CHAPTER IX. BUILDING AND LAND USE REGULATIONS Part I. Building Code

901.01 Building Code.

The Minnesota State Building Code (as adopted and hereafter amended by the Commissioner of Administration pursuant to M.S. 16B.59 to M.S. 16B.73), including optional provisions Chapter 1306, Subpart 2 and 1306.0030 E (1), Special Fire Protection Systems, and Chapter 1335, Flood Proofing Regulations, is hereby adopted as the Building Code for the City of Lilydale **("Building Code")** and is incorporated by reference.

There shall be at least one (1) copy of the Building Code available in the office of the Clerk-Treasurer. Whenever the Minnesota State Building Code is revised or amended, one (1) copy of each amendment shall be substituted for the original provisions and become part of the copy on file with the Clerk-Treasurer.

901.02 Organization and Enforcement.

The Building Code shall be enforced within the incorporated limits of Lilydale, and extraterritorial limits permitted by Minnesota Statutes.

The City Council shall designate the Building Official for the jurisdiction of Lilydale who shall be a state certified "Building Official".

901.03 Permits, Inspection and Fees.

A. Permits and inspections shall be as provided in the Minnesota State Building Code. The amount of permit fees shall be as follows:

1. **Permit Fees Based on Valuation.**

Value Range	**Fee Amount**
$l-$500	$25.00
$501-32,000	$25.00 for the first $500/ $3.25 additional $100
$2,001 -$25,000	$73.50 for the first $2,000/ $14.75 additional $1,000
$25,001-$50,000	$415.75 for the first $25,000/$10.75 additional $1,000
$50,001-$100,000	$682.50 for the first $50,000/ $7.50 additional $1,000
$100,001-$500,000	$1,053.50 for the first $100,000/$6.00 additional $1,000
$500,000-$1,000,000	$3,427.75 for the first $500,000/$5.00 additional $1,000
$1,000,001 and up	$5,945.25 for the first $1,000,000/ $4.00 additional $1,000

2. **Plan Review Fee.** The Plan Review Fee shall be 65% of the fee based on valuation except that Plan Review Fees for similar plans shall be in accordance with 1300.0160, Subd.5 of the Building Code.

3. Mechanical Permit Fee Schedule.

Residential (1 & 2 Family Dwellings)

a. Base fee for issuing each permit $25.00
b. Minnesota State surcharge $ .50

Unit Fee Schedule

a. Furnace (include ductwork), Boiler (in-floor heat), Air conditioner $20.00
b. Garage/unit heater, Air exchanger, Fireplace (gas), Water Heater, Space Heater $18.00
c. Exhaust fans (bath, laundry), Kitchen exhaust hoods $10.00
d. Gas piping (each 1 to 5 outlets) $6.00
e. Additions/alterations to duct systems $10.00
f. Miscellaneous appliance venting (dryer, range, oven, cooktop) $6.00

Commercial and Multi-family Residential (more than 2 family dwellings)

a. Base Fee $25.00

b. Fee is 1% of total valuation of all work being done and equipment being supplied.

c. Minnesota State surcharge is $.50 on permits with fees less than $1,000. Surcharge is .0005 times the permit fee for permit fees over $1,000.

4. Plumbing Permit Fee Schedule.

Permit Issuance

a. Base fee for issuing each permit $25.00
b. Minnesota State surcharge $ .50

Unit Fee Schedule (in addition to items a and b above)

a. Each toilet, bathtub, separate shower, sink, lavatory, laundry tray, dishwasher, washer box, floor drain, lawn faucet, or misc. plumbing fixture Each $10.00

b. Gas piping system - 1 to 5 outlets $8.00 (if not included in mechanical permit)
c. Outside sewer connection $20.00
d. Outside water connection $20.00

Commercial

a. Plans for commercial plumbing installations and alterations must be approved by the Minnesota Department of Health prior to issuing a local plumbing permit.

b. Unit fee schedule is as listed above.

5. **Other Inspections and Fees.** Inspections outside of normal business hours, re-inspections, and inspections for which no fee is specifically indicated, Per Hour $65.00

901.04 Violations and Penalties.

A violation of the Minnesota State Building Code as adopted by ordinance shall be a misdemeanor (Minnesota Statutes 16B.69).

901.05 Application.

All applications for building or rezoning permits shall be made to the City Clerk who shall record such application and then refer them to the Lilydale Planning Commission for study and final recommendation to the Council. Such application shall contain the following information:

(1) Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of roads, railroads, towns and districts or other landmarks.

