. There shall be a minimum setback of twenty (20) feet from the front property line. All signs shall comply with the minimum district setbacks for principal structures in all rear yards. Side yard setbacks shall be ten (10) feet.

Section 715. Signs Permitted in the I-1 and I-2 Districts

The following signs are permitted with the issuance of a sign permit.
A. On-premise signs:
1. Bulletin Board Sign;
2. On-Premises Business Sign;
3. Portable signs. Such sign shall be setback no less than five (5) feet from any lot line, and shall be limited to no more than thirty (30) days within a six month period;
4. Construction Sign;
5. Identification Sign;
6. Under canopy signs not to exceed eight (8) square feet with a minimum clearance of 8' to grade. Under canopy signs shall count in the total allowable square footage.

B. Off-premise signs:
1. No more than one (1) off-premise sign not to exceed one hundred (100) square feet is permitted on any lot within an Industrial District.

C. Number and size of signs:
1. There shall be no more than two (2) signs affixed to the wall of a principal building, and one (1) free-standing sign, or three (3) wall signs;
2. Signage on each parcel shall not exceed one hundred twenty five (125) square feet.

D. Maximum Height:
1. No sign shall exceed thirty (30) feet above average grade at the base of the principal structure.

E. Required Setbacks:
1. There shall be a minimum setback of fifteen (15) feet from the front property line. All signs shall comply with the minimum district setbacks for principal structures in all rear yards. Side yard setbacks shall be ten (10) feet.

F. Special Provisions for Adult Entertainment Uses:
The following sign regulations shall apply to all adult oriented establishments in the Greater Bemidji Area. These regulations are in addition to the provisions in Section 1015 of this Ordinance.

1. All signs shall be flat wall mounted signs. No signs shall be freestanding, located on the roof, or contain any flashing lights, moving elements or electronically or mechanically changing messages. No signs shall contain any message or image which ideas specified sexually activities or specified anatomical areas as defined herein;

2. The amount of allowable sign area shall be one (1) square foot of sign area per foot of lot frontage on a street, not to exceed fifty (50) square feet;
3. No merchandise, photos, or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or public right of way adjoining the building or structure in which the adult use or sexually oriented business is located;

4. No signs shall be placed in any window. A two (2) foot square sign may be placed on the door to state hours of operation and admittance to adults only.

Section 716. Additional Provisions in Shoreland Areas

All signs in shoreland areas must comply with the provisions of Section 910 of this Ordinance in addition to the requirements of the underlying zoning district.

Section 717. Additional Provisions in the Trunk Highway 197 Overlay Area

No sign in the TH 197 Overlay District shall exceed twenty-five (25) feet in height.
ARTICLE VIII
SANITATION STANDARDS

Section 801. Sewage Treatment Standards

No premises may be used for human occupancy unless said premises are equipped with a method of sewage treatment which complies with "Individual Sewage Treatment System Standards", Minnesota Rules, Chapter 7080. No installation, repair, or extension of individual sewage treatment systems may be undertaken without the issuance of a permit from the Joint Planning Board prior to commencement of such work. No sanitation permit shall be issued unless the proposed system will be in compliance with the following standards.

A. No individual sewage treatment system shall be permitted in areas where a Municipal Sewer System is available.

B. All private sewage treatment systems must meet the 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. Minnesota Rules, part 7080.0179, is incorporated by reference into this Ordinance. A copy of this document is on file at the Bemidji City Hall and Bemidji and Northern Town Halls.

C. All individual sewage treatment systems identified as an imminent threat to public health shall be made compliant in accordance with the requirements of MPCA Chapter 7080 within 120 days of when such determination is made, unless weather conditions make such improvements impractical. If compliance within 120 days is impractical an extension may be granted by the Planning Administrator provided that the property owner requests an extension and provides the Planning Administrator with documentation that such improvement shall be made no later than the next June 1.

D. All individual sewage treatment systems shall be designed and installed to meet the design flow requirements for Classification I Dwellings prescribed by MPCA Chapter 7080.0125 subp. 2.

E. Septic tanks must be set back a minimum of ten (10) feet from any building. Any part of a drain field or mound systems must be set back a minimum of twenty (20) feet from any building, ten (10) feet from any lot line, fifty (50) feet from a well or other water supply (100 feet if a well is less than 50 feet in depth), and, where feasible, shall be placed down slope from said water supply. Additionally, in shoreland areas, on-site sewage treatment systems must be set back from the ordinary high water level in accordance with the minimum standards specified in Section 401.18 of this Ordinance.
F. Nonconforming and noncompliant sewage treatment systems shall be regulated and upgraded in accordance with Sections 802 and 803 of this Ordinance.

G. Sewage treatment systems shall not be permitted in areas where any of the following conditions are present:

1. Low, swampy areas, or areas subject to recurrent flooding.
2. Areas where the highest known groundwater table is within three feet from the bottom of the sewage treatment system at any time.
3. Areas of exposed bedrock or shallow bedrock within three feet of the bottom of a sewage treatment system or any other geological formation which prohibits percolation of the effluent.

H. In the creation of new lots where individual sewage treatment systems may be installed, documentation shall be provided that there is adequate space for both a primary and alternate individual sewage treatment system.

I. Any individual sewage treatment system that is abandoned, or no longer being used, shall be properly abandoned in accordance with MPCA Chapter 7080.0176 at the time of installation of a new individual sewage treatment system, or other treatment systems.

J. Holding tanks may only be used as a last resort. A design and a pumping contract shall be submitted as part of the permit application process. All holding tank installation and repair shall be inspected in accordance with MPCA Chapter 7080.

Section 802. Registration of Sewage Treatment Systems for Shoreland Properties

No owner of a tract of land upon which a dwelling is located, or a tract of land upon which a structure having an on-site sewage treatment system is located, shall sell or contract to sell by conveyance or contract for conveyance without providing a copy of a Certificate of Sanitary System Compliance to the buyer prior to the time of sale in accordance with the following requirements:

A. Time of sale shall mean when a written purchase agreement is executed by the buyer, or in the absence of a purchase agreement, the time of the execution of any document providing for the conveyance by deed or contract.

B. The Seller shall obtain and provide to the buyer a State Certificate of Compliance.

C. The proposed purchaser shall not take occupancy of a dwelling or structure prior to the issuance of a Certificate of Compliance, except that upon the filing with the Joint Planning Board, or its agent, of an executed written agreement by the present and prospective owners, which agreement sets
forth the date by which the new owner will complete the necessary corrective action, and which agreement and corrective action dates are approved by the Bemidji Area Joint Planning Board and found to be adequate in its discretion, the occupancy may be permitted pending issuance of the Certificate of Compliance. In no case shall the corrective action be completed later than one year from the date the property is conveyed.

D. A State Certificate of Compliance issued under this Ordinance shall be effective for five (5) years from the date of issuance for new systems or three (3) years for existing systems.

Section 803. Noncompliant Sewage Treatment Systems

No person shall use, occupy, or maintain any premises containing a noncompliant sewage treatment system. For the purposes of this provision, a sewage treatment system shall not be considered noncompliant if the only deficiency is the size of the system or any setback of the sewage treatment system as prescribed under Section 801(E) of this Ordinance. Subject to the requirements of Section 802 of this Ordinance, sewage treatment systems installed according to all applicable regulations in effect at the time of installation may be considered as compliant unless they are determined to be failing, 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 noncompliant.

Section 804. Sewage Treatment Permit Requirements

No person, firm or corporation shall repair, alter, install or extend any individual sewage treatment system without first obtaining a permit therefore from the Bemidji Area Joint Planning Board for the specific installation, alteration, repair or extension to be performed. Installation, construction, or modification must be performed by a Minnesota Pollution Control Agency licensed sewage treatment installer. Said installer shall be responsible for obtaining a sanitary sewer permit prior to beginning any construction or modification. Permits shall be valid through December 31 in the year that said permit is issued.

A. Applications for permits shall be made in writing upon forms provided by the Bemidji Area Joint Planning Board, and shall be signed by the applicant(s) and/or the licensed contractor who will perform the work.

B. Each application for a sewage treatment system shall include:

1. A copy of the deed of the property on which the proposed repair, installation, alteration, or extension will occur, if requested.
2. A signed copy of the site evaluation report prepared by a state licensed site evaluator with their license number affixed to the copy. The site evaluation shall include at least four (4) soil borings for new sites.
3. A plan of the site to reasonable scale and accuracy showing: the location of any proposed and existing buildings, water supply, property lines, underground and overhead utility lines, names of neighbors to either side (with addresses) with the location of their existing water supply indicated and an arrow indicating the direction of North.

4. A signed copy of the system design prepared by a state licensed designer with their license number affixed to the copy with a complete plan of the sewage treatment system showing the location, size and design of all parts of the system to be repaired, installed, altered, or extended.

5. The name and license number of the person, firm or corporation which will install the system.

6. Any other pertinent information as requested by the Joint Planning Board or its agent.

Section 805. Revision to Approved Plan

In the event that necessity requires a modification to an approved plan, the state licensed installer shall, before commencing or resuming construction of the system, contact the Planning Administrator and submit to the Planning Department a revised plan including the proposed modification. Any revised plan must be approved in writing by a licensed designer prior to approval by the Joint Planning Board or its agent.

Section 806. Certification

Any individual, firm, corporation, or other entity engaged in the diagnosis of soils through site evaluations, repair, construction, installation, modification or design of sewage treatment systems must be licensed by the Minnesota Pollution Control Agency. All MPCA licensed persons must register with the Bemidji Area Joint Planning Board before engaging in such activities.

Section 807. Sewage Treatment System Inspection

All individual sewage treatment system construction, alteration, repair and extensions require an inspection by a State licensed Inspector, with the exception of the repair or replacement of pumps, floats or electrical devices associated with the pump tank. The installation and construction of the individual sewage treatment system shall be in accordance with the site evaluation and design. Inspections shall be conducted at least once during the construction of the individual sewage treatment system. If any individual sewage treatment system component is covered before being inspected by a State licensed Inspector, it shall be uncovered upon the direction of the Inspector, unless acceptable photographs or video documentation is provided. Proposals to alter the construction shall be reviewed and the proposed change accepted by the designer prior to construction.

A Certificate of Compliance or Notice of Noncompliance shall be prepared by the Inspector following an on-site inspection or review of as-built plans, site evaluation and
A Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner and the permitting agency by the Inspector.

The Bemidji Area Joint Planning Board may conduct random inspections to determine compliance with this Ordinance. Random inspections may be made on newly permitted on site individual septic systems installations, modifications or repair to assure that permitted systems are being properly constructed and installed in compliance with what had been permitted by the issuance of permit by the Bemidji Area Joint Planning Board.

**Section 808. 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, Minnesota Rules Chapter 4725 and the Minnesota Pollution Control Agency.
ARTICLE IX
SHORELAND REGULATIONS

Section 901. Design Criteria for Structures

In shoreland areas, no structure may be placed, and no lots may be developed, except in accordance with the following design criteria.

A. High Water Elevations
   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 a level at least three feet above the highest known water level; or 3 feet above the ordinary high water level, whichever is greater.

2. For rivers and streams, 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 must be used for placing structures and other facilities.

B. Stairways, Lifts and Landings
   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 must meet the following design requirements:

1. Stairways and lifts must not exceed four (4) 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.

6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed as a permitted 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 Rules 1341, are complied with.

Section 902. Significant Historic and Cultural Sites

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

Section 903. Steep Slopes

No construction of structures, sewage treatment systems, roads or driveways or other improvements may be undertaken on steep slopes within the jurisdiction of this Ordinance without the completion of a Vegetative Management Plan by the Beltrami Soil and Water Conservation District or other qualified entity. The Planning Administrator shall 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. Upon evaluation of the Vegetative Management Plan, the Planning Commission may place necessary conditions in order 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 904. Bluff Impact Zones.

No structures, with the exception of stairways, lifts and landings, may be placed within bluff impact zones. All structures must be set back at least thirty (30) feet from the top of a bluff. Walkout basements shall not be allowed in bluff impact zones.

Section 905. Vegetative Alterations

Intensive vegetative clearing within shore and bluff impact zones and on steep slopes is not allowed with the following exceptions:

A. Intensive vegetative clearing for forest land conversion to another use may be allowed as a conditional use, with a Conditional Use Permit, provided that such clearing is not undertaken in shore or bluff impact zones or on steep slopes. Such Conditional Use Permit shall only be issued upon the
completion of an erosion and sedimentation plan prepared by the Beltrami Soil and Water Conservation District or other qualified entity, and approved by the Joint Planning Board.

B. In shore and bluff impact zones and on steep slopes, limited clearing of trees and brush and cutting, pruning and the trimming of trees is allowed, without a permit, in order 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 water craft areas provided that:

1. Vegetation alterations shall in no case exceed 50% of the brush and 25% of the trees within the shore and bluff impact zones or on steep slopes. For the purpose of this section, trees less than four (4) inches in diameter as measured at a height of four (4) feet from the ground shall be considered brush.
2. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and,
3. Along rivers, existing shading of water surfaces is preserved.

C. Vegetative alterations necessary for the construction of structures, sewage treatment systems, or roads and parking areas regulated by Section 907 of this Ordinance are allowed without a separate permit;

D. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

E. Harvesting of timber as regulated under Section 909 of this Ordinance.

Section 906. Topographic Alterations/Grading and Filling

Topographic alterations, including grading and filling, shall not be allowed without obtaining a Conditional Use Permit from the Joint Planning Board.

A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, or driveways under validly issued permits for these facilities do not require the issuance of a separate permit. However, the grading and filling standards prescribed in this Section must be incorporated into the issuance of said permits.

B. Excavation where the intended purpose is connection to a public water such as boat slips, canals, lagoons and harbors are allowed only with a Conditional Use Permit issued by the Joint Planning Board. Such Conditional Use Permit shall only be granted after the Commissioner of Natural Resources has approved the proposed connection to public waters.
C. Extractive uses are not allowed without the issuance of a Conditional Use Permit by the Planning Commission. The following conditions shall be incorporated in all Conditional Use Permits granted for extractive uses in shoreland areas be issued with the following conditions:

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.

D. No permit shall be issued under this section unless the following conditions are complied with:

1. Grading or 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 Planning Administrator.
2. Alterations must be conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
3. 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.
4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Beltrami Soil and Water Conservation District.
6. Fill or excavated material must not be placed in a manner that creates an unstable slope;
7. Excavated materials shall not be placed in such a manner as to create finished slopes of 30 percent or greater. Plans to place fill or
excavated material on steep slopes must be approved by a registered engineer or the Beltrami Soil and Water Conservation District to ensure continued slope stability.

8. Fill or excavated material must not be placed in bluff impact zones.

9. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources under Minnesota Statutes, Chapter 103G.

10. Alterations of topography may only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

11. 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. A shoreland alteration permit is required prior to any excavation for these purposes.

Section 907. Placement and Design of Roads, Driveways and Parking Areas

A. No public or private roads or parking areas may be constructed without a Conditional Use Permit issued by the Joint Planning Board. Public and private roads 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 to the Planning Administrator by the Beltrami Soil and Water Conservation District or other qualified entity 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 Beltrami Soil and Water Conservation District, or other technical materials.

B. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff or shore impact zones or wetland areas when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas if designed to minimize adverse impacts but only with a conditional use permit and only if the grading and filling requirements under this Ordinance are met.

C. Public and private water craft 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 and public facilities, the grading and filling provisions prescribed in Section 906 of this Ordinance must be met. Private and public water craft access ramps require a Conditional Use Permit. No private watercraft access ramps are allowed if fill would be needed to be placed in a type 2 through 8 wetland. No private watercraft access ramps will be allowed on lakes where there is an existing public access except that a private watercraft access ramp, approach road and access-related parking
area for a Surface Water-oriented Commercial Use may be allowed only by a conditional use permit.

D. Private access across wetlands is allowed, with the issuance of a permit, provided that the following conditions are met:

1. Access across wetland areas must be by means of a constructed board walk.
2. The board walk must not exceed six (6) feet in width nor two (2) feet in height above grade.
3. If required, permits from and compliance with other official controls.

Section 908. Special Provisions for Agricultural Uses

Agricultural practices and associated uses are allowed only under the following circumstances:

A. Agricultural practices and associated uses conducted consistent with the provisions of Agricultural and Water Quality “Best Management Practices for Minnesota”, shall be allowed without a permit. A copy of this document is on file at the offices of the Planning Administrator.

B. 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 a conservation plan approved by the Beltrami Soil and Water Conservation District.

C. New animal feedlots are not allowed in shoreland areas. Legally established nonconforming feedlots must meet the following standard:

1. 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. All feedlots must comply with Minnesota Pollution Control Agency Rules Chapter 7020.

D. Use of fertilizer, pesticides, or animal wastes within shoreland areas must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

Section 909. Special provisions for Forest Management

The harvesting of timber and associated reforestation or conversion of forested use to a non-forested use must be conducted consistent with the following standards:
A. Timber harvesting 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 this document is on file at the office of the Planning Administrator.

Section 910. Standards for Commercial, Industrial, Public, and Semipublic Uses

No surface water-oriented commercial uses and industrial, public or semipublic uses shall be allowed on parcels or lots with frontage on public waters without a Conditional Use Permit issued by the Joint Planning Board. The issuance of such a permit shall be subject to the following conditions:

A. In addition to meeting impervious coverage limits, setbacks, and other zoning standards presented elsewhere, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

B. Uses that require short-term water craft 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.

C. Uses that depend on patrons arriving by water craft may use signs and lights to convey needed information to the public, subject to the following general standards:

1. No sign shall be erected or placed in shoreland areas without a sign permit issued by the Planning Administrator.
2. 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 Beltrami County Sheriff.
3. Signs may be placed within the shore impact zone, when necessary and in compliance with the underlying zoning district, only if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types 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 lights, the lights must be shielded or directed to prevent illumination out across public waters.
4. 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 does not preclude use of navigational lights.
5. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, be set back double the normal ordinary high water level setback and be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

6. Other sign regulations may apply depending on the underlying zoning district as noted in Article VII.

Section 911. Storm Water Management

A. All construction within the shoreland overlay shall require an engineered stormwater management plan prior to issuance of any permit. Plan shall include as a minimum, 2 foot contour intervals, volume of water, drainage easements, direction of flow and any other pertinent data requested at time of application.

B. No new drainage way for storm water runoff may be constructed without a Conditional Use Permit issued by the Joint Planning Board. The issuance of such a permit shall be subject to the following conditions:

1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.

2. All 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 storm water 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 man-made materials and facilities.

4. Impervious surface coverage of lots must not exceed 25 percent of the lot area, except existing commercial lots in the Downtown Business District and as otherwise permitted with satisfaction of Performances Standards defined in this Ordinance.

5. When constructed facilities are used for storm water management, they must be designed and installed consistent with the field office technical guide of the Beltrami Soil and Water Conservation District.

6. Newly constructed storm water out falls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

7. In the City, development projects creating new impervious surface of one (1) acre or greater shall incorporate provisions to retain on site a minimum of 75% of the rate of stormwater run-off generated by the design 10-year rain event prior to being released to the City’s stormwater collection/treatment system.
8. In the City, development projects creating expanded impervious surface (combined existing and new) of one (1) acre or greater shall incorporate provisions to retain a portion of the stormwater run-off prior to being released to the City’s stormwater collection/treatment system.

*The City of Bemidji is presently preparing a Storm Water Management Plan for adoption and application within the City. The City is also required to submit and have an approved MS4 Permit (NPDES) for the City issued by the MPCA. It is intended that storm water management regulations, including “Best Management Practices” (BMP’s) shall be applied to all areas within the City. If and when BMP’s and storm water regulations are adopted by the City, those policy standards shall be incorporated herein except those practices that may be less restrictive than the provisions of this Ordinance.*
ARTICLE X
PERFORMANCE STANDARDS

Section 1001. Purpose

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. These standards are also designed to prevent and eliminate conditions that cause blight. Before any land use or building permit is approved, the Planning Administrator shall determine whether the proposed use will conform to the performance standards. An applicant shall supply data necessary to demonstrate such conformance.

The performance standards shall apply to future development and to existing development within compliance periods as noted in individual sections. Compliance may be waived by the Joint Planning Board if a building condition created under prior ordinances physically precludes the reasonable application of the standards.

Section 1002. Exterior Storage

In R-2, R-3, R-4, R-5, R-6, and MH, Districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:

A. Construction and landscaping materials currently being used on the premises;

B. Agricultural equipment and materials if being used, or are intended for use on the premises;

C. Off-street parking of operable passenger automobiles and pick-up trucks;

D. Passenger vehicles and trucks in an inoperative state due to age, damage, or malfunction shall not be parked outside in residential districts for a period exceeding seven (7) consecutive calendar days;

E. In R-2 Districts, boats, trailers, recreational vehicles, and campers less than 40 feet in length, if stored at least 10 feet from all property lines. In R-3, R-4, R-5, R-6 and MH Districts, boats, trailers, recreational vehicles, and campers less than 20 feet in length, if stored in a rear yard at least 10 feet from all property lines.

In LC, LD, UR, OM and U districts, no materials or equipment may be stored outside except those directly related to the principal use or those being used for construction on the premises.
Section 1003. Screening

Screening shall be provided on all parcels where:

A. Any off-street parking area contains more than four (4) parking spaces and is adjoining a residential zone.

B. Where any business or industrial use (i.e. structure, parking or storage) is adjacent to or within 100 feet of property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of business or industry that is considered to be the front. The screening required shall consist of a wall, fence or densely planted compact evergreen hedge not less than five (5) feet or more than eight (8) feet in height that blocks direct vision but shall not extend to within fifteen (15) feet of any street right-of-way. Landscaping shall be required between the screening and pavement. All required screening shall be installed by the owner of property which creates the need for said screening.

C. All exterior storage shall be screened in all districts where it is allowed or permitted with a Conditional Use Permit. The exceptions to this are: merchandise being displayed for sale and materials and equipment presently being used for construction on the premises.

Section 1004. Fences

This section shall apply to all fences constructed after adoption of this ordinance. All boundary line fences shall be entirely located upon the property of the person constructing such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. Fences shall not exceed four (4) feet in height in the required front yard within residential districts, six and one-half (6 ½) feet in height in the required side or rear yards within residential districts, and eight (8) feet in height in non-residential districts. On corner lots in residential districts fences shall not exceed three (3) feet in height within the required sight distance triangle unless the fence is made of open, decorative, or ornamental materials that are a minimum of 50% opaque.

Any posts or similar structural member used in the construction of a solid board fence shall be constructed to face inward towards the property being fenced, so as not to be visible from adjacent properties. Fence designs which partially conceal posts and structural members such as alternating board and basket weave fences are exempt from this requirement.
Section 1005. Standards for Single and Two Family Dwellings

The following standards shall apply to all single and two family dwelling units, unless specifically exempted:

A. All single and two family dwellings shall have a minimum livable floor area of eight hundred (800) square feet per unit.

B. All single and two family dwellings shall be attached to a continuous load bearing permanent foundation that meets the requirements of the State Building Code (skirting is not an allowable substitute), except mobile homes in a mobile home park.

C. All single and two family dwellings, except mobile homes in a mobile home park, shall have a minimum width of twenty (20) feet.

D. Not more than one principal residential structure shall be located on a lot, except as may be permitted by Article XI of this Ordinance relating to planned unit developments.

E. A two family dwelling (duplex) may be divided into individual lots of record with the party wall acting as the dividing lot line subject to the following conditions:

1. The property must be zoned either R-5 or R-6, and shall be served by centralized sewer services.
2. To protect the safety and property of the owner and occupants of each unit, no two family dwelling may be split until the common party wall fire rating is brought up to adopted Building Code standards.
3. Separate sewer and water services, and to the extent feasible, separate gas, electric, telephone, and other utilities shall be provided to each dwelling unit.
4. The two-family units must be constructed in a side-by-side manner.
5. Where the subdivision of an existing or proposed two-family dwelling is requested, the lot size for each individual unit shall not be less than 6,000 square feet in area or such greater minimum required by Shoreland or other overlay.
6. If the property has not been surveyed, a certificate of survey shall be submitted showing the newly created lot line and the legal description of each lot.
7. A request for the division of a two-family dwelling shall be approved administratively by the Planning Administrator assuming all conditions are satisfied.

F. Apartments meeting the state building codes with a minimum dwelling space of 300 square feet for studio apartments and 450 square feet for 1 bedroom apartments.
Section 1006. Parking Standards

The regulation of off-street parking spaces in this ordinance is to alleviate or prevent congestion of the public right-of-way and to promote the safety and welfare of the public by establishing minimum requirements for off-street parking of motor vehicles. In all zoning districts all structures built and uses established hereafter shall provide off-street parking in accordance with the regulations of this ordinance. When an existing use or structure is expanded, off-street parking shall be provided in accordance with the regulations of this ordinance for the total area or capacity of such expansion.

A. Design and Maintenance.

1. A parking space shall not be less than nineteen (19) feet in length and eight and one-half (8 ½) feet in width, exclusive of access drives.

2. Off-street parking and loading areas shall be improved with a bituminous or equally durable and dustless surface with the exception of required off-street single-family and two-family residential parking. Such areas shall be graded and drained so as to dispose of all surface water accumulation within the area.

3. No off-street parking, driving or maneuvering areas open to the sky shall cover more than fifty (50) percent of the total area of any front yard nor shall any motor vehicle be parked in any front yard except upon a driveway or parking area. The area devoted to driveway purposes shall not be considered in determining whether off-street parking requirements have been met except in the instance of single and two-family dwellings. Enclosed buildings and carports containing off-street parking shall be subject to structure setback requirements applicable to the district in which located.

4. All open off-street parking areas containing more than six (6) parking spaces shall be effectively screened on each side that adjoins any residentially zoned property by a wall, fence or densely planted compact evergreen hedge not less than five (5) feet, or more than eight (8) feet in height.

5. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as to not interfere with residential use.

6. When determining the number of off-street parking spaces required by this Section, a fraction of less than one-half may be disregarded, and a fraction of one-half or more shall be counted as one required space.

7. All parking spaces required to serve buildings or uses shall be located on the same lot or in the same zoning district as the building or use, except that such parking spaces may be provided in an adjacent zoning district if such district allows parking lots or parking garages as a permitted use. In no instance shall required off-street parking be located more than six hundred (600) feet from the use which it serves, measured along lines of public access.
8. Parking spaces required on an employee basis shall be used on the maximum number of employees on duty or residing on the premises at any one time, at the same time as the land use or building permit is issued.

9. Notwithstanding any other provision of this Section, uses located within the Urban Renaissance (UR) District are exempt from all off-street parking and loading requirements.

10. Parking lots with forty (40) or more off street parking spaces shall have live landscaping, including trees, of at least four (4%) of the interior of the lot.

B. Minimum Off-Street Parking Spaces Required

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<th>Use</th>
<th>Required Spaces</th>
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<tr>
<td>1. One and two-family dwellings</td>
<td>Two (2) spaces per dwelling unit</td>
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</tbody>
</table>

*In the City of Bemidji, owner-occupied dwellings must have an additional parking space for each occupant of rental living space within the dwelling up to a maximum of four (4) spaces per dwelling unit, and for Rental single and two-family dwellings, at least one parking space for each occupant in a dwelling unit up to a maximum of four (4) spaces per dwelling unit.

2. Multiple Dwellings, generally | Two (2) spaces per dwelling unit |

3. Housing for Seniors and/or Physically Handicapped Persons | One (1) space per dwelling unit for each of the first twenty (20) units, and a total number of spaces not less than seventy-five per cent (75%) of the total number of units.

4. Dormitories, Fraternities, Sororities and other lodging facilities designed primarily for unmarried student occupancy | One (1) space per dwelling unit for first twenty (20) units, and a total number of spaces not less than seventy-five per cent (75%) of the total number of units.

5. Manufactured Housing Parks | Two (2) spaces per dwelling unit |

6. Lodging or Rooming Houses | One (1) space per dwelling unit |

7. Business and Professional Offices | One (1) space for each two hundred and fifty (250)square feet of gross floor area |

8. Medical and Dental Clinics | Three (3) spaces per examining or treatment room |

9. Hotels/Motels/Resorts | Two (2) spaces plus one (1) space |
10. Primary and Intermediate Schools, Nursery Schools and Group Day Care Centers
   One (1) space per each faculty member of full-employee

11. Secondary Schools
   One (1) space per eight (8) students, based upon the maximum number of students attending classes on the premises at any one time in a twenty-four (24) hour period, plus one space for each faculty or other full time employee

12. Trade and Commercial Schools
   One (1) space for each three (3) students, and (1) space for each faculty member and other full time employee

13. Commercial Establishments
   One (1) space for each 300 square feet of gross floor except those specified elsewhere area, plus one (1) space for each full time employee

14. Retail stores
   One (1) space for each two hundred Fifty (250) square feet of floor area

15. Furniture and appliance stores, new and used motor vehicle showrooms and sales facilities, used car lots, and mobile home and trailer sales rental
   One (1) space for each four (400) square feet of enclosed floor area and (1) space for each three thousand (3000) square feet of open lot area devoted to sale and display lots

16. Establishments handling the sale and consumption of food, beverages, and refreshments on the premises
   One (1) space for each three (3) seats based on maximum capacity, provided that drive-in restaurants shall have at least ten spaces

17. Automobile service stations
   Two (2) spaces for each service bay, plus one space for each employee, but not less than a total of five (5) spaces

18. Bowling alleys
   At least five (5) spaces per bowling lane, plus such additional spaces as
may be required herein for affiliated uses such as restaurants and other similar uses

19. Banks and financial institutions

One (1) space for each two hundred (250) square feet of floor area

20. Churches, Temples, theaters and other places of assembly

One (1) space for each four (4) seats upon maximum capacity

21. Funeral Homes

One (1) space for each four (4) seats maximum capacity, plus one (1) space for each employee and one (1) space for each vehicle garaged on the premise

22. Office or Professional Buildings

One space for each three hundred (300) feet of floor area

23. Warehouse, Storage, or Handling of Bulk Goods

One (1) space for each two (2) employees on maximum shift

24. Mini-Storage Facilities

If there’s a manager’s office, four parking spaces, two (2) spaces for the manager’s office and two (2) for prospective customers

25. Manufacturing, production, the processing, assembly, disassembly, cleaning, servicing, testing, or repairing goods, materials or products

One (1) for each three (3) employees working at peak shift

26. Auditoriums, gymnasiums, and similar places of assembly

One (1) space for each three (3) persons based on the maximum Design capacity

27. Hospitals

One (1) space for each hospital bed, plus one (1) space for each two (2) employees other than doctors, plus one (1) space for each doctor assigned to the staff

28. Nursing Homes

Six (6) spaces for the first three Three thousand square feet of floor area and one (1) space for each one thousand (1,000) square feet, with a
minimum of six (6) spaces per establishment

29. Private Clubs and Lodges  
One (1) for each three (3) persons at maximum design capacity

30. Ice Skating Rinks and Curling Clubs  
One (1) space for each two hundred (200) Curling square feet of ice area

31. Other Uses Not Noted  
The number of spaces shall be Determined by the Planning Administrator upon review by the Planning Commission.

*Parking for employees shall be based on the maximum number of employees present during the largest work shift

**As of the effective date of this Ordinance, non-conforming off street parking capacity associated with existing rental single-family and two-family dwellings, and with existing owner-occupied single-family and two-family dwellings which provide rented living space, shall be allowed to continue at the present capacity after passage of this Ordinance. However, no expansion of existing rental single-family and two-family dwellings, nor conversion to or creation of new rental single-family and two-family dwellings, nor the new or expanded rental of owner-occupied single-family or two-family dwelling living space, shall be permitted unless the dwelling unit use complies with off street parking requirements.

Section 1007. Manufactured Home Park Standards

In order that a manufactured home park may be harmonious within itself and with the surrounding area, the following performance standards are required:

A. Area and Open Space Requirements:
   1. The minimum area for a manufactured housing park shall be ten acres.
   2. A minimum of 500 square feet per mobile home shall be provided in a definable play area and/or open space. Lot yards shall not be included in this space, nor shall any areas of less than twenty feet in length or width. All areas not used for access, parking circulation, buildings and service shall be completely landscaped and the entire area maintained in good condition, consistent with the provisions of this Ordinance.

B. Streets
   Streets must follow subdivision requirements concerning grading and must be a minimum of 24' in width and, at a minimum, a driving surface of Class V gravel. When a manufactured home park reaches 75% occupancy, streets will be required to be paved with a bituminous or concrete surface. The right-of-way width will be a minimum of 40'. On-street parking is not allowed.

C. Parking
A minimum and maximum of two off-street parking spaces will be provided on each lot. These spaces will be clearly defined with a border and gravel or cement surface. A parking compound must be provided by the developer to accommodate one additional parking space for every two manufactured homes. All boats, campers and trailers must be parked in this designated parking compound.

D. Screening
All manufactured home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide screening such as fences, shrubs or trees along the property boundary line separating the park and other uses and shall be maintained in a neat and orderly manner. Screening shall be a minimum of 5' in height. Landscaping shall be provided between the screen and property boundary. A landscape plan is required as part of the platting process for a manufactured home park.

E. Accessory Buildings
One storage building of not more than 120 square feet is allowed per lot. A carport may also be allowed on manufactured home lots. All accessory buildings must meet applicable setbacks. Storage and accessory buildings must be maintained and designed to enhance the general appearance of the lot.

F. Manufactured Home Requirements
All manufactured homes shall be skirted and shall be in accordance with the decor of the manufactured home and in good repair. Each home shall be parked upon a jack or block approved by the JPB. Each manufactured home shall be anchored to resist damaging movement by wind or storm. Each manufactured home base shall have a suitable hardstand of durable material capable of supporting the vehicle wheels, stands or jacks. A minimum of five hundred (500) square feet shall be required for all manufactured homes in a manufactured housing park.

G. Sanitary Sewer
All manufactured homes in manufactured housing parks shall be connected to municipal sanitary sewer if such services are within 600 feet of the boundaries of the park and within the Orderly Annexation Areas adopted under the Greater Bemidji Area Joint Powers Agreement. In areas where municipal sewer services are unavailable sanitary sewer services shall be provided consistent with Article VIII of this Ordinance, and any state requirements.

H. Miscellaneous Requirements
1. Owners of the manufactured housing park are responsible for meeting the following standards:
a. Park management shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section.

b. The Park Operator shall maintain a record of all mobile home owners and occupants located with the park. The register shall contain the following information: The name and address of each manufactured home occupant, the name and address of the owner of each manufactured home and motor vehicle by which it is towed; the make, model, year and license number of each manufactured home and motor vehicle, the state, territory or country issuing such license; and the date of arrival and departure of each manufactured home. The operator shall make this available to law enforcement officers, public health officers, and other officials whose duty necessitates acquisition of the information in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years of the registrant moving from the park.

i. No part of any park shall be used for non-residential purposes, except such uses that are required for the direct serving and well being of park residents and for the management and maintenance of the park.

ii. All manufactured home parks shall comply with the State of Minnesota Department of Health requirements for manufactured home park licensing. The platting requirements of manufactured home parks shall meet the subdivision standards as prescribed in Article XII of this Ordinance, unless specifically exempted in this Section.

Section 1008. Landscaping Requirements

In all zoning districts, in all open areas on a lot not used for approved buildings, driveways, parking, patios, pools and similar improvements, shall have a vegetative cover and be kept free of noxious plants as determined by the Joint Planning Board. Vegetative cover may include lawns, other landscaping vegetation, or indigenous plant species, provided that the vegetative cover also complies with other applicable property maintenance code requirements.