(2) Two sets of preliminary plans and specifications, including but not limited to, elevations and roof plans, underground utility service locations and an environmental impact statement.

(3) The name and address of the owner or developer, the section, township, and range, north point, date and scale of drawing and number of sheets. In addition, a blank space 3 inches wide and 5 inches high shall be reserved for use by the approving authority.

(4) Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than 2 feet.

(5) Proposed finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features.

(6) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all existing vegetation, clearly delineating any vegetation proposed for removal and clearly delineating and describing all proposed landscape materials which will be added to the site as part of the development.

(7) A delineation of all streams, rivers, water bodies and wetlands located on this site, including depth of water, bottom slope, a description of bottom materials, a description of all vegetation which may be found in the water body, a statement of water turbidity, a statement of water quality, and the classification given to the water body by the Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency.

(1) A drainage plan of the site delineating in which direction and at what rate storm water is conveyed from the site and setting forth those areas of the unaltered site where storm water collects and is gradually percolated into the ground.

(2) A proposed drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth those areas of the site where storm water will be allowed to collect and gradually percolate into the ground.

(3) A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable. An erosion and sedimentation control plan indicating the type, location, and necessary technical information on control measures, as well as a statement on the anticipated gross soil loss (expressed in tons/acres/year) during and after construction.

(11) A description of the flora, fauna, fish, birds and mammals or other wildlife which occupy the site or are occasionally found thereon, setting forth with particularity those areas where unique plant and animal species may be found on the site.

(12) A description of any features, buildings, or areas which are of historical significance.

(13) The proposed size, alignment and intended use of any structures to be erected on the site.

(14) A clear delineation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used.

(15) Any other information pertinent to the particular project which in the opinion of the developer is necessary for the review of the project. Any applications for alterations and/or additions to present buildings shall be

made to the City Clerk in accordance with the Minnesota State Building Code (SBC 103-General).

Part 2. Zoning

Ordinance 902.01 General Purposes and Intent

Subd. 1 Overall Purpose.

This is an ordinance for the purpose of regulating and restricting the operation of trades, businesses and industries, the use of land and the use and location of buildings and structures, regulating and restricting the height and bulk of buildings and structures, determining the area of yards, courts, and other places surrounding them, regulating and restricting the density of population, and promoting health, safety, order, convenience, general welfare and preserving property values.

Subd. 2. Conformity with Critical Area Regulations.

Because the entire City is within the designated Mississippi River Critical Area Corridor, it is the purpose and intent of Zoning Ordinances of the City to comply with the requirements of the Critical Area Act of 1973 and regulations duly adopted thereunder, and the Governor's Critical Area Designation Order, Executive Order No. 79-19, dated March, 1979.

A. **Purpose and Intent**, It is the purpose and intent of this Section and related sections to prevent and mitigate irreversible damage to this unique state, local, regional, and national resource and to preserve the system as an essential element in the City's transportation, sewer and water, and recreation systems in accordance with the following policies:

1. The Mississippi River Critical Area Corridor (sometimes referred to in various City ordinances as the "Critical Area" or the "River Corridor") shall be managed as a multi-purpose resource by continuing use of the river channel for river transportation, conserving the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the River Corridor and providing for the continuation of development of a variety of urban uses, where appropriate, within the River Corridor.

2. The Mississippi River Critical Area Corridor shall be managed in a manner consistent with its natural characteristics and its existing development and in accordance with regional plans for the development of the Metropolitan Area.

3. New Development in the first 300 feet back from the river's ordinary high water level or floodplain, whichever is greater, should have a

relationship to the river, a need for a river location, or the capability to enhance the river environment, reflecting the following standards:

- Removes blighting influences
- Provides high quality building and landscape design
- Compatible with surrounding uses
- Retains or restores natural shoreline appearance

4. The purposes of this designation and ordinance provisions are:

a. To protect and preserve a unique and valuable state and regional resource for benefit of the health, safety, and welfare;

b. To prevent and mitigate irreversible damage;

c. To preserve and enhance its natural, aesthetic, cultural, archeological, ethnographic, and historical value for public use;

d. To protect and preserve the river as an essential element in transportation, sewer and water and recreational systems;

e. To protect and preserve biological and ecological functions of the corridor;

f. To provide for continued economic activity and development.