Section 1009. Tree Preservation

A. Purpose

The Greater Bemidji Area desires to preserve significant trees in urban and urbanizing areas. When significant trees are lost through removal, grading or other action, the Greater Bemidji Area, property interests and the general welfare are served by replacing the trees lost. More specifically, the purpose of this section is to:
1. Promote protection of significant trees for the benefits which they provide including: aesthetic value and contribution to the community’s image, shading and cooling, air quality, energy use reduction, buffering, enhancement to property values, tourism, erosion control, noise reduction, and support of wildlife and natural habitats.

2. Recognize and protect the natural environment consistent with the community’s goals and the Greater Bemidji Area Land Use Plan by preserving “old growth” and protection of significant trees.

3. Establish requirements on cutting, removal or destruction of significant trees.

4. Establish reasonable requirements for replacement of significant trees.

5. Provides fair and cost effective administration and enforcement of tree regulations.

B. Applicability
The provisions of this section shall apply to all land use activity in the R-3, R-4, R-5, R-6, MH, B-1, B-2, LC, LD, UR, O/M, I-1 and I-2 districts, unless excluded under section 1109 C.

C. Exclusions
The provisions of this section shall not apply to commercial nurseries in the business of growing and selling trees, or active tree farms or commercial forests, if managed under a forest stewardship plan. The section shall also not apply to properties containing single or two-family residential housing units owned and occupied, or intended for occupancy, by their residents.

D. Permit Required
1. It is unlawful for any person to use land or to engage directly or indirectly in tree removal, as defined in this Section, unless such person shall first have applied for and obtained from the Joint Planning Board, in the manner herein provided, a permit authorizing tree removal, provided however, that no permit shall be required by any person making an excavation in conjunction with a building for which there has been issued an appropriate land use or building permit, and which is to be constructed upon land for which a permit for tree removal under this Section has previously been issued, and in accordance with such permit.

2. Failure to obtain a permit shall be cause to deny issuance of a land use or building permit, prohibit continuation of any construction on the property, connection or extension of any utilities on the property or on any adjacent streets, issuance of a Certificate of Occupancy, as applicable, and to require remedial action in accordance with the Tree Replacement Table to replace significant trees lost or expected to be lost as a result of activity on the site.

E. Application for Tree Removal and Replacement
An application for a permit for tree removal and replacement shall be made in writing using the form provided by the Joint Planning Board. The application shall include:

1. Applicant Information
2. Owner Information
3. Tree Preservation Plan including existing and proposed buildings, roads, utilities and easements, public parks and open spaces, lots and blocks, water bodies and wetlands, proposed building pads, equipment and material storage areas, the Tree Inventory, and Tree Replacement and Tree Protection.
4. Schedule for Completion of Tree Preservation.
5. Topographic Map of Site (If not a new subdivision/plat, the JPB may waive this requirement.)
6. Proposed Use of Site.

F. Tree Inventory

The applicant shall have a tree inventory prepared to include:

1. The size, species, condition and location on the land of all significant trees. On large wooded sites, forest mensuration methods may be used to determine the total diameter inches of trees on the property.
2. Significant trees which will be lost due to the proposed activities. Significant trees shall be considered lost as a result of grade change, including grading or filling, whether temporary or permanent, affecting forty-five per cent (45%) or more of the tree’s critical root zone, utility construction (e.g. sewer, water, storm sewer, gas, electric, telephone, cable television, fiber optics or similar facilities) resulting in the cutting of forty-five per cent (45%) or more of the tree’s roots within the critical root zone.
3. The location, number, type and size of replacement trees required to be replaced pursuant to this Section.

G. Tree Preservation, Tree Protection and Tree Replacement

1. Trees designated for preservation shall be protected by a snow fence or other means acceptable to the Joint Planning Board. The protective measures must protect the entire critical root zone of the trees, unless more protection is warranted due to the proximity of a structure, road or similar obstruction to be part of the development in which case at least fifty-five per cent (55%) of the critical root zone of the tree must be protected.
2. The applicant shall replace live significant trees lost or reasonably anticipated to be lost as a result of grading, building upon, or any other alteration of the land immediately or in the future, by the developer, developer’s agent or subcontractor by planting that number of trees (replacement trees) determined in accordance with the Tree Replacement Table.
3. The following Table identifies the required amount of tree replacement.
**TREE REPLACEMENT TABLE**

<table>
<thead>
<tr>
<th>Percent of Significant Tree Caliper Inches Removed</th>
<th>Required Replacement Tree Caliper Inches for Low Tree Density</th>
<th>Required Replacement Tree Caliper Inches for High Tree Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%- 9.9%</td>
<td>0 (Zero)</td>
<td>0 (Zero)</td>
</tr>
<tr>
<td>10%- 19.9%</td>
<td>.4 replaced for each inch removed</td>
<td>.2 replaced for each inch removed</td>
</tr>
<tr>
<td>20%- 29.9%</td>
<td>.5 replaced for each inch removed</td>
<td>.3 replaced for each inch removed</td>
</tr>
<tr>
<td>30%- 39.9%</td>
<td>.6 replaced for each inch removed</td>
<td>.4 replaced for each inch removed</td>
</tr>
<tr>
<td>40%- 49.9%</td>
<td>.7 replaced for each inch removed</td>
<td>.5 replaced for each inch removed</td>
</tr>
<tr>
<td>50%- 59.9%</td>
<td>.8 replaced for each inch removed</td>
<td>.6 replaced for each inch removed</td>
</tr>
<tr>
<td>60%- 69.9%</td>
<td>.9 replaced for each inch removed</td>
<td>.7 replaced for each inch removed</td>
</tr>
<tr>
<td>70%- 79.9%</td>
<td>1.0 replaced for each inch removed</td>
<td>.8 replaced for each inch removed</td>
</tr>
<tr>
<td>80%- 89.9%</td>
<td>1.1 replaced for each inch removed</td>
<td>.9 replaced for each inch removed</td>
</tr>
<tr>
<td>90%- 100%</td>
<td>1.2 replaced for each inch removed</td>
<td>1.0 replaced for each inch removed</td>
</tr>
</tbody>
</table>

**H. Location of Replacement Trees**

Replacement trees shall be planted on the site based on the proposed use with special consideration to restoration areas including steep slopes, common areas, buffer zones between different land uses and/ or activities, and project entrance areas. If there is a lack of sufficient suitable area on the site, the Joint Planning Board may consider allowing planting on other land, especially on or adjacent to land owned by a participating jurisdiction on the Joint Planning Board.

**I. Size and Types of Replacement Trees**

Replacement trees must be no less than the following sizes:

1. Deciduous trees shall be no less than two (2.0) caliper inches, except on steep slopes (e.g. slopes greater than 3:1), deciduous trees may be 1.75 caliper inches, except Bur Oak, Ironwood, and similar trees which may be 1.25 caliper inches.
2. Coniferous trees shall be no less than five (5) feet high, except on steep slopes where coniferous trees shall be four (4) feet in height.
3. Replacement trees shall be the same species or similar to the trees which are lost or removed. A suggested list of replacement trees is shown in the Table below. In most situations it is recommended that not more than forty per cent (40%) of the replacement trees be from the same species when planting more than twenty (20) trees. Indigenous species are preferred.
<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>BOTANICAL NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway Maple</td>
<td>Acer Platanoides</td>
</tr>
<tr>
<td>Cultivars</td>
<td>Cleveland</td>
</tr>
<tr>
<td>Red Maple</td>
<td>Acer Rubrum</td>
</tr>
<tr>
<td>Cultivars</td>
<td>Northwood, Firedance</td>
</tr>
<tr>
<td>Silver Maple (seedless)</td>
<td>Acer Saccharinum “Silver Queen”</td>
</tr>
<tr>
<td>Sugar Maple</td>
<td>Acer Saccharum</td>
</tr>
<tr>
<td>Cultivars</td>
<td>Green Mountain</td>
</tr>
<tr>
<td>River Burch</td>
<td>Betula Nigra</td>
</tr>
<tr>
<td>Hackberry</td>
<td>Celtis Occidentalis</td>
</tr>
<tr>
<td>Green Ash</td>
<td>Fraxinus Pennsylvanica</td>
</tr>
<tr>
<td>Cultivars</td>
<td>Kindred, Newport, Bergeson, Marshall’s, Seedless, Patmore, Summit</td>
</tr>
<tr>
<td>Ginko</td>
<td>Ginko Biloba (male only)</td>
</tr>
<tr>
<td>Honey Locust</td>
<td>Gleditsia Triacanthos</td>
</tr>
<tr>
<td>Kentucky Coffeetree</td>
<td>Gymnocladus Dioica</td>
</tr>
<tr>
<td>Ironwood</td>
<td>Ostrya Virginiana</td>
</tr>
<tr>
<td>Robusta Poplar</td>
<td>Poplux X Robusta</td>
</tr>
<tr>
<td>Siouxdland Cottonwood</td>
<td>Polus Deltoides X Sioukland</td>
</tr>
<tr>
<td>White Oak</td>
<td>Quercus Alba</td>
</tr>
<tr>
<td>Swamp White Oak</td>
<td>Quercus Bicolor</td>
</tr>
<tr>
<td>Pin Oak</td>
<td>Quercus Palustris</td>
</tr>
<tr>
<td>Northern Red Oak</td>
<td>Quercus Rubra</td>
</tr>
<tr>
<td>American Linden (Basswood)</td>
<td>Tilia Americana</td>
</tr>
<tr>
<td>Small-Leaved Linden (Basswood)</td>
<td>Tilia</td>
</tr>
<tr>
<td>Cultivars</td>
<td>Glenleven, Greenspire</td>
</tr>
<tr>
<td>Redmond Linden</td>
<td>Tilia Americana “Redmond”</td>
</tr>
<tr>
<td>Yellow Birch</td>
<td>Betula Lutea</td>
</tr>
<tr>
<td>Paper Birch</td>
<td>Betula Alba Papyrifera</td>
</tr>
<tr>
<td>Bur Oak</td>
<td>Quercus Macrocarpa</td>
</tr>
<tr>
<td>Black Ash</td>
<td>Fraxinus Nigra</td>
</tr>
<tr>
<td>Black Walnut</td>
<td>Juglans Nigra</td>
</tr>
<tr>
<td>Pagoda Dogwood</td>
<td>Cornus Alternifolia</td>
</tr>
<tr>
<td>Hawthorne</td>
<td>Crataegus</td>
</tr>
<tr>
<td>American Plum</td>
<td>Prunus Americana</td>
</tr>
<tr>
<td>Black Cherry</td>
<td>Prunus Serotina</td>
</tr>
<tr>
<td>Northern Pin Oak</td>
<td>Quercus Ellipsoidalis</td>
</tr>
</tbody>
</table>
**CONIFEROUS TREES**

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>BOTANICAL NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balsam Fir</td>
<td>Abies Balsamea</td>
</tr>
<tr>
<td>White Fir</td>
<td>Abies Concolor</td>
</tr>
<tr>
<td>European Larch</td>
<td>Larix Decidua</td>
</tr>
<tr>
<td>Black Spruce</td>
<td>Picea Mariana</td>
</tr>
<tr>
<td>Jack Pine</td>
<td>Pinus Banksiana</td>
</tr>
<tr>
<td>Austrian Pine</td>
<td>Pinus Laricio Austriaca</td>
</tr>
<tr>
<td>Ponderosa Pine</td>
<td>Pinus Ponderosa</td>
</tr>
<tr>
<td>Norway Pine</td>
<td>Pinus Resinosa</td>
</tr>
<tr>
<td>Scotch Pine</td>
<td>Pinus Sylvestris</td>
</tr>
<tr>
<td>White Pine</td>
<td>Pinus Strobes</td>
</tr>
<tr>
<td>Douglas Fir</td>
<td>Pseudotsuga Taxifolia</td>
</tr>
<tr>
<td>Canadian Hemlock</td>
<td>Tsuga Canadensis</td>
</tr>
<tr>
<td>Colorado Spruce</td>
<td>Picea Pungens</td>
</tr>
<tr>
<td>Northern and Eastern White Cedar</td>
<td>Thuja Occidentalis</td>
</tr>
<tr>
<td>White Spruce</td>
<td>Picea Glauca</td>
</tr>
<tr>
<td>Tamarack/ Larch</td>
<td>Larix Laricina</td>
</tr>
</tbody>
</table>

J. Action by the Joint Planning Board

1. Permit denial, approval, or approval subject to conditions shall be based upon the extent to which tree removal may be consistent with or detrimental to the health, safety or general welfare of the public.
2. For initial development and new subdivisions and plats, the applicant shall enter into a written agreement with the Joint Planning Board prior to the approval or issuance of a permit for any activity in which trees are required to be replaced. Such agreement will require the applicant to comply with the provisions and conditions imposed in connection with any such approval or issuance of a permit and may required provision of security for the performance of all obligations.

K. Procedures

The following table identifies the general steps to be taken to comply with this ordinance.

1. Determine property size.
2. Inventory significant trees on the property in caliper inches measured at 4.5 feet from the ground.
3. Determine if property is Low Tree Density or High Tree Density.
4. Determine total caliper inches of significant trees on the property to be removed or harmed.
5. Determine percent of significant tree caliper inches on the property to be removed or harmed by dividing the total caliper inches of significant trees to be removed or harmed by the total caliper inches of significant trees originally on the property.
6. Using the Tree Replacement Table, identify the total caliper inches of significant trees required for the previously determined percent or removed or harmed trees and tree density.

7. Prepare a tree preservation and replacement plan. Show existing significant trees to be removed or harmed, and those to be preserved, the proposed location of replacement trees, and a table or schedule identifying all trees by size, number, and type/species. Provide estimated replacement cost from a reputable nursery, landscape architect, or other knowledgeable person.

8. Submit two copies of the tree preservation and replacement plan to appropriate staff.

9. Staff will review the Plan and make a recommendation to the Joint Planning Board.

10. The Plan is reviewed and acted upon by the Joint Planning Board. The JPB may require a performance bond or letter of credit in order to ensure completion of work consistent with any conditions imposed.

11. If approved by the Joint Planning Board, implementation may begin.

12. Upon completion of the implementation activity the applicant shall request inspection and approval of the work by staff.

**Section 1010. Temporary Uses**

The following temporary uses of land are permitted subject to the specific regulations and time limits identified below. These temporary uses are, however, subject to all other zoning regulations applicable within the specific zoning district in which the use is permitted.

A. Christmas tree sales in any commercial or industrial district for a period not to exceed forty-five (45) days. Display of such trees need not comply with the yard and setback requirements provided that no trees shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.

B. Contractors’ offices and equipment sheds accessory to an ongoing permitted construction project, provided that no sleeping or cooking accommodations are provided.

C. Real estate offices incidental to a new housing development, provided that no sleeping or cooking accommodations are provided, until the initial sale or lease of all dwelling units in the development.

D. Seasonal sale of farm produce (including Christmas trees) grown on the premises in the C and R-1 districts, to continue for not more than four (4) months per year. Structures incidental to such sale need not comply with the front yard setback if the structures are removed or moved back behind the setback line at the end of the season in which they used.
E. Promotional activities of retail merchants involving the display only of goods and merchandise that are for sale within the principal structure, conducted outside of such structure for a period of not more than two (2) consecutive weeks in any three (3) month period, provided that:

1. No portion of the display shall be on publicly owned property unless the applicant shall have first obtained approval for such use from the JPB;
2. No required off-street parking or loading area will be utilized for such display, storage or dispensing;
3. No food or drink shall be displayed outside the building except in accordance with standards and prior approval of the health department; and,
4. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, trailers, equipment rental, or the sale of used furniture, appliances, plumbing, housewares, building materials, or similar display or sale in any business district except as otherwise permitted by this Ordinance.

F. Garage or yard sale in any residential district limited to three (3) consecutive days in any six (6) month period. Where such sale is conducted on premises exterior to any structure, all sale items shall be removed from such exterior premises within one day following the day the sale is conducted.

Section 1011. Special Provisions for Mining and Extractive Uses

Mining and extractive uses shall require a Conditional Use Permit from the Joint Planning Board as prescribed in Article III of this Ordinance, and shall be subject to all requirements of this Section.

Section 1011.1. Information Requirements

In addition to the information required on the permit application, the following information shall be provided, in writing, by the person requesting the permit:

A. Maps of existing conditions, proposed operations and proposed end use of the site. Maps shall include the site and all areas within one-half (1/2) mile of the site. All maps shall be drawn at a scale of one inch to one hundred feet. Such maps shall include the following information:

1. Map of existing conditions shall include: contour lines at five (5) foot intervals, soil conditions, vegetation, drainage and permanent water areas, structures, wells and existing and proposed roads.
2. Map of proposed operations shall include: Location of materials to be extracted, structures to be erected or constructed, location of tailing deposits showing their maximum height, location of machinery to be used, location of material storage showing its maximum height,
location of vehicle parking, location of explosives, storage, location of erosion and sediment control structures.

3. Reclamation Map shall include: Final grade of proposed site showing elevations and contour lines at of five (5) foot intervals, location and species of vegetation to be replanted, location and nature of any structures to be erected.

B. A soil erosion and sediment control plan.

C. A plan for noise and dust control.

D. A full description of all phases of the proposed operation, including the expected duration of the mining or excavation operation.

E. Any other information deemed necessary by the Planning Commission in order to make an informed decision.

Section 1011.2. Mining and Extractive Use Standards

A. Weeds and other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance which prevents seeding on adjoining property. All equipment used for mining or excavation operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practical, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

B. The mining or excavation operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the site. The mining or excavation operation shall not adversely affect the quality of surface or subsurface water resources. Surface water originating outside and passing through the site shall, at its point of departure from the site, be of equal quality to the water at the point where it enters the site. The mining or excavation operator shall perform any water treatment necessary to comply with this provision.

C. Any mining or excavation operation within three hundred (300) feet of two (2) or more residential structures shall be bound by the following standards:

1. Where man-made or artificial collections of water occur that are one and one-half (1 1/2) feet or more in depth, existing for any period of at least one (1) month, all access to such man-made or artificial collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.

2. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.
D. The location of the intersection of excavation access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety.

E. To minimize problems of dust and noise, and to shield mining or excavation operations from public view, a screening barrier shall be maintained between the site and adjacent residential and commercial properties. A screening barrier shall also be maintained between the excavation site and any public road within five hundred (500) feet of any mining, excavation or processing operations. The screening barrier shall be planted with a species of fast growing trees such as Jack Pine and/or other native species. Existing trees and ground cover along public road frontage shall be preserved, maintained, and supplemented for the depth of the road side setback except where traffic safety requires cutting and trimming.

F. Mining or excavation operations shall not be conducted closer than fifty (50) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road, or highway. Excavation operations shall not be conducted closer than five hundred (500) feet from the ordinary high water level of any classified lake, river, or stream.

G. All buildings, structures and plants used for the production of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice as to assure that such buildings, structures and plants shall not become dangerously dilapidated.

H. All equipment used for mining or excavation operations shall be constructed, maintained and operated in such a manner as to conform to Minnesota Pollution Control Agency Rules, Chapter 7011 which govern air quality/dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining or excavation operations site. All access roads from the mining or excavation operations to public highways, roads or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

I. All mining or excavation sites shall be reclaimed immediately after excavation operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

1. Within a period of three (3) months after the termination of a mining or excavation operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a conditional use permit, all buildings, structures and plants incidental to such operation shall be dismantled
and removed by, and at the expense of, the mining or excavation operator last operating such buildings, structures and plants.

2. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography and substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slopes shall exceed eighteen (18) percent in grade.

3. Reclaimed areas shall be sodded or surfaced with a soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of six (6) inches. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted, but not as a substitute for legumes and grasses. Such plantings shall adequately retard soil erosion. Mining or excavations completed to a water producing depth need not be backfilled if the water depth is at least ten (10) feet and if banks are sloped to the waterline at a slope no greater than three (3) feet horizontal to one (1) foot vertical. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining or excavation operations have been conducted. The finished plan shall restore the mining or excavation site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining or excavation operations cease.

Section 1012. Special Provisions for Trunk Highway 197 Overlay

No direct access located within one hundred (100) lineal feet of an existing access shall be approved unless no access is available from an alternate public street.

Section 1013. Special Provisions for Asphalt Plants and Processing Facilities

No asphalt plant or asphalt processing facility is permitted except in conformance with the following standards:

A. No asphalt plant or processing facility may be located closer than 500 feet from the nearest property line of the premises or building used as a dwelling or residence, place of worship, school, public park, licensed family daycare, licensed group family daycare, or licensed child care or daycare center.

B. All asphalt plants must be surrounded by an earthen berm at least eight (8) feet above the average grade at the placement of the processing facility or equipment.

Section 1014. Lighting

No exterior lighting is allowed unless such lighting is arranged so that it is hooded or otherwise shielded in order to deflect light away from adjoining property, public waters, and public streets. Bare incandescent light bulbs shall not be permitted in view from adjacent properties, public waters, or public rights-of-way. Lighting shall be directed
downward in order to minimize adverse impact on surrounding properties and rights-of-way.

Section 1015. 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 Greater Bemidji Area 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 the neighborhood;
3. To locate Adult Oriented Establishments away from residential areas, schools, churches, 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 not 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 Community 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. See City of Erie v. Pap’s A.M., 529 U.S. 277, 297 (2000) (holding that municipalities may “reasonably rely on the evidentiary foundation set forth in Renton and American Mini Theatres to the effect that secondary effects are caused by the presence of even one adult entertainment establishment” in a community); California v. LaRue, 409 U.S. 109, 111 (1972) (describing illicit “sexual conduct between dancers and customers” which included oral copulation and prostitution, as well as public masturbation, indecent exposure, attempted rape, rape, and assaults on law enforcement officers); see also Young v. American Mini Theatres, Inc., 427 U.S. 50 (1976), Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991) (noting cases of prostitution linked with nude dancing establishments).

B. Findings

The Bemidji Area Joint Planning Board makes the following findings about the effect adult uses and sexually oriented establishments have had on the communities in the secondary effects reports below and finds that present and future sexually oriented businesses can have similar impacts on the character of this Community’s neighborhoods. See Renton v. Playtime Theatres, Inc., 475 U.S. 41, 51-52 (1986) (finding that municipalities may rely upon the experiences of other cities for regulations designed to prevent future secondary effects).
In making these findings, the JPB accepts the recommendations of staff who have reviewed the many reports, studies, judicial decisions and experiences of other communities around the state and Country concerning the “secondary effects” on the areas in which such activities are located or take place, including: The Report of the Attorney General Working Group on Regulation of Sexually Oriented Businesses, dated June 6, 1989, prepared by then Minnesota State Attorney General Hubert H. Humphrey, III; the City of St. Cloud, MN; the City of St. Paul, MN; the City of Los Angeles, CA; the City of Austin, TX; and, various other cities throughout the Country that have studied the impact of adult oriented businesses. These studies have concluded that adult uses and sexually oriented businesses have adverse impacts on the surrounding neighborhoods.

The JPB also takes official notice of findings and legal conclusions concerning the secondary effects of adult uses as announced in the aforementioned Supreme Court case, as well as in cases from federal appellate courts and the Minnesota courts, including but not limited to: *Jakes, Ltd. v. City of Coates*, 284 F.3d 884 (8th Cir. 2002), cert. denied 2002 U.S. LEXIS 7609 (Oct. 15, 2002); *BZAPS, Inc. v. City of Mankato*, 268 F.2d 603 (8th Cir. 2002), cert. denied 2002 U.S. LEXIS 4232 (June 10, 2002); *Farkas v. Miller*, 151 F.3d 900 (8th Cir. 1998); *Ambassador Books & Video, Inc. v. City of Little Rock*, 20 F.3d 858 (8th Cir. 1994); *Excalibur Group, Inc. v. City of Minneapolis*, 116 F.3d 1216 (8th Cir. 1997); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 634 (4th Cir. 1999); *Di Ma Corp. v. City of St. Cloud*, 562 N.W.2d 312, 316 (Minn. App. 1997); *Minnesota v. Holmberg*, 545 N.W.2d 65 (Minn. App. 1996); *Kismet Investors, Inc. v. Benton County*, 617 N.W.2d 85, 93 (Minn. App. 2000).

Based on the foregoing, the Joint Planning Board concludes:

1. Adult uses and sexually oriented business can contribute to an increase in crime in the area where such businesses are located. This can be a burden to the Community crime prevention programs and law enforcement services.
2. Adult uses and sexually oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can increase neighborhood blight. These businesses also can impair the character and quality of the residential housing in the area where such businesses are located. This situation could reduce the amount of desirable housing and cause residents to flee the neighborhood.
3. The concentration of adult uses and sexually oriented businesses in one area can greatly affect the area where such businesses are concentrated and on the quality of life. A cycle of decay can result from the influx and concentration of adult uses and sexually oriented businesses. Others may perceive the presence of such businesses as an indication that the area is deteriorating and results in other businesses
and residents moving or fleeing from the area. Lower property values that can result from the concentration of such businesses erode the community’s tax base and contribute to blight.

4. Adult uses and sexually oriented businesses can have adverse secondary impacts of the type discussed above.

5. It is necessary to provide for the special and express regulations of business establishments or commercial enterprises that operate as adult body painting, studios, adult bookstores, adult cabarets, adult car washes, adult companionship establishments, adult hotels or motels, adult massage parlors or health clubs, adult motion picture arcades or theaters, adult modeling studios, adult novelty businesses, adult saunas, and similar adult oriented services operating under various names to protect the public health, safety and welfare, and to guard against inception and transmission of disease.

6. The commercial enterprises such as the types described in paragraph 5 above, and all other similar establishments whose services include sessions offered to adults conducted in private by members of the same or opposite sex, and employing personnel with no specialized training, are susceptible to operations contravening, subverting, or endangering the morals of the Community by being the site of acts of prostitution, illicit sex, and occasions of violent crimes, and thus requiring close inspection, permitting and regulations.

7. Control and regulation of businesses of these types, in view of the abuses often perpetrated, require intensive efforts by local law enforcement and other Community staff. It is necessary for the Community to provide services to all of the Greater Bemidji Area without concentrating the public services in one area. The concentrated use of Community services detracts from and reduces the level of services available to the rest of the Community. Thus, these types of establishments can diminish the ability of the Joint Planning Board to protect and promote the general health, welfare, morals and safety of the Community.

8. The Joint Planning Board adopts the following land use regulations, recognizing that it has an interest in the present and future character of the Community’s residential and commercial neighborhoods. These regulations are to lessen the detrimental and adverse effects adult uses and sexually oriented businesses have on adjacent land uses and to protect and promote the health, safety and welfare of the residents of the Community.

C. 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 Joint Planning Board, a participating community in the Joint Planning Board, the laws of the State of Minnesota or the United States of America. This Ordinance shall supersede any similar regulations imposed by Beltrami County Mn. However, 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.

D. Licensing
1. No person, firm or corporation shall own or operate an adult oriented business in the I-1 Zoning District without having first secured a license from the City of Bemidji.
2. Accessory uses that use less than 200 square feet or ten (10) percent of the total floor area (square footage), whichever is less, of the establishment, space, structure or building in which it is located are exempted from obtaining a license.

E. 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 V and the following provisions:

a. No such adult oriented business shall be expanded or enlarged except in conformity with the provisions of this Ordinance;
b. A non-conforming adult oriented business shall be required to apply for and receive an adult oriented establishment license from the City of Bemidji. The City of Bemidji does not require a public hearing before issuing a license for the nonconforming adult oriented businesses.

F. Interim Use Permit Required.
Adult oriented establishments may be located only in the I-1 Light Industrial Zoning District, as defined in Article III of this Ordinance, with an Interim Use Permit issued by the JPB.

G. Location Conditions of Interim Use Permit
An adult oriented establishment located in the I-1 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 (P.U.D.). 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 P.U.D.

4. No adult oriented establishments shall be located closer than 500 feet from any state or federal trunk highway or 200 feet from Carr Lake Road (CSAH 404) and Paul Bunyan Drive SE (CSAH 50).

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:

   i. Adult body painting studio;
   ii. Adult book store;
   iii. Adult cabaret;
   iv. Adult car wash;
   v. Adult companionship establishment;
   vi. Adult entertainment facility;
   vii. Adult hotel or motel;
   viii. Adult modeling studio;
   ix. Adult sauna/steam room/bathhouse;
   x. Adult motion picture theater;
   xi. Adult mini-motion picture theater;
   xii. Adult massage parlor;
   xiii. Adult health/sports club;
   xiv. Adult novelty business;
   xv. 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 Section F. of this Ordinance.

17. No Adult Oriented Establishment may be granted a conditional use permit under this section unless it is applied for and received a business license from the City of Bemidji. Applications for a business license and
a conditional use permit may happen concurrently or a conditional use permit may be granted under the section subject to the applicant receiving a license from the City of Bemidji. An applicant for a conditional use permit under this section shall also include a copy of the application for the business license.

H. Appeals. In the event of a denial of an Interim use permit by the JPB, the applicant may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action of the JPB shall be promptly reviewed by the court.

Section 1016. Special Provisions for Type II and Type III Home Occupations

A. Customary Type II home occupations shall be allowed with the issuance of a Building/Land Use Permit provided that they meet the following conditions. Type III home occupations must meet the provisions of this section in addition to additional standards prescribed by the Joint Planning Board in the issuance of a conditional use permit:

1. Such occupation is carried on in the principal building and may not be conducted in an accessory building other than a private garage.
2. Not more than twenty-five percent (25%) of the gross floor area of the residence or garage is used for this purpose.
3. Only articles made or originating on the premises shall be sold on the premises, unless such articles are incidental to a permitted commercial service.
4. No articles for sale shall be displayed so as to be visible from the street.
5. Not more than one person other than those who reside on the premises shall be employed.
6. No mechanical or electrical equipment shall be used if the operation of such equipment violates existing nuisance ordinance controls, creates a public nuisance, or otherwise interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
7. Such occupation does not generate more than two (2) vehicles at one time.
8. Such occupation must provide off-street parking.
9. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.
10. One sign no larger than four (4) square feet shall be permitted on site.
11. No home occupation shall be conducted between the hours of 10:00 PM and 7:00 AM unless said occupation is contained entirely within the principal building and does not require any on-street parking facilities.
12. An owner of a home occupation shall maintain adequate sewage treatment facilities, and shall provide documentation of compliance with the standards prescribed in Article VIII upon request of the Planning Administrator.

13. No home occupation shall require exterior or significant interior renovation or alteration not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

14. Home occupations which create noise, odor, dust, electrical glare or vibrations discernable off of the premises shall not be permitted.

Section 1017. Special Provisions for Development in Sensitive Areas

To the greatest extent possible, all wetlands, including marshlands and swamps, shall be retained in their natural state. Proposed alterations to wetlands shall not be permitted, except in compliance with Wetland Conservation Act regulations applicable to the location and as administered by the responsible local governmental unit (LGU). Review shall be either by the Beltrami Soil and Water Conservation District, Beltrami County Environmental Services Staff or other qualified entity. The following provisions apply to development in sensitive areas:

A. No permit may be issued without documentation provided by the applicant that adequate sewage treatment will be provided, either through a municipal system or individual sewage treatment system. Documentation shall include soil borings completed at the applicant’s expense, and an evaluation signed by a registered engineer or qualified soils scientist.

B. No part of any sewage treatment system requiring on-land or in-ground disposal of waste shall be located closer than seventy-five (75) feet from the wetland boundary or ordinary high water level, as delineated by a certified wetland specialist, unless it is proven by the applicant that no effluent will immediately or gradually reach the wetland because of existing physical characteristics of the site or the system.

C. Organic waste which would normally be disposed of at a solid waste treatment site or which would normally be discharged into a sewage treatment system or sewer shall not be directly or indirectly discharged to the wetland.

D. Untreated stormwater runoff from construction sites may not be directed to a wetland.

E. The lowest floor elevation of buildings used for living quarters or work area shall be at least three (3) feet above the ordinary high water level. Structures shall be setback twenty (20) feet from the wetland boundary, as delineated by a certified wetland specialist.
Section 1018. Special Provisions for Airport Protection Overlay

*The JPB shall continue to coordinate with the Airport Zoning Administrator respecting the development of procedures to facilitate the prompt review and approval of proposed land use requests within the Airport Protection Overly, as well as conducting ongoing discussions leading to either joint administration of airport zoning regulations or the JPB’s assumption of responsibility for that administration within the Greater Bemidji Area subject of this Ordinance. In the meantime, upon adoption of this Ordinance the following shall be required respecting real property located in Airport Safety Zone A, B, or C:

A. Before accepting consideration or signing an agreement to sell or transfer real property that is located in safety zone A, B, or C, the seller or transferor, whether executing the agreement in the seller or transferor’s own right, or as executor, administrator, assignee, trustee, or otherwise by authority of law, must disclose in writing to the buyer or transferee the existence of airport zoning regulations that affect the real property.

B. Future transfers of real property within the safety zones shall contain a deed restriction or advisory stating that the real property is subject to airport zoning regulations.

Section 1019. Special Provisions for Bed and Breakfast Establishments

Bed & Breakfast Establishments are a conditional use in all residential zoning districts and shall meet the following requirements:

A. A site plan showing location of home, garage and provision for guest parking is to be provided.
B. At least one parking space per guest room is to be established and at least two spaces for the homeowner is to be provided.
C. One three (3) square foot informational sign is allowed.
D. No exterior alterations shall be made to the residential structure other than those necessary to meet health and safety codes.
E. The structure is to be owner occupied.
F. The bed and breakfast operation shall not use more than 50% of the floor area of the principal residence.

Section 1020. All Applications for Interim Use Permits Shall Include Verification that the Following Criteria are met IAW MN Statutes 462.3597.

A. The use conforms to the zoning regulations;
B. The date or event that will terminate the use can be identified with certainty
C. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future
D. The user agrees to any conditions that the governing body deems appropriate for the permission of the use.
ARTICLE XI
SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

Section 1101. Subdivisions

Each new subdivision becomes a permanent unit in the basic physical structure of the community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of such subdivisions, without correlation to a Plan, will bring a disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate services and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of the Greater Bemidji Area, shall, in all respects, fully comply with the regulations hereinafter set forth in these Regulations. In their interpretation and application the provisions of these Regulations shall be the minimum requirements adopted for the protection of the public health, safety and general welfare. No subdivision of a lot, tract or parcel into two or more lots may be undertaken, except in compliance with the following provisions. No lot may be created that would require the issuance of a variance in order to obtain a building/land use permit.

Section 1102. Planned Unit Developments

In order to permit the use of more flexible land use regulations, and to facilitate use of the most advantageous techniques of land development, planned unit developments are authorized under the provisions of this Article. Planned unit developments shall be created in harmony with the general purpose and intent of this Article and with the Greater Bemidji Area Land Use Plan, but may differ in one or more respects from the zoning regulations applicable within the districts in which they are located.

No planned unit developments (PUDs) may be allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land except in those zoning districts where specifically identified in Article III of this Ordinance. No PUDs are allowed without the issuance of a conditional use permit by the Joint Planning Board, with the following exception:

A. In shoreland areas, the expansion of an existing commercial PUD involving six or fewer new dwelling units or sites after the effective date of this Ordinance shall be allowed one time only as a permitted use, with the issuance of a land use or building permit, provided that the total project density does not exceed the allowable densities prescribed in this Ordinance. Additional expansions will require a Conditional Use Permit.