5. The Mississippi River Corridor has also been established as a federal Mississippi National River and Recreation Area (MNRRA). There is a national interest in the protection, preservation, and enhancement of the corridor's nationally significant historic, recreational, scenic, cultural, natural, economic and scientific resources. Some of the provisions in this Ordinance are adopted to meet the purposes and policies of the MNRRA Comprehensive Management Plan, including:

a. To preserve and enhance natural resources.

b. To enhance opportunities for scenic enjoyment and public outdoor recreation.

c. To preserve and enhance archeological, ethnographic, and historic resources.

d. To provide for continued economic activity and development that preserves and protects the natural and cultural resources

of the Corridor.

e. To recognize the river as a dynamic part of our heritage, our City's quality of life and our legacy for future generations.

902.02 Interpretation and Intent.

In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, prevent undue concentration of population, provide ample parking facilities, regular the location and operation of business, industries, dwellings and buildings for other specified purposes, preserve property values by providing for orderly and compatible development of the various land uses, provide for administration of the Code, provide for amendments hereto, provide for the official recording of the Code and all amendments thereto.

902.03 Existing Law.

Where the conditions imposed by any provision of this Code are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation of any kind, the regulations which are more restrictive or impose higher standards of requirements shall prevail.

902.04 Application.

Except as herein provided, no building, structure or land shall be occupied or used which is not conforming with the regulations and terms herein specified.

902.05 Conformity of Buildings and Land.

No building, structure, premises or land shall be used or occupied and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

902.06 Conformity of Buildings.

No building, structure or premises shall be erected, altered or used so as

to produce greater heights, smaller yards or less unoccupied area and no building shall be occupied by more families than prescribed for such building, structure or premises for the district in which it is located.

902.07 Conformity of Open Spaces.

No yard, court or open space or part thereof shall be included as part of the yard, court or open space similarly required for any other building, structure or dwelling under this ordinance.

902.08 Administration

Subd. 1. Maintenance of Records. The City Clerk shall perform the following duties:

Maintain permanent and current records of this ordinance, including but not limited to, aE maps, amendments, and special uses, variances, appeals and applications therefor.

Receive, file, and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.

Subd. 2. Board of Adjustment and Appeals. The City Council shall sit as the Board of Adjustment and Appeals.

The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the ordinance.

Ten days' notice shall be provided to interested parties prior to hearings by the Board of Adjustment and Appeals. The Board shall within 45 days make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail.

Subd. 3. Zoning Amendments - Procedure.

(1) An amendment to the text of this ordinance or the zoning map may be initiated by the City Council, the Planning Commission, or by application of the property owner. Individuals wishing to initiate an amendment to the zoning ordinance shall complete an application and submit it to the City Clerk together with a fee of $25.00. This fee may be changed at any time by resolution of the City Council. Applicants may also be charged by the City the cost of legal, planning, or engineering fees as may be

incurred by the City in its review of the zoning amendment request.

(2) A public hearing on the zoning amendment application shall be held by the Planning Commission within 45 days after the request for the zoning amendment has been received. The Planning Commission shall then make its report to the City Council at the next regular meeting of the City Council following the hearing recommending approval, disapproval or modified approval of the proposed amendment.

(3) The City Council must take action on the application within 60 days following referral by the Planning Commission. The person making the application shall be notified of the action taken. The City Council shall maintain records of amendments to the text and zoning map of the ordinance.

Subd. 4. Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities on adjacent streets and land, and the effect on values of property and scenic views in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission or City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which they consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

(1) Increasing the required lot size or yard dimension.
(2) Limiting the height, size or location of buildings.
(3) Controlling the location and number of vehicle access points.
(4) Increasing the street width.
(5) Increasing the number of required off-street parking spaces.
(6) Limiting the number, size, location or lighting of signs.

(7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

(8) Designating sites for open space.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the 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 City Clerk shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.

Subd. 5. Conditional Use Permits - Procedure.

(1) Individuals wishing to apply for a conditional use permit shall fill out an application and submit it to the City Clerk together with a fee of $25.00. This fee may be changed at any time by resolution of the City Council. Applicants may also be charged by the City the cost of legal, planning, and engineering fees as may be incurred by the City in its review of the conditional use permit request.

(2) The application shall be referred to the Planning Commission. The Planning Commission shall hold a public hearing on the proposal.

(3) The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.

(4) The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission, but not later than sixty days after the applicant has submitted the application.

(5) The City Council must take action on the application within sixty days after receiving the report of the Planning Commission. If it grants the conditional use permit, the City Council may impose conditions (including time limits) 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) An amended conditional use permit application shall be administered in a manner similar to that required for **a** new conditional use permit except that the fee shall be five dollars. Amended conditional use permits shall include requests for changes in conditions, and as otherwise described in the ordinance.