Section 1103. Territorial Limits of Regulations and Scope

The rules and regulations governing plats and subdivisions of land, including planned unit developments, shall apply to all property located within the Greater Bemidji Area. Except in the case of a re-subdivision, these Regulations shall not apply to any lot or lots forming a part of subdivision plats recorded in the office of the Beltrami County Recorder prior to the effective date of these Regulations.
Section 1104.  Land Suitability

A.  Each lot created through the subdivision process must be suitable in its natural state for the proposed use.  Suitability analysis by the Greater Bemidji Area will consider susceptibility to flooding, existence of wetlands, soil or rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, 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 Greater Bemidji Area.  In shoreland areas, land suitability will also consider near-shore aquatic conditions, suitability for water-based recreation, and the presence of important fish and wildlife habitat.

B.  Sufficient information must be submitted by the applicant to enable The Joint Planning Board to make a determination of land suitability.  The information shall include at least the following:

1.  Topographic contours at two (2) foot intervals showing limiting site characteristics.
2.  The surface water features required by Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from the United States Geological Survey quadrangle topographic maps or more accurate sources.
3.  Information regarding adequacy of domestic water supply.
4.  Extent of anticipated vegetation and topographic alterations.
5.  Near-shore aquatic conditions including depths, types of bottom sediments, and aquatic vegetation.
6.  Proposed methods for controlling stormwater runoff and erosion both during, and after, construction activities.
7.  Location of 100 year floodplain areas and floodway districts from existing adopted maps or data;
8.  A delineation of all wetlands;
9.  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.
10.  Location with respect to Airport Safety Zones.

C.  The Bemidji Area Joint Planning Board 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 Section 1207 of this Ordinance.
Section 1105. General Provisions for Planned Unit Developments

A. A planned unit development may be established as a residential planned unit development, a commercial planned unit development, or a general planned unit development as permitted under Article III of this Ordinance.

B. Business and industrial structures and uses in planned unit developments shall comply with the limitation of use standards for any commercial or industrial district in which any contemplated use is first permitted in this chapter and with the off-street parking and loading requirements contained in Article X of this Ordinance.

Section 1106. PUD Site Suitability Evaluation in Shoreland Areas

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 this Section.

A. In shoreland areas, 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 interval, proceeding landward:

1. General Development lakes (GD) 200 Ft., additional tiers 267 Ft.
2. Recreational Development lakes (RD) 267 Ft.
3. Rivers and Tributaries (ex. Scenic) 300 Ft.

a. The suitable area is next calculated by excluding all wetlands, bluffs, and land below the ordinary high water level of public waters. In shoreland areas the suitable area shall be calculated for each tier. 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 1107. Shoreland PUD Density Evaluation

The procedures for determining the allowable density of residential and commercial planned unit developments in unsewered shoreland areas 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.

A. To determine the allowable density for Residential Planned Unit Developments:

1. For lakes, the suitable area within each tier is divided by the single residential lot size standard for the applicable management district.
2. 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 1109 of this Ordinance.

B. To determine the allowable density for Commercial Planned Unit Developments:

1. The average inside living area size of dwelling units or sites is computed for each tier. Computation of inside living area need not include decks, patios, stoops, steps, garages, porches or basements unless such areas are habitable space;
2. 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, as noted below:

<table>
<thead>
<tr>
<th>Average Unit Floor Area (sq. ft)</th>
<th>GD Lakes (Tier 1); GD Lakes (Other); Recreational Development lakes</th>
</tr>
</thead>
<tbody>
<tr>
<td>200 or less</td>
<td>.040</td>
</tr>
<tr>
<td>300</td>
<td>.048</td>
</tr>
<tr>
<td>400</td>
<td>.056</td>
</tr>
<tr>
<td>500</td>
<td>.065</td>
</tr>
<tr>
<td>600</td>
<td>.075</td>
</tr>
<tr>
<td>700</td>
<td>.082</td>
</tr>
<tr>
<td>800</td>
<td>.091</td>
</tr>
<tr>
<td>900</td>
<td>.099</td>
</tr>
<tr>
<td>1,000</td>
<td>.108</td>
</tr>
<tr>
<td>1,100</td>
<td>.116</td>
</tr>
<tr>
<td>1,200</td>
<td>.125</td>
</tr>
<tr>
<td>1,300</td>
<td>.133</td>
</tr>
<tr>
<td>1,400</td>
<td>.142</td>
</tr>
<tr>
<td>1,500</td>
<td>.150</td>
</tr>
</tbody>
</table>

*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.

3. 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;
4. 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;
5. 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 1109.
C. Increases to the dwelling unit base densities as determined by the Base Density Evaluation prescribed by this section are allowed provided that the density standards prescribed by Article III and design criteria provided in Section 1109 are complied with. The allowable density increase presented in this section will only be allowed if structure setbacks from the Ordinary High Water Level are increased to at least fifty (50) percent greater than the minimum setback. The allowable dwelling unit density increases for residential planned unit developments is as follows:

<table>
<thead>
<tr>
<th>Density Evaluation</th>
<th>Maximum Percent Density Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tiers</td>
<td>Outside City Limits</td>
</tr>
<tr>
<td>First</td>
<td>50</td>
</tr>
<tr>
<td>Second</td>
<td>0</td>
</tr>
<tr>
<td>Third</td>
<td>0</td>
</tr>
<tr>
<td>Fourth</td>
<td>0</td>
</tr>
</tbody>
</table>

*The multiplier shall not apply to any river or stream segments nor to natural environment, sensitive area and special protection lakes.

Section 1108. Shoreland PUD Density Evaluation and Flexibility Option

Planned unit developments served, or to be served, by municipal sewer, shall be allowed with the issuance of a Conditional Use Permit by the Joint Planning Board, and shall be administered in accordance with the provisions of Section 1107 of this Ordinance, with the following exceptions:

A. **Residential PUD and Flexibility Option.** In lieu of following the tier and base density evaluation standards under Section 1107 of this Ordinance, a residential planned unit development may be developed at a minimum setback of 200 feet from the Ordinary High Water Level from a public water, provided such use is allowed pursuant to the requirements prescribed in Article III of this Ordinance. If the minimum setback of 200 feet is elected, the proposed development may be permitted to transfer all allowable densities from the back tiers forward, starting at the 200 foot setback line. The proposed development shall otherwise meet the minimum shoreland standards for residential planned unit developments, except that the tier impervious surface limitation may be relaxed to accommodate the allowable increased density, as long as the development as a whole continues to meet the 25% impervious requirement. The lot size standard used for the calculation of base density in a sewered residential planned unit development shall be 15,000 square feet.

B. **Commercial PUD and Flexibility Option.** Within the Downtown Business District defined in Article I, in lieu of dividing a proposed commercial planned unit development parcel into tiers to calculate base density, a proposed development may be developed at a minimum setback of 150 feet from the Ordinary High Water Level from a public water,
provided such use is allowed pursuant to Article III of this Ordinance. If the increased setback of 150 feet is elected, the proposed development shall not be subject to the density evaluation prescribed in Section 1107, but shall comply with all other requirements of this Ordinance with the exception of the following modified performance based zoning criteria:

1. The maximum height for a commercial planned unit development shall be sixty (35) feet at the 150 foot setback from the Ordinary High Water Level, but may be increased if additional green space and/or setback is utilized per subparagraph 2 and 3 below, up to a maximum of sixty-five (65) feet.

2. A proposed development shall preserve a minimum of forty (40) percent green space, as defined under Section 109 of this Ordinance. For each one percent of additional green space above forty (40) percent, the proposed commercial planned unit development may add an additional one (1) foot of height to a maximum increased height of twenty (20) feet.

3. For each additional five (5) feet of setback beyond the 150 foot setback, a proposed commercial planned unit development project may add an additional one foot of height to a maximum of twenty-five (25) additional feet of height.

4. A maximum of fifty percent (50%) impervious surface coverage is allowed for a commercial planned unit development, with an additional maximum of 10% non-impervious surface or areas for roads, parking and non-green space areas.

C. A commercial planned unit development may be redeveloped as a new commercial planned unit development with a Conditional Use Permit under the following conditions:

1. The proposed redevelopment will be evaluated using the criteria specified in Section 1106 or 1107, as applicable. Inconsistencies between existing features of the development and the minimum standards shall be identified.

2. Deficiencies involving impervious surface coverage, storm water management vegetation, screening, setbacks, open space, and shore recreation facilities must be corrected or evaluated and reasonable improvements made as part of the redevelopment proposal.

3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the redevelopment. 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 redevelopment. 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 site densities (square footage of habitable rental space as measured by using interior walls of habitable dwelling space) that exceed standards prescribed in this Ordinance may be allowed to continue but shall not be increased, either at the time of the redevelopment or in the future. Efforts shall be made during any such redevelopment to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, developing storm water management plans, or other means deemed necessary by the Joint Planning Board.

Section 1109. Design and Maintenance Standards and Criteria for PUDs

A. For all planned unit developments, a development plan shall be submitted to the JPB or its agent consistent with the following general standards for use of land, and the use, type, bulk, design, and location of buildings, the density of use, the common open space, the public facilities and the development by geographic division of the site. The development plan, which may be submitted and evaluated simultaneously with the preliminary plat, shall demonstrate compliance with the following criteria:

1. The application for a planned unit development shall be filed jointly by all owners;
2. Any planned unit development except an apartment complex under single ownership shall be prepared and recorded as a Common Interest Community consistent with the requirements of Minnesota Statute 515B. The documents required by statute shall be part of the application process. The development plan shall include such provisions for the creation of a property owners association to provide for the maintenance of the common space as reasonably necessary to ensure its continuity, care, conservation and maintenance. The plan shall also include provisions relating to the bulk, location and density of residential buildings, nonresidential uses and structures, and public facilities as are necessary for the welfare of the planned unit development and not inconsistent with the best interests of the area. Any covenants, easements and other provisions, if part of the development plan as finally approved, may be modified, removed or released only with the consent of the Joint Planning Board after a public hearing before, and recommendations by, the Planning Commission. The association shall include restrictive covenants and bylaws that identify individual and joint ownership properties, rights
and responsibilities. All such covenants shall specifically provide for enforcement by the landowners within the development. All such 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;

3. The planned development can be substantially completed within the period of time specified in the schedule of development submitted by the developer;
4. The planned development will not substantially injure or damage the use, value and enjoyment of surrounding property, nor hinder or prevent the development of surrounding property in accordance with the Greater Bemidji Area Land Use Plan;
5. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, and will be adequate to serve the residents, occupants, or users of the proposed development. An appropriate traffic control plan will be required by the road authority responsible for accepting and maintaining public roads. The Minnesota Manual on Uniform Traffic Control Devices will be used to justify when signals are needed in order to prevent traffic hazards or congestion in adjacent streets;
6. Public streets and roads shall meet all of the design criteria prescribed in this Ordinance, and all requirements of the respective road authority. Private streets and roads shall be constructed to meet a minimum seven (7) ton load standard, and all requirements of the respective road authority;
7. The development will not impose an undue burden on public services and facilities, such as fire and police protection;
8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved, unless said open space would accomplish the intent of this Article if left in its natural state;
9. The total ground area occupied by buildings and structures shall not exceed forty (40) percent of the total ground area of the planned unit development. In unsewered areas, the planned unit development shall include a minimum of 65% green space, and no more than 35 % of the site may be covered by impervious surface;
10. There shall be a minimum of ten (10) feet between all buildings;
11. When commercial structures or uses in a planned unit development district abut a residential district or residential building in the same development, screening shall be provided;
12. Nonresidential uses of an educational or recreational nature shall be designed or intended primarily for the use of the residents of the planned unit development;
13. Any shopping center developed as a general planned unit development shall meet the parking requirements prescribed in Article X of this Ordinance, but shall in no case provide fewer than one off-street parking space for every 200 square feet of floor area;
14. Wetlands shall be managed in accordance with the Wetland Conservation Act;
15. Maintenance and grounds keeping shall be undertaken consistent with statute;
16. A complete set of plans shall be submitted which shall include the projected cost of the project, location and design of roads, septic system design if applicable, and any other information deemed necessary by the JPB at the time of application;
17. A plan for storm water management prepared by a licensed engineer shall be submitted, including a completed NPDES permit. The plan shall include the entire plat, and any adjacent property affecting the drainage of the platted property. If the parcel proposed for development is part of or adjacent to a larger recorded plat, the storm water management plan shall address the entire platted area and incorporate applicable BMP’s;
18. Any development plan that does not propose to increase the number of dwelling units per acre that would otherwise be permitted on the property under the zoning regulations otherwise applicable thereto shall be prima face qualified for preliminary approval insofar as residential density is concerned. In non-shoreland areas, a development plan may provide for a greater number of dwelling units per acre than would be permitted by the zoning regulations otherwise applicable to the site, but if the number of dwelling units per acre exceeds by more than ten (10) percent that permitted by the zoning regulations otherwise applicable to the site, the developer has the burden to show that such excess will not have an undue and adverse impact on existing public facilities, and on the reasonable enjoyment of neighboring property. In no case may a PUD exceed by more than fifty (50%) per cent the number of dwelling units per acre permitted by the zoning regulations otherwise applicable to the site. The Planning Commission, in determining the reasonableness of a proposed increase in the number of dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by the amount, location and proposed use of common open space, and the location, design and type of dwelling units. The Planning Commission shall, in its determination, also consider that the physical characteristics of the
site may make increased densities appropriate in the particular location.

B. In unsewered areas, the development plan shall demonstrate compliance with the following additional criteria:

1. A managed, self-contained, collective well and septic system shall be provided for all planned unit developments including more than four (4) dwelling units, except where the individual units exceed 1 acre with a minimum 100 feet in width and the soils analysis demonstrates an ability to support an SSTS and a well on each unit so designated. No more than 40% of the total possible number of lots allowed may be so developed.

2. At least two off-street parking spaces shall be provided per residential dwelling unit;
3. There shall be no more than four dwelling units per building.

C. In shoreland areas, the development plan shall demonstrate compliance with the following additional criteria:

1. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure 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.

2. 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; Open space must not include commercial facilities or uses;

f. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and,

g. 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.

3. As part of Storm Water Management Plan, Erosion Control Plans completed by a registered engineer and approved under the terms of a NPDES permit shall be required. 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.

b. Be designed and constructed to effectively manage reasonably expected quantities of storm water runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except if permitted under exercise of flexibility option.

4. 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 Pollution Control Agency, Minnesota Department of Health and Article 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; elevations 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). 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 shorelands 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;

e. Accessory structures and facilities, with the exception of one water-oriented accessory structure, must meet the required principal structure setback, and must be centralized.

Section 1110. Conversion to PUDs

Resorts or other land uses and/or facilities may be converted to residential planned unit developments, with the issuance of a Conditional Use Permit, provided all of the following standards are met.

A. 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.

B. Deficiencies involving water supply and sewage treatment, structure color, 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.

C. 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:
1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
2. Remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water; and,
3. 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.

D. Existing dwelling unit or dwelling site densities that exceed standards prescribed in Section 1107 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.

Section 1111. Controlled Access and Recreation Lots

Controlled access in recreation lots. A riparian lot which is intended to be used as a controlled access to public waters for nonriparian 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:

A. Access lots must meet the minimum width and area requirements for residential lots and shall be suitable for access. In addition, the access lots 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, whichever is greater. If docking, mooring, or over-water storage of watercraft is allowed at a controlled access lot, the width of the lot must be increased by the percent of the minimum lot width requirement for riparian residential lots for each watercraft beyond six, consistent with the following table:

<table>
<thead>
<tr>
<th>Ratio of Lake Size (in Acres) to Shore Length (in miles)</th>
<th>Required Increase in Frontage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 100</td>
<td>25</td>
</tr>
<tr>
<td>100-200</td>
<td>20</td>
</tr>
<tr>
<td>201-300</td>
<td>15</td>
</tr>
<tr>
<td>301-400</td>
<td>10</td>
</tr>
<tr>
<td>More than 400</td>
<td>5</td>
</tr>
</tbody>
</table>
B. A minimum of 25-foot side yard area on both sides of the private access lots shall be maintained with vegetative cover screening abutting lots.

C. The ownership and the responsibility for the maintenance and upkeep of a private access 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 nonriparian 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 of 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.

D. The construction of any facility, including docks, roadways, launching facilities, playgrounds, parking facilities, or sports and game facilities, 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 section 28-839.

E. No watercraft access lot may provide access rights for more than 25 nonriparian lots not served by municipal sewer.
ARTICLE XII
PROCEDURES FOR APPROVAL OF SUBDIVISIONS AND PUDs

Section 1201. Subdivisions and PUDs.

No subdivision of a lot, tract, or parcel into two or more lots, and no planned unit development may be established, except in compliance with the following provisions.

A. Lot Division

In any case where the division of a parcel of land for the purpose of transfer of ownership or building development, and where no creation of a new street or way is required, does not come within the definition of subdivision as defined by this Ordinance, a Certificate of Survey of the entire parcel including identification of all structures and facilities, including wells and septic systems, on such parcel and legal descriptions of the parcel and its components, shall be filed with the Planning Administrator who shall approve such division provided that all requirements of this Ordinance are met. A parcel may be divided no more than twice, and into no more than three total parcels without subdividing. No land use or building permits shall be issued until said Certificate of Survey has been received by the Planning Administrator or the Planning Commission. A new parcel identification number shall be issued for each new parcel created.

B. Preliminary Plat/Pre-application Advisory Meeting

1. If the parcel cannot be divided through the lot division process described in Section 1201 A above, a sketch map shall be prepared and submitted for staff review. The sketch map shall not constitute filing of a preliminary plat with the JPB, but will serve as the basis for preliminary discussion between the subdivider and staff. This discussion will help the subdivider by providing information regarding the extent to which the proposed subdivision conforms to the requirements of this Ordinance, and possible modifications necessary to secure approval of the plan. The sketch map shall include at least the following information:

a. A site location map showing the boundaries of all parcels, the location of existing and proposed streets within and adjacent to the property, the location of existing and proposed structures, and other significant development;
b. A North arrow and scale;
c. The topography and physical features, including wetlands and public waters;
d. The proposed lot size and orientation;
e. A vicinity map.
2. Before dividing any tract of land into two or more lots or parcels, with the exception of lot divisions authorized under sections 1201 A of this Ordinance, an owner or subdivider shall file with the Joint Planning Board:

a. Fifteen (15) full size copies, folded to 8 ½ x 11, of the Preliminary Plat, and twenty (20) 11 x 17 copies;

b. A cash payment as established by the Joint Planning Board. This fee will be used for public expenses in connection with approval or disapproval of said plat and final plat which may be submitted thereafter. Each plat filed in addition to the preliminary plat must be accompanied by an additional fee as designated by the Joint Planning Board;

c. If the subdivider requests or the Joint Planning Board requires that any existing special assessments which have been levied against the premises described in the subdivision be divided and allocated to the respective lots in the subdivision plat, the City Assessor or Township Clerk shall estimate the clerical cost of preparing the revised assessment roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the appropriate jurisdiction of such estimated cost the same shall be paid to the respective jurisdiction, to cover the cost of preparing and filing such revised assessment;

d. The subdivider shall fill out a "Request for Subdivision" form or other application blank provided by the Joint Planning Board.

3. The Planning Commission shall consider the preliminary plat officially filed after the Planning Administrator has examined it and advised the Commission that it is in the proper form, and the appropriate fee has been paid.

4. On the same date that the Planning Administrator places the preliminary plat on file, the Planning Administrator shall:

a. Set a date for a public hearing on the preliminary plat, subject to Item 5 below. The Planning Administrator shall cause notice of said hearing to be sent by mail to all property owners of record within 500 feet of the proposed subdivision boundaries at least ten days prior to the hearing. The Planning Commission shall hold the public hearing at a regular meeting, or at a special meeting called for that purpose.

b. Refer a copy of the preliminary plat to the appropriate persons based on the distribution policy of the Joint Planning Board.

5. The Planning Commission shall make its report to the Joint Planning Board within 45 days of the filing of the plat, except in cases where the applicant requests additional time to adjust the plat.
6. The Joint Planning Board shall act on the preliminary plat within 60 days of the date on which it was received and verified as complete by the Planning Commission.

7. If the preliminary plat is not approved by the Joint Planning Board, the reasons for such action shall be recorded in the proceedings of the JPB and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the subdivision until approval of the final plat.

C. Necessary Data for Preliminary Plat

The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than 11 inches by 17 inches. All subdivision maps shall be drawn at a scale not smaller than a scale of 1 inch equals 100 feet, unless otherwise required by the Joint Planning Board. The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:

1. Identification and Description.
   a. Proposed name of subdivision, which shall not duplicate or be alike in pronunciation as the name of any plat already recorded in the County;
   b. Legal description of property to be platted and a survey prepared by a surveyor registered in the State of Minnesota together with a small sketch illustrating the location of the plat within the community;
   c. Names and addresses of the owner, subdivider, surveyor, designer of the plat, and owners of adjacent property;
   d. North point;
   e. Acreage of land to be subdivided, calculated to nearest one-tenth acre;
   f. Date of preparation.

2. Existing Conditions.
   a. Boundary line of proposed subdivision, clearly indicated;
   b. Existing zoning classification of land to be subdivided and property within 300 feet of property to be platted, including identification of Airport Safety Zone, if any;
   c. Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to a distance of one hundred feet beyond the tract;
   d. Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of one
hundred feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes, and hydrants shall also be shown;

e. Boundary lines of adjoining land, within one hundred feet, identifying by name and ownership;

f. Topographic data, out to 300 feet beyond the boundaries of the proposed plat including contours at vertical intervals of not more than two feet. Water courses, wetlands, wooded areas, rock outcrops, utility poles and lines, and other significant features shall also be shown;

g. Identification of shoreland areas as defined by this Ordinance.

h. Wetland Delineations (if applicable).


a. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street heretofore used in the Greater Bemidji Area or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used;

b. Lot lines, lot numbers, lot sizes, and lot dimensions;

c. Minimum building setback lines;

d. Location and widths of proposed pedestrian and bicycle ways and utility easements, and their approximate acreages;

e. Typical cross-sections of proposed improvements upon streets, together with an indication as to the method of disposing of the proposed storm water run-off;

f. Approximate centerline gradients of proposed streets;

g. Location, size and approximate gradient of proposed sewer lines and water mains;

h. A grading and storm water management plan (Including erosion controls) prepared by a registered engineer;

i. Minimum front and side-street building setback lines, indicating dimensions;

j. Areas, other than streets, pedestrian ways and utility easements intended to be dedicated or preserved for public use, including the size of such area in acres;

k. If the preliminary plat is a rearrangement or replat of any previously recorded plat, its original name and all revised or vacated roadways shall be shown by dotted or dashed lines;

l. Certification by a registered land surveyor attesting to the accuracy of the plat as prepared.

4. Other Information.

a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business
or industry so as to reveal the effect of the development on traffic, fire hazards or congestion of population;

b. Proposed deed restrictions or protective covenants, including notice of airport zoning regulations;

c. Source of water supply;

d. Provisions for sewage disposal;

e. If any zoning charges are contemplated, the proposed zoning plan for the areas, including dimensions;

f. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a preliminary plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions;

g. Any additional information identified at the pre-application meeting as important to the prudent review of the proposed development.

D. Qualifications Governing Approval of Preliminary Plat

The Planning Commission may return a conditional report to the Joint Planning Board. The JPB may require such changes or revisions as it deems necessary for the health, safety, general welfare and convenience of the community. The approval of a preliminary plat by the Planning Commission and JPB is tentative only, involving merely the general acceptability of the layout as submitted. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, sidewalks, gas and electric service, grading, gradients and roadway widths and the surfacing of streets and by other public officials having jurisdiction, including airport zoning approval, prior to the approval of the final plat by the JPB. No plat will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the appropriate Registered Engineer, make the area completely safe for occupancy, and provide adequate street and lot drainage. No plat will be accepted that cannot be adequately serviced with sanitary sewer or other approved disposal system.

E. Final Plat.

1. The owner or subdivider shall file twenty five (25) copies of the Final Plat to the Planning Administrator for the Planning Commission not later than six months after the date of approval of the preliminary plat by the Joint Planning Board, otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing
by the subdivider and, for good cause, granted by the Joint Planning Board. The owner or subdivider shall also submit at this time either an up-to-date certified Abstract of Title or Torrens Certificate of Title and/or evidence of Title Insurance Commitment as the JPB Attorney may require showing title or control in the property by the applicant;

2. The final plat will have incorporated all changes or modifications approved in the preliminary plat; in all other respects it shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time, provided that such portion conforms to all of the requirements of this Article;

3. Prior to submitting the final plat to the Joint Planning Board, the subdivider shall submit a copy of the final plat to the City or township, the office of the Beltrami County Surveyor and the County Planning Commission for review and comment;

4. The Planning Commission shall consider the final plat officially filed after the Planning Administrator has examined it and advised the Planning Commission that it is in proper form;

5. As soon as the final plat is placed on file the Planning Administrator shall distribute copies of the final plat to the Planning Commission, and the remainder of the distribution list as approved by the Joint Planning Board. The Abstract of Title or Torrens Certificate of Title and/or Title Insurance Commitment shall be referred to the JPB Attorney for examination and report. The Attorney's report shall be given to the Planning Commission within fifteen days. The procedure and timing for processing the final plat shall be the same as for the preliminary plat except that no public hearing is required in processing the final plat;

6. If the final plat is approved by the Joint Planning Board, the subdivider shall record it with the County Recorder within six (6) months after the date of approval; otherwise, the approval of the final plat shall be considered void;

7. The subdivider shall, immediately upon recording, furnish the JPB and appropriate Engineer's Office with one transparent reproducible mylar of the final plat showing evidence of the recording and paper prints of the plat for the Planning Administrator, Assessor's Office, and Building Inspector's Office, as applicable;

8. The subdivider shall furnish the following specified types of copies of the final plat to the persons listed below:

a. Beltrami County Recorder:
   i. One signed transparent reproducible mylar copy marked "COPY".
   ii. Two identical copies prepared on black and white mat surface photographic card stock with double cloth back mounting or material of equal quality; one marked "OFFICIAL PLAT" and one marked "COPY".
iii. Plat shall be 20"x 30" and conform in all respects to Minnesota Statute 505.

b. Beltrami County Auditor:
   i. One copy on paper.

c. Beltrami County Surveyor:
   i. One signed reproducible on mylar.

d. City or township road authority, as appropriate:
   i. One signed reproducible on mylar.

e. City or County GIS Department:
   i. One signed reproducible on mylar and one copy in electronic format.

f. Planning Department:
   i. Two copies on paper.

Section 1202. Necessary Data for Final Plat

The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall conform to all State and County requirements and the following requirements:

A. Information to be Shown.

1. Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alley, easements, area reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths of a foot;
2. Names and right-of-way width of each street, highway, easement, or other right-of-way as required by state law;
3. An identification of all lots and blocks, including lot lines and dimensions;
4. Accurate location of all monuments as required by state law;
5. Names and location of adjoining subdivision, streets and unplatted properties;
6. Municipal, townships, county or section lines accurately tied to the lines of the subdivision by distance and angles;
7. Radii, internal angles, points and curvatures, tangent bearings, and lengths of all areas.
8. Certification on plat of title showing that the applicant is the owner and a statement by that owner dedicating streets, rights-of-way and any other sites for public use;
9. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision with the purposes indicated therein;
10. Certification by a registered surveyor in the form required by Section 505.03 Minnesota Statutes;
11. Execution by all owners of any interest in the land any holders of a mortgage thereon of the certificate required by Section 505.03 Minnesota Statutes, and which certificate shall include a dedication of
the utility easements and any other public areas in such form as shall be approved by the JPB Attorney;

12. Certification showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full;

13. Location of public waters as required by state law;

14. Letters of approval of highway access points and service roads from the Commissioner of the Department of Transportation and County Engineer, as applicable, shall be submitted with the final plat;

15. Form of approval by local authorities, either by the JPB and/or the governing body of the jurisdiction(s) where the plat is located, as may be required under Minnesota Statutes Chapter 505, may be worded substantially as follows:

Approved by the Greater Bemidji Area Joint Planning Board, Minnesota this 12th day of February, 2007.

JPB Secretary

16. Form for approval by County authorities as required by law.

Section 1203. Absence of Utilities and Land Suitability

A. Where sewer and water are not available and individual wells and disposal systems are to be utilized, the subdivider may be required to submit a showing of land suitability pursuant to Section 1104, including the results of tests to ascertain subsurface soil, rock, and ground water conditions. The results of such tests may make it necessary, at a minimum, to vary the required lot size.

Section 1204. Dedication of Parks, Open Spaces, Trails and Public Sites

A. Purpose.

The Greater Bemidji Area continues to grow while the amount of parkland, open space and trails for active and passive recreational opportunities remains almost unchanged. The community’s growth includes increases in population, employment, new dwellings, and square footage of floor space for business uses, all of which directly or indirectly use and place burdens upon the community’s park and trail system. In our modern day society and culture, people continue not only to seek recreational opportunities but to demand that adequate park, open space and trail resources be an integral component incorporated into the fabric of their community, be it their neighborhood or the workplace. This Ordinance requirement is enacted to equitably meet park, open space and trail needs of the community as land is developed, and to fulfill the needs, plans and policy of the community and its people as expressed in the City of Bemidji’s prior Nexus Study, the Comprehensive Plan, as well as the City’s 2001 Parks, Open Space and Trail System Plan. The City has previously implemented Parkland Dedication requirements, and meeting these continued park, open space and trail needs
protects the health, safety and welfare of community residents and is in the best interests of the community.

B. Findings.

The Joint Planning Board finds that:

1. Minnesota Statutes Section 462.358 enables cities to require dedication of parks, open spaces and trails as part of the platting and subdivision process.

2. Pursuant to that enabling authority, for several decades cities have enacted parkland dedication ordinances such that it is common practice in most communities around the State to require the dedication of park, open space and trail lands as part of the platting and subdivision process.

3. Requiring dedication of lands for park, open space and trail needs, based on the use and density of development, will help ensure adequate park, open space and trail facilities at suitable locations throughout the community.

4. There is a nexus or close relationship between the need for more parkland, open space and trails and the conversion of unplatted land, often rural land, to urban or suburban development. As a general rule, a core system of parkland requires a minimum of 6.25 to as much as 20 acres per 1000 population. Furthermore, many communities have found it reasonable to require an amount of lands equal to ten percent (10%) of the land proposed to be subdivided for parks, open space, trails and other recreational purposes, exclusive of public streets, alleys, drainage, easements and pedestrian ways.

5. The City previously completed a Nexus Report which demonstrated the need and basis for dedication as the community grows and new development and subdivision occurs as a result of that growth.

6. Requiring park and trail dedication is consistent with Bemidji's previously adopted Comprehensive Plan, particularly the Public Facilities/Parks Plan and the policy which recommended that the City require dedication of parkland or cash in lieu of land in conjunction with subdivision of all property.

7. The City currently implements and administers Parkland Dedication requirements, and requiring continued dedication for parks, open space and trails is also consistent with and in furtherance of the City's Parks, Open Space and Trail System Plan, as well as the City's local sales tax legislative initiative passed by a majority of voters in the 2002 general election.

8. Accordingly, the Joint Planning Board finds it in the best interest of the community to protect the public health, welfare and safety by continued assurance of adequate parks, trails and open space through dedication of land, or case in lieu of land, in conjunction with the subdivision of property within the City of Bemidji.
C. Land Dedication Required.

As allowed by Minnesota Statutes, §462.358, Subd. 2B, the Joint Planning Board shall require all subdividers of property within the City limits of Bemidji to dedicate a reasonable portion of the land being platted or subdivided to the City for public use, park, playground, trails, public sites, open space, conservation purposes, and storm water holding areas and ponds.

D. Adaptability-Suitability of Dedication.

Land to be dedicated shall be in a location and of a character consistent with and reasonably adaptable for the above public purposes. Factors the JPB will use in evaluating the adequacy of proposed dedications shall include size, shape, topography, tree cover, drainage, geology, access and location. Lands not reasonably adaptable (wetlands, lands within flood plains or already protected lands) may be dedicated but such dedication shall not count or be credited toward meeting the minimum park land dedication requirements of this Ordinance.

E. Minimum Areas of Dedication

1. Residential: A minimum of at least the rate of one acre per 25 dwelling units within the subdivision.
2. Non-Residential: A minimum of at least 4 percent of the gross area, excluding wetlands, shall be dedicated.
3. Mixed Residential and Non-Residential: For that portion in non-residential uses, a minimum of at least 4 percent of the gross area, excluding wetlands, shall be dedicated. For that portion in residential use, a minimum of at least the rate of 1 acre per 25 residential units in the subdivision shall be dedicated.

F. Trails (and Sidewalks).

Trails shall be included in the plat and dedicated to provide a suitable circulation system within the plat and with links to the community’s system consistent with the City’s Comprehensive Plan, Bemidji Parks, Open Spaces and Trails Plan and any similar plan of the community or Beltrami County. At the discretion of the City, trails dedicated by the subdivider within a public park having at least 30 feet of width throughout its length, may be eligible for park dedication under provisions of this chapter.

G. Dedicated Land not Counted in Meeting Density or Open Space Requirements.

Land conveyed or dedicated for the above public purposes and/or its equivalent as a cash contribution may not be used by a subdivider or owner as an allowance for purposes of calculating the density requirements of the
development as set out in this Ordinance and shall be in addition to and not in lieu of open space requirements for planned unit developments, open space easements for roads, utilities, drainage, conservation, and open space.

H. Private Open Space.

If private open space for park and recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, at the discretion of the Joint Planning Board, and upon recommendation of the City, such area may be used for credit toward the park dedication requirement provided the JPB finds it is in the public interest to do so and that the following standards are met:

1. That where such credit is granted, the amount of credit shall not exceed 20 percent of the amount of land dedication required to be dedicated by this Article.
2. That yards, court areas, setbacks and other open space required to be maintained by this Ordinance shall not be included in the computation of such private open space.
3. That the private ownership and maintenance of the open space is adequately provided for by written agreement.
4. That the private open space is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be eliminated without the consent of the City.
5. That the proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, drainage, access, and location of the private open space land.
6. That facilities proposed for such open space are in substantial accordance with the provisions of the recreational element of the land use plan, and are approved by the Joint Planning Board.

I. Contribution of Equivalent Market Value in Lieu of Land.

The subdivider is required to dedicate land or the equivalent market value of suitable land in cash to meet the land dedication requirement. When, upon recommendation of the City, in the opinion of the Joint Planning Board, the subdivision is too small for practical dedication of public land, or if no land in the subdivision is suitable for such use, or if, in the opinion of the JPB, there is no need for publicly dedicated recreation land, school sites or public use, within the subdivision, the JPB may direct that the City accept the equivalent market value in cash of suitable land from the subdivider in lieu of land dedication. Equivalent market value of suitable land shall be calculated using an average fair market value for one acre of land having the same zoning classification(s) and development potential as the property being developed, and having a character consistent with and reasonably
adaptable for park, open space and/or trail purposes. Fees based on equivalent fair market values for residential and non-residential (commercial/industrial) properties shall be determined by the Bemidji City Council and reviewed annually and, if necessary, recalculated based upon current land sales comparisons. The fee values shall be reported to the JPB and current fees shall be set forth in both the City’s and JPB’s Fee Schedule Ordinances. Upon City recommendation, the JPB may consider and allow a combination of land dedication and a cash contribution in lieu of land dedications.

J. Dedication Requirements Presumptively Appropriate.

The dedication requirements based on the development’s proportional share of the community’s park system are presumptively appropriate. A subdivider may request a deviation from the presumptive requirements based upon the anticipated impact of that particular subdivision. That request must be made to the Joint Planning Board as part of an application before final plat approval.

K. Previously Platted Property.

Property being subdivided without an increase in the number of lots shall be exempt from park and trail dedication requirements if similar requirements were satisfied in conjunction within an earlier subdivision. If the number of lots is increased, then the dedication shall be based on additional lots created.

L. Outlots.

In plats that include outlots for future development, the subdivider may pay to the City;

1. The development’s proportional share for the entire subdivision, including the outlots, or;
2. The development’s proportional share, excluding such outlots, provided that the dedication requirement shall be satisfied when such outlots are developed or re-platted.

M. Administration and Accounting.

The Joint Planning Board shall establish administrative procedures deemed necessary or required to implement land dedication requirements. The City already has an established fund into which cash contributions received in lieu of conveyance or dedication is placed. In the future, should all participating jurisdictions together implement parkland dedication requirements, the JPB may be authorized to establish a separate fund into which shall be placed all cash contributions received in lieu of conveyance or dedication of land.
Background:
If the city is to require park and trail dedications in new plats, a rationale and justification for such dedication strengthens the basis for such an ordinance. The rationale and justification can be based on:

1. The purpose clause in the subdivision ordinance which contains the following phrases:
   “Each new subdivision becomes a permanent unit in the basic physical structure of the community, a unit to which the future community will of necessity be forced to adhere.” And “In their interpretation and application, provisions of these Regulations shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.”
2. Minnesota statues allow such dedication.
3. Many cities require dedication.
4. Nexus- There is a strong relationship between requiring park dedication and the need for and use of the park (benefit) by the population and uses, which will occupy the site being subdivided.

The first three are well established. The fourth item, Nexus, is the subject of this report.

Nexus:
Nexus involves essentially two tests:

Test 1 – Does a relationship exist between the dedication requirement and the benefit derived from the dedication? For example, the dedicated park allows active and/or passive recreation by the people who will live and/or work etc. within the subdivision.

Test 2 – Is there a rough proportionality shown/demonstrated between the amount of dedication required and the use and benefits to the property. For example, the subdivider of a few residential lots could not be expected to dedicate an entire community park serving a large population.

City Demographics:
The following statistical information was compiled to show the relationship between park acres and population/dwellings.

<table>
<thead>
<tr>
<th>Year</th>
<th>Park Acres</th>
<th>Dwelling Units</th>
<th>Population</th>
<th>% Increase</th>
<th>Acres per 1000 People</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Natural</td>
<td>Dev.</td>
<td>Total</td>
<td>Dwell.</td>
<td>Pop.</td>
</tr>
<tr>
<td>1990</td>
<td>4,412</td>
<td></td>
<td></td>
<td>11,245</td>
<td>17.6</td>
</tr>
<tr>
<td>1996</td>
<td>289</td>
<td>193.44</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>205</td>
<td>4,948</td>
<td>11,917</td>
<td>12%</td>
<td>6%</td>
</tr>
</tbody>
</table>
Future Expansions of Bemidji: (Orderly Annexation)
Currently, the city has about 205 acres of parks, equal to about 2.6 percent of the land in the city (205 park acres/7981 total city acres. [P.28 Comp. Plan]=2.6%). This percent (2.6%) can be considered a low percent for park land.

The parks serve a city population of about 12,000 equal to 16.8 acres per 1000 persons. If the park acres are judged to be approximately reasonable in terms of acres per person and percent of total land, then when the city expands, Bemidji’s future needs can be calculated by projecting the size and population of the city. If the city expands by 1000 acres by 2020, then park acres need to be expanded by 40 acres to serve the expanded population and city. The Nexus Principle is based on the determination that the new need for park comes from the new subdivisions in the proportion each new subdivision contributes to the population and increases in the square footage of commercial and business development. See the table below.

<table>
<thead>
<tr>
<th>PARK NEED: BASED ON PROJECTED POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>2004</td>
</tr>
<tr>
<td>2020</td>
</tr>
<tr>
<td>Difference</td>
</tr>
</tbody>
</table>

The need can also be based on a percent of the land in the community. A figure of 10 percent is often used as a standard. Bemidji’s percent is about 2.6 percent. The table below shows the park land needed based on the city’s projected annexation and 2.6 percent.
PARK NEED: BASED ON CITY’S ANNEXATION PROJECTION*

<table>
<thead>
<tr>
<th>Year</th>
<th>City Acres</th>
<th>Acres per 100 people</th>
<th>Acres of Park Provided or Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>7,981</td>
<td>17</td>
<td>205</td>
</tr>
<tr>
<td>2010 (5 years)</td>
<td>1,391 New Annex 9372 Total</td>
<td>**</td>
<td>253**</td>
</tr>
<tr>
<td>2015 (10 years)</td>
<td>2,145 New Annex 11,517 Total</td>
<td>**</td>
<td>310**</td>
</tr>
<tr>
<td>2020 (15 years)</td>
<td>1,624 New Annex 13,141 Total</td>
<td>**</td>
<td>342**</td>
</tr>
<tr>
<td>Difference Between 2004 And 2020</td>
<td>5,160</td>
<td>_</td>
<td>137**</td>
</tr>
</tbody>
</table>

*Information received August 26, 2004 from City on possible/projected annexation in Northern Township and Bemidji Township.

**Projection of park land needed is not based on population in this scenario. Instead park land needed is projected based on the percent of park land to total city acres in 2004 (2.6%) and 2020 (2.6%). Total city acres times 2.6 percent gives the projected needed park land. For example, if the city has 13,141 acres in 2020, the projected park land needed at 2.6 percent is 342 acres or 137 acres more than the 205 acres which exist today. The calculation is 13,141 x .026=342 acres.

Section 1205. Minimum Subdivision Design Standards

A. The proposed subdivision shall conform to the Greater Bemidji Area Transportation Plan.

B. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Greater Bemidji Area Transportation Plan and to these regulations, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

1. Continuation of Existing Streets.
   The arrangement of streets in new subdivision shall make provision for the appropriate continuation of the existing streets in adjoining areas.

2. Future Projection of Streets.
   Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at the appropriate locations.
1. **Residential Road Widths.** All residential right-of-way widths and pavement widths (face to face of curb or total surface width) shall conform to the following minimum dimensions, in addition to any requirements of the road authority that will be asked to accept the particular street:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Right of Way/Pavement Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Street with Curb and Gutter (R-3, R-4, R-5, R-6 districts)</td>
<td>60 feet / 32 feet</td>
</tr>
<tr>
<td>Suburban Street with Curb and Gutter (R-3 district)</td>
<td>60 feet / 32 feet</td>
</tr>
<tr>
<td>Suburban Street without Curb and Gutter (R-3 district)</td>
<td>66 feet / 24 feet</td>
</tr>
<tr>
<td>Rural Streets without Curb and Gutter (R-1 and R-2 districts)</td>
<td>66 feet / 24 feet</td>
</tr>
</tbody>
</table>

Additional width may be required at discretion of the road authority to provide for parking, turn lanes or high traffic projections. Two foot shoulders are required for all roads built without curb and gutter. Platted roadways destined to be arterials or major collectors and roadways in plats in non-residential zoning districts shall be built to standards based on estimated twenty (20) year average daily traffic and meet geometric standards as prescribed by Chapter 8820 of Minnesota Rules.

2. **Deflections.** When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than that allowed for in the current version of the Minnesota Department of Transportation Road Design Manual for the appropriate design speed of the roadway. In no case shall the design speed be less than 30 mph.

3. **Grades.** Minimum grade for curb and gutter streets shall be 0.2%.

4. **Vertical Curves.** Different connecting street gradients shall be connected with vertical curves. The minimum length of these curves shall conform to the standards specified in the current version of the Minnesota Department of Transportation Road Design Manual.

5. **Minor Streets.** Minor streets shall be so aligned that their use by through traffic will be discouraged.

6. **Cul-de-sacs.** Maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to end of right-of-way. Cul-de-sacs shall have a minimum permanent turnaround area radius of 53 feet to the edge of the finished street or curb line, and a minimum right-of-way radius of 60 feet.

7. **Marginal Access Streets.** Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the JPB may require a street approximately parallel to and on each side of
such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such marginal access streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

8. **Half Streets.** Half streets shall be prohibited, except where essential to the reasonable development of subdivision in conformity with the other requirements of these regulations; and except where the Joint Planning Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

9. **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited.

10. **Private Streets.** Private streets shall not be approved unless part of an approved planned unit development, nor shall public improvements be approved for any private street.

11. **Hardship to Owners of Adjoining Property Avoided.** The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

**D. Intersections.**

1. **Angle of Intersection.** The angle formed by the intersecting of streets shall not be less than 85°.
2. **Size of Intersection.** Intersections of more than four corners shall be prohibited.
3. **Corner Radii.** Roadways of street intersections at the curb shall be rounded by a radius of not less than 20 feet. Roadways of alley-street intersections shall be constructed according to appropriate Minnesota Department of Transportation Standard Plates. Corners at the entrance to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.

**E. Drainage.**

A complete and adequate drainage system for the subdivision shall be designed, and shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, or both systems. Such system or systems shall be designed in conformity with all applicable standards of the Joint Planning Board and so as to meet with their approval. Stormwater management and Erosion Control shall conform to all required local, state and federal permit and ordinance provisions as they may apply to land development in a specific location.
F. Curb and Gutter.
In areas served by storm sewer, concrete curb and gutter shall be included as a part of the required street surface improvement and shall thus be designed for installation along both sides of all roadways in accordance with the standards of the Joint Planning Board.

G. Ditches.
In areas without storm sewer the right of way shall be grubbed to a minimum of twenty (20) feet either side of a center line in an embankment section; or such addition as may be required in a ditch section. (Except, see Section 1206 A.2.a.) - The width between shoulder lines shall be uniform and shall be a minimum of eleven (11) feet either side of center line. Inslopes and backslopes shall not be steeper than three (3) feet on the horizontal to one (1) foot on the vertical. The ditch separation shall be a minimum of two (2) feet with a ditch bottom of three (3) feet minimum.

H. Pedestrian Ways.
In blocks over 900 feet long, pedestrian crosswalks through the blocks, and at least ten feet wide, may be required by the Joint Planning Board in locations deemed necessary to public health, convenience and necessity.

I. Water Supply.
Extensions of the municipal water supply system shall be designed so as to provide water service to each lot. The design of said extension shall be in accordance with the design standards proposed to and approved by the Joint Planning Board.

J. Sewage Disposal.
Extensions of the municipal sanitary system shall be designed so as to provide sewer service to each lot. The design of said extensions shall be in accordance with the design standards proposed to and approved by the Joint Planning Board, and shall meet all requirements of Article VIII of this Ordinance.

K. Street Names.
Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street, in which event it shall bear the same name of the existing or platted street so in alignment. Street names and numbers shall conform to the established pattern in the Greater Bemidji Area and shall be subject to the approval of the Planning Commission.

L. Blocks.
Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lot required in the area by the zoning provisions and to provide for convenient access, circulation control, and safety of street traffic.
M. Lots.

1. **Location.** All lots shall abut on a publicly dedicated street or a street that has received legal status as such with the exception of Common Interest Communities meeting all other requirements of this Ordinance.

2. **Size.** The lot dimensions in subdivisions designed for single family detached dwelling use shall not be less than the minimum dimensions required to secure the minimum lot area specified in Article IV of this Ordinance.

3. **Side Lot Lines.** Side lines of lots shall be substantially at right angles to the street line, with the exception of lots in cul-de-sacs.

4. **Natural Features.** In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, water courses, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development.

5. **Lot Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

Section 1206. Required Improvements on the Site

A. Improvements Listed and Described.

Prior to the approval of a final plat by the Joint Planning Board, the subdivider shall have agreed, in the manner set forth in this Section, to install or pay for the installation in conformity with construction plans approved by the Registered Engineer and in conformity with all applicable standards and Code provisions, the following improvements on the site:

1. **Monuments.** Monuments of a permanent character, as required by MS Chapter 505, shall be placed in locations on the boundary of the subdivision and within it as required;

2. **Street and Alley Improvements.**
   a. Grading. The full width of the right-of-way of each street dedicated in the plat shall be graded with due regard to prominent trees, historic spots and appropriate aesthetic considerations.
   b. Pavements. All streets shall have an adequate sub-base and shall be improved with an all-weather, permanent surface approved by the appropriate road authority.

3. **Curb and Gutter.** Permanent curb and gutter shall be installed in all areas proposed to be developed with lot widths of 100 feet or less.

4. **Water Supply.** The developer shall be required to install water mains and lines to all residential lots in the subdivision where it is within 300' of an existing municipal water line, unless such lots are outside of the Phased Annexation Areas adopted by the Joint Planning Board where such services are not available. All installation and connection costs
shall be borne by the developer. Where connection to the municipal water system is not required, individual water systems shall be installed according to the requirements of this Ordinance.

5. **Sewage Disposal.** The developer shall be required to install sanitary sewer mains and service connections to all residential lots on the subdivision where it is within 300 feet of an existing sewer line, unless the property is located in an area outside of the Phased Annexation Areas adopted by the Joint Planning Board. All installation and connection costs shall be borne by the developer. Where connection to the municipal sewage system is not required, individual disposal systems shall be installed according to the requirements of this Ordinance.

6. **Drainage.** A system that will adequately take care of the water runoff within the subdivision shall be provided, based on a stormwater runoff plan prepared by a Registered Engineer and approved by the JPB. If the Joint Planning Board, upon the recommendation of the Registered Engineer, determines that it is feasible for the subdivider to install storm sewers connected to the existing storm system of the community within or adjacent to the subdivision, or an extension of the community system which will be extended to the boundary of the subdivision within eighteen months of the filing of the final plat, the appropriate governing body shall require installation of a storm sewer system to provide drainage. If a storm system is installed and connections to the community system are not immediately available, the storm sewers shall be capped and temporary provisions made for drainage by other means. The cost of storm sewers shall be assessed against the benefiting properties, based on the assessment policy of the governing body, including those which may lie outside the boundaries of the proposed subdivision.

7. **Street Sign.** Street signs shall be installed in all new subdivisions by the appropriate governing body at the expense of the developer.

8. **Underground Electric, Telephone and Cable TV Service.** All electric, telephone, and cable TV service shall be installed underground in new subdivisions.

B. **Optional Community Construction Permitted.**

In lieu of doing actual construction work in improvements required to be made by the subdivider under this Section, the subdivider may petition the appropriate governing body to do the construction work required. Such petition shall include a request that the benefited property be assessed for the cost of such improvements where appropriate. Such petition shall be presented to the governing body by September 1 for construction during the next season. This option shall apply to streets, alleys, curb and gutters, water and sanitary sewer facilities. In no event shall such design and construction result in a cost to be borne by tax payers of the community generally except in those instances where part of the benefit of the construction is deemed by the appropriate governing body to extend beyond the properties contained in the proposed subdivision.
C. Payment for Installation of Improvements.
The costs of the required improvements, which are listed and described in Subdivision A above, are to be furnished and installed at the sole expense of the subdivider and at no expense to the community, unless otherwise stated. In the case of an improvement, the cost of which would by general policy of the governing body be assessed only in part to the improved property and the remaining cost paid out of general tax levy or other funds, the governing body may make provisions for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the governing body, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the governing body may make provision for causing a portion of the cost of the improvement, representing the benefit to such lands to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

D. Required Developer’s Agreement Providing for Proper Installation of Improvements.
Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the governing body requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions all approved by the governing body, which shall include provision for supervision of details of construction by the Registered Engineer and grant to the Registered Engineer authority to correlate the work with any other work being done or contracted by the governing body in the vicinity. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof, to furnish the performance bond as specified in Subsection E. hereof, the amount of the deposit and the penal amount of the bond to be equal to the Registered Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the governing body. On request of the subdivider, the contract may provide for completion of part of all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements to be furnished after the acceptance of the plat only. The time for completion of the work and the several parts thereof shall be determined by the governing body upon recommendation of the Registered Engineer after consultation with the subdivider and shall be reasonable in relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the subdivision. The provisions of this Subsection shall be waived or amended as deemed appropriate by the governing body upon advice of the Registered Engineer on those improvements which the governing body has agreed to install under the provisions of Subsection B. hereof.
E. Construction Plans
Construction plans for the required improvements conforming in all respects with the standards of the Registered Engineer and local Code provisions, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his seal. Such plans together with the quantities of construction items, shall be submitted to the Registered Engineer for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required in Subsection D. hereof. The original plans approved by the Registered Engineer plus two prints and a copy in electronic format shall be furnished to the appropriate jurisdiction to be filed by the Registered Engineer as a record in the Engineering Department. Following construction, the subdivider shall furnish to the appropriate road authority a reproducible mylar "Record Drawings" plus two sets of prints showing the actual field dimensions as measured during construction.

F. Inspection.
All required improvements on the site that are to be installed under the provisions of this Article shall be inspected during the course of construction by the Registered Engineer at the subdivider's expense, and acceptance shall be subject to the Registered Engineer's certificate of compliance with the contract.

G. Improvements Completed Prior to Approval of Final Plat.
Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of Subsection A hereof only if the Registered Engineer shall certify that he is satisfied that the existing improvements conform to applicable to appropriate community standards.

Section 1207. Variances

In accordance with Section 1305 of this Ordinance, the Board of Adjustment may grant a variance in any particular case where the subdivider can show that by reason of exceptional topography or other physical conditions the strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of the regulations.

In support of a variance application under Section 1305, the subdivider/applicant shall, for consideration by the Board of Adjustment, supplement the application with maps, plans or other additional data which may aid the Board of Adjustment in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. Any variance or modification thus granted shall be recorded in resolution form and
entered in the minutes of the Board of Adjustment setting forth the findings of fact which justified the action.

Section 1208. Land Use or Building Permits

No land use or building permits shall be issued for construction on any lot until all requirements of this Article have been fully complied with. All lots or parcels must have a parcel identification number prior to the issuance of any permit.

Section 1209. Copies of Plat

Copies of all of such plats or subdivisions, after the same have been submitted, approved and recorded as provided in this Article, shall be filed and kept by the Joint Planning Board at a place designated as the official repository of the records of the Greater Bemidji Area, and with the appropriate road authority.

Section 1210. Enforcement and Penalty

Unless approved as a final plat as provided herein, no subdivision shall be entitled to record in the County Recorder's Office or have any validity; and neither the Building Official nor Planning Administrator shall cause to be issued building permits or land use permits for any structure on a lot in any proposed subdivision, with the exception of permits that may have been granted without approval of such subdivision. The Joint Planning Board shall not permit any public improvements to be installed unless the preliminary plat is approved and shall not permit any services until approval of the final plat and recording of same. It is unlawful for any person to violate, omit, neglect or refuse to comply with or to resist the enforcement of any of the provisions of these regulations, or to sell or offer for sale or lease any lot or block of land herewith regulated before all the requirements of these regulations have been complied with; and each day that a violation is permitted to exist shall constitute a separate offense. Every person violates a section, subdivision, paragraph or provision of this Article when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. The Joint Planning Board may enjoin such conveyance by action for injunction or may recover such penalty by a civil action in any court of competent jurisdiction.
ARTICLE XIII
ADMINISTRATION

Section 1301. Planning Administrator

The Joint Planning Board shall appoint one or more Planning Administrators. The Planning Administrator(s) shall perform the following duties:

A. Enforce and administer the provisions of this Ordinance;

B. Issue necessary permits for permitted uses and/or activities which comply with and as called for under the provisions of this Ordinance;

C. Maintain permanent and current records of this Ordinance, including but not limited to applications, plats, official zoning maps, amendments, variances and conditional uses;

D. Receive, file and forward, along with recommendations, all applications for appeals, variances, conditional uses or other land use matters and requests to the designated official bodies and authorities responsible for official reviews and approvals;

E. Institute, in the name of the Greater Bemidji Area, any appropriate actions or proceedings against a violator as provided for in this Ordinance, or otherwise by law.

F. Coordinate with and assist other zoning and/or regulatory authorities and their administrators regarding matters which are subject of shared concern and exercise of official controls within the Greater Bemidji Area.

Section 1302. Planning Commission

A. The Planning Commission is an advisory body appointed by the Joint Planning Board to engage in the process of community planning in the Greater Bemidji Area. The Planning Commission is charged with the following responsibilities:

1. To prepare and update as needed the Greater Bemidji Area Comprehensive Plan, or any component thereof, and the regulations designed to effectuate the Plan including zoning, subdivision, and shoreland management. In addition, the Planning Commission shall undertake a complete review of the Comprehensive Plan, or its components, and prepare recommended revisions to the Joint Planning Board for its consideration at least every five years.

2. To participate in the implementation of the Comprehensive Plan, or its components, by reviewing applications for the subdivision of land, zoning amendments, and conditional use permits, and forwarding
recommendations for approval or denial, as well as conditions for approval, to the Joint Planning Board, as further specified below.
3. Assist the Joint Planning Board in the formulation of goals, policies and programs for the future development of the Greater Bemidji Area;
4. Assist the Joint Planning Board in the preparation of development controls designed to promote development consistent with adopted goals and policies;
5. Review applications for conditional use permits, conduct public hearings in accordance with the provisions of the Ordinance, and make recommendations to the Joint Planning Board;
6. Review subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings, and forward final plats, along with recommendations, to the Joint Planning Board;
7. And in general have the authority to review and make recommendations on any proposed plans for the implementation of any planning, improvement, or redevelopment of any area or neighborhood, notwithstanding whether those plans fall within the purview of the existing Zoning Ordinance and related regulations. This advisory role includes recommendations on proposed improvements in neighborhoods, areas or districts that have been destroyed in whole or in part by fire, earthquake, tornadoes, wind storms or other natural disasters, as well as by deterioration due to disinvestment.
8. Any other such duties as required or requested by the Joint Planning Board to further goals and policies in furtherance of the intent of this Ordinance.

B. The Planning Commission shall consist of twelve (12) members. Six (6) of those members shall be appointed from names recommended by the Bemidji City Council, three (3) members shall be appointed by names recommended by the Bemidji Township Board, and three (3) members shall be appointed from names recommended by the Northern Township Board. The initial appointments shall be made by the Joint Planning Board so that each jurisdiction shall have an equal proportion of its appointees serving terms of one, two and three years respectively. There is no limit to the number of terms that a Planning Commissioner may serve.

1. The Planning Commission shall meet at least monthly, and its first regular meeting in January shall be designated as its Annual Meeting.
2. No Planning Commission member may be an employee of any of the jurisdictions that are a party to the Joint Powers Agreement.

Section 1303. Board of Adjustment

There is hereby created a Bemidji Area Board of Adjustment vested with the authority as is hereinafter provided, and as provided in Minnesota Statutes Chapter 462. The JPB shall act as the Board of Adjustment. However, in the future the JPB may appoint a separate Board with equal City and Township representation.
A. The Board of Adjustment and Appeals shall elect a Chairperson and Vice-Chairperson from among its members. It shall adopt rules or bylaws, for the transaction of its business and shall keep a permanent record of its proceedings, findings and determinations. The Board of Adjustment and Appeals shall cause all such records of its proceedings, findings and determinations to be filed at the Bemidji City Hall.

B. The meeting of the Board of Adjustment shall be held as specified in the rules or bylaws, and at other such times as the Chairperson of the Board shall deem necessary and appropriate.

C. The Board of Adjustment shall have the exclusive power concerning the following:

1. To grant variances from the strict enforcement of standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criterion prescribed in Section 1207 of this Ordinance;
2. To hear and decide any appeal from an order, requirement, decision or determination made by the Planning Administrator;
3. To interpret any management district boundary on the Official Zoning Map;
4. 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 1304. Land Use, Building and Other Administrative Permits

Separate permits shall be required for the following permitted activities: building construction, alteration or demolition, signs, Type II home occupations, specific group living and daycare activities in unsewered areas, sewage treatment system installation or alteration, and grading or filling in shoreland areas. Permit Types include:

A. **Building Permits.** All contractors, subcontractors, builders or other persons having charge of the erection, alteration, moving, change, or remodeling of any building or structure shall apply for a building permit from the Planning Administrator before beginning or undertaking such work. If required, the Planning Administrator will forward the application to the Building Inspector for review. After the appropriate fee has been paid, and if the proposed work does not conflict with any portion of this Ordinance or related regulations, the permit shall be granted. If the permit is not granted, the reasons for such denial will be provided, in writing, to the applicant.

B. **Land Use Permits.** Township form of Building Permit.
C. **Sewer System Permits.** Permits for the installation of sewage treatment systems or grading and filling in shoreland areas must also be obtained from the Planning Administrator before such installation or shoreland alteration has begun.

D. **Sign Permits.** Permits for the construction or placement of signs must be obtained from the Planning Administrator before such construction or placement shall be allowed.

All building, sign, excavation and related permits shall expire one year from the date of approval. Sanitary permits shall expire at the end of the calendar year in which it is issued. A request for an extension may be considered by the Board of Adjustment pursuant to M.S. Chapter 462.

**Section 1305. Conditional Use or Interim Permits**

Any use listed as a Conditional or an Interim Use in this Ordinance shall be permitted only upon application to the Planning Administrator, review and recommendation of the Planning Commission, and approval and issuance of a Conditional/Interim Use Permit by the Joint Planning Board, and only after any additional approval required under applicable official controls of another governmental jurisdiction. The applicant for a conditional/interim use permit shall fill out and submit to the Planning Administrator an Application for Conditional/Interim Use Permit. When such permit is completed and submitted, the appropriate fee shall be paid in order for the application to be considered complete and to receive consideration by the Planning Commission. A thorough site evaluation shall be conducted by the Planning Administrator and, as applicable, the Planning Commission prior to consideration of the permit.

A. **Required Findings of Fact.** The Planning Commission shall during its public hearing consider and include in its recommendation to the JPB the following findings-of-fact:

1. Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of surrounding land;
2. Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land;
3. Whether the proposed use adversely affects property in the surrounding area;
4. Whether the proposed use is in conformance with the community’s Comprehensive Plan or Land Use Plan; and,
5. Whether adequate utility, drainage and other such necessary facilities have been or can be provided.

B. In considering the granting of any conditional use permit throughout the Greater Bemidji Area, the Planning Commission and Joint Planning Board shall evaluate the effect of the proposed use upon:
1. The maintenance of the public health, safety and welfare;
2. The location of the site with respect to existing and proposed access roads;
3. Its compatibility with adjacent land uses;
4. Its compatibility with the intent of the zoning district in which such use is proposed;
5. Its compatibility with the objectives of this Ordinance and its consistency with the Greater Bemidji Area Land Use Plan.

C. In considering the granting of any conditional use permit in shoreland areas, the Planning Commission and Joint Planning Board shall also evaluate the effect of the proposed use upon:

1. The prevention and control of water pollution, including sedimentation and nutrient loading;
2. Existing topography and drainage features and vegetative cover on the site;
3. The erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover;
4. The need for the proposed use for a shoreland location;
5. The amount of liquid waste to be generated and the adequacy of the proposed sewage treatment system;
6. The visibility of structures and other facilities as viewed from public waters;
7. Adequacy of the site for water supply and on-site sewage treatment systems if central utilities are not available;
8. The potential adverse impact on historic or cultural sites;
9. The types, uses and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate the watercraft.

D. Upon consideration of the factors listed above, the Planning Commission may attach such reasonable 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 use permits may include, but shall not be limited to:

1. Increased yards and setbacks;
2. Limitations on odor, dust, noise, and light pollution;
3. Periods and/or hours of operation;
4. Limitations on odor, dust, lighting and noise;
5. Minimum number of off-street parking spaces;
6. Type of construction;
7. Deed restrictions;
8. Landscaping and vegetative screening;
9. Type and extent of shore cover;
10. Specified sewage treatment and water supply facilities;
11. Location of signs, parking, docks and piers;
12. Requirement to notify the Planning Commission within 30 days of the transfer of ownership of a property subject to a conditional use permit;
13. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.

E. An applicant for a Conditional/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:

1. A plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope, and vegetative cover;
2. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover;
3. Plans of buildings, sewage treatment facilities, water supply systems, and arrangements of operations;
4. Specifications for areas of proposed grading, filling, dredging, lagooning, or other topographic alterations;
5. Other pertinent information necessary to determine if the proposal meets the requirements and intent of this ordinance.

F. The Planning Commission and the Joint Planning Board, in evaluating a conditional/interim use application, may request the Beltrami Soil and Water Conservation District, or other qualified entity, to make available expert assistance to assist in the evaluation and consideration of such application.

G. The procedure for applying for a conditional/interim use permit is as follows:

1. An applicant desiring a conditional/interim use permit shall fill out and submit to the Planning Administrator a completed Conditional/Interim Use Permit Request form, copies of which are available from the Planning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.
2. The Planning Administrator shall make a written recommendation to the Planning Commission and schedule a public hearing to be conducted within 30 days of the receipt of the application.
3. The Planning Commission shall hold a public hearing in accordance with M.S. 462 and the provisions of this Ordinance.
4. The Planning Commission will forward its recommendation to the Joint Planning Board for consideration at its next scheduled meeting. If it recommends the conditional/interim use permit, the Commission may recommend conditions it considers necessary to protect the public health, safety and welfare.
5. The Joint Planning Board will act upon the request within 15 days of receipt of the recommendation, and 60 days from receipt of the
application. The Joint Planning Board may, at its discretion, extend the review period by no more than 60 additional days provided that it notifies the applicant, in writing, of the reason for such extension. The Joint Planning Board may affirm, deny or modify the recommendation provided by the Planning Commission. If it grants the conditional/interim use permit the Joint Planning Board may impose reasonable conditions it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

6. If a time limit or periodic review is included as a condition by which a conditional/interim use permit is granted, the conditional/interim use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review. It shall be the responsibility of the Planning Administrator to schedule such public hearings and the owner of land having a conditional/interim use permit shall not be required to pay a fee for said review. A waiver from a public hearing for annual review of conditional/interim use permits may be granted by the Joint Planning Board at the time of review at its discretion.

7. Conditional/Interim

8. Use Permits issued shall be recorded in the office of the Beltrami County Recorder as per Minnesota statutes.

H. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the original Conditional Use Permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Planning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Joint Planning Board, time limits, review dates, and such other information as may be appropriate.

Section 1306. Variances and Appeals

A. The Board of Adjustment and Appeals 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 or particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the Greater Bemidji Area Land Use Plan. The Board of Adjustment shall consider the criteria set forth below when hearing and making decisions regarding variance requests:

1. Has the applicant demonstrated a hardship? (Hardship means the property cannot be put to a reasonable use under conditions allowed by
the Zoning Ordinance. Economic considerations alone do not constitute a hardship.)

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

4. Can the variance be granted without altering the essential character of the surrounding area?

B. The Board of Adjustment must make an affirmative finding on all 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 the terms of this Ordinance.

C. The Board of Adjustment may impose conditions upon a variance that relate to the purposes and objectives of this Ordinance to ensure compliance and to protect adjacent properties.

D. The procedure for applying for a variance is as follows:

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

2. The Planning Administrator shall make a written recommendation to the Board of Adjustment and schedule a public hearing to be conducted within 30 days of receipt of the application.

3. The Board of Adjustment shall hold a public hearing in accordance with M.S. 462 and the provisions of this Ordinance.

4. The Board of Adjustment and Appeals will act upon the request within 30 days of receipt from the Commission, and within 60 days from the receipt of the completed application. The Board of Adjustment may, at its discretion, extend the review period by no more than 60 additional days provided that it notifies the applicant, in writing, of the reason for such extension. The Board of Adjustment may approve, deny, or modify the recommendation of the Planning Administrator.

C. The procedure for filing an appeal is as follows:

1. An appeal of an administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Planning Administrator an Application for Appeal, which application is available from the Planning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment. Such appeal shall be heard by the Board of Adjustment, and a decision shall be made, within sixty (60) days of the
date that such completed application is submitted to the Planning Administrator. The Board of Adjustment may, at its discretion, extend the review period by no more than 60 additional days provided that it notifies the applicant, in writing, of the reason for such extension.

Section 1307. Amendments; Text or Zoning District

The Joint Planning Board may adopt amendments to the zoning ordinance and zoning map in relation to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Greater Bemidji Area Land Use Plan, or changes in conditions of the Greater Bemidji Area.

A. Findings Required for Amendments to Text.

When a proposed amendment would result in a change in the text of this chapter but would not result in a change of zoning classification of any specific property, the recommendation of the planning Commission shall contain a statement as to the nature and effect of such proposed amendment and findings as to the following:

1. Whether such change is consistent with the interest and purpose of this Ordinance;
2. The areas which are most likely to be directly affected by such change and in what way they will be affected; and,
3. Whether the proposed amendment is made necessary because of change or changing conditions in the areas and zoning districts affected and, if so, the nature of such changed or changing conditions

B. Findings Required for Amendments to Change Zoning Districts.

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission shall contain statements as to the present classification, the classification under the proposed amendment, and the reason for seeking such reclassification, and findings as to the following:

1. Whether the change in classification would be consistent with the intent and purpose of this Ordinance;
2. Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
3. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
4. Whether the proposed amendment would correct an error in the application of this Ordinance; and,
5. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

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

C. An amendment may be initiated by a property owner, the Planning Commission or the Joint Planning Board. Property owners wishing to initiate an amendment shall fill out an Application for Amendment form, available from the Planning Administrator. Such application shall be filled out and submitted to the Planning Administrator together with the appropriate fee. The applicant shall appear before the Planning Commission to answer any questions that Commission members may have concerning the amendment request. The application shall be deemed complete only after receipt of the completed form, payment of required fees, and meeting with the Planning Commission.

D. A public hearing on the amendment request shall be conducted by the Planning Commission within thirty (30) days following receipt of the application. The public hearing shall be conducted in accordance with M.S. 462;

E. The Planning Commission shall make its recommendation to the Joint Planning Board within fifteen (15) days after the proceedings of this public hearing.

F. The Joint Planning Board shall consider the recommendation of the Planning Commission within thirty (30) days after the public hearing is conducted, and within sixty (60) days of the receipt of the completed application. The Joint Planning Board may, at its discretion, extend the review period by no more than sixty (60) additional days provided that it notifies the applicant, in writing, of the reason for such extension. The applicant shall be notified in writing of the action of the Joint Planning Board.

G. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

Section 1308. Public Notice and Hearing Requirements

A. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, requests for amendments, and preliminary 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 Joint Planning Board and mailed notice to all property owners within the following distances from affected property when such notice is applicable: In the case of Variances, Conditional Use Permits and Preliminary Plats, all property owners within 350 feet of the property 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.

B. The Commissioner of Natural Resources must also receive mailed notice at least ten (10) days prior to hearings to be conducted concerning applications for conditional use permits, variances, amendments or preliminary plat approvals, in shoreland areas. Notice of hearings to consider subdivisions must include copies of the proposed preliminary plat.

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

Section 1309. Enforcement and Penalties

A. The Planning 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, inspections, sampling, test borings and other actions necessary for the enforcement of this Ordinance.

B. In the event of violation or threatened violation of this Ordinance, the Joint Planning Board may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

C. 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 provision, shall be guilty of a 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 1310. 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, appeals, and subdivision plat approval, a schedule of fees shall be adopted by the Joint Planning Board. The schedule of fees shall be adopted by ordinance and reviewed by the Joint Planning Board on an annual basis, and amended as needed. The Fee Ordinance shall be posted at the Bemidji City Hall, Bemidji Town Hall, and Northern Town Hall, and may be altered or amended only by ordinance of the Greater Bemidji Area Joint Planning Board.