(7) No application for a conditional use permit shall be resubmitted for a period of six months from the date of an order of denial.

(8) If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing pubtished at least ten days prior to the review. It shall be the responsibility of the

Clerk to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of a conditional use permit may be granted at the discretion of the City Council.

Subd. 6 Criteria for Granting Variances. A variance may be granted only in the event that all of the following circumstances exist:

(1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this ordinance have had no control.

(2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

(3) That the special conditions or circumstances do not result from the actions of the applicant.

(4) The variance will not allow any use that is not permitted under the ordinance for a property in the zone where the affected applicant's land is located.

Subd. 7. Variances - Procedure.

(1) The person applying for a variance shall fill out and submit to the City Clerk an application together with a fee of $100.00. This fee may be changed at any time by resolution of the City Council. Applicants may also be charged by the City the cost of legal, planning, and engineering fees as may be incurred by the City in its review of the variance request.

(2) The application shall be considered by the Planning Commission within 45 days of the date upon which the variance request was filed. The Planning Commission Secretary shall inform the person requesting the variance regarding the date upon which his request will be reviewed by the Planning Commission. Said person shall be present at the Planning Commission meeting to answer questions regarding the permit. If, however, the petitioner fails to appear before the Planning Commission, or if he fails to adequately answer their questions, the Planning Commission may delay action on the request for an additional 30 days. Before the end of this 30-day period, the Planning Commission shall pass its recommendations to the Zoning Board of Adjustment and Appeals.

(3) The application shall be forwarded to the Zoning Board of Adjustment and Appeals. The Board shall hold a public hearing on the proposal.

(4) The petitioner or his representative shall appear before the Zoning Board in order to answer questions concerning the proposed variance. The Planning Commission shall present its recommendation to the Board.

(4) The Zoning Board must take action on the application within sixty days after the public hearing. If it grants the variance, the Board may impose conditions (including time limits) 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.

Subd. 8 Review

(1) Inter-Community Review. If a proposed development or action abuts an adjacent municipality, that municipality shall be formally notified of the proposed development or action and given the opportunity to review and comment on the proposal provided that such municipality has a provision in its ordinance giving the City of Lilydale the same opportunity. Such notification as required for an adjacent land owner in Minn. Statutes 462.357 Subd. 3, shall be mailed to the City Clerk of the abutting municipality. Failure to give such notification, or defects in such notification shall not invalidate the proceedings.

(2) DNR Review. The City shall notify the Department of Natural Resources (DNR) of any application for development, variance, or PUD which requires either a public hearing or discretionary action by the City. The DNR shall be notified more than 30 days before the City takes action on the application. Development shall only be permitted in accordance with the City's Comprehensive plan and ordinances. The DNR shall also be notified of the final action taken on the application or variance.

Any comprehensive plan or ordinance amendment other than a PUD which relates to Executive Order 79-19 purposes, standards, and guidelines shall be submitted to the DNR for consideration. Such comprehensive plan or ordinance amendment shall become effective upon the approval of the DNR, following review by the Metropolitan Council and DNR. The Metropolitan Council and DNR shall submit to the City notification of receipt of application

and shall approve or disapprove within 105 days following such receipt.

902.09 Non-Conforming Uses

The lawful use of any building, structure, except for signs, or land existing upon the effective date of this ordinance may be continued at the size and in the manner of operating existing upon such date although such use does not conform with the provisions herein.

A. Existing Structures. Existing structures, the location, or the use of which is inconsistent with this Ordinance, or the Critical Area Designation Order or Executive Order 79-19, dated March 1979 shall not be eligible for any permit by the City for expansion, change of use, renewal of existing permit, or building permit, unless the following criteria are met:

1. The applicant shall provide and maintain adequate screening of the structure from teh river through the use of natural vegetation.

2. Existing non-conforming structures may be expanded provided that the expansion does not increase the non-conformance to creast a new non-conformation.

3. The public's ability to view the river and river corridor from existing public streets shall not be further degraded by the proposed activity.

4. If total reconstruction is needed due to fire or other disaster, a good faith effort shall be made to address any non-conformances to the provisions of this ordinance through the site plan approval process. If the structure can only be reconstructed on the original footprint, this must be done through the variance process and compliance with Lilydale Code Section 903.16. Additional landscaping, revegetation, erosion control or other conditions may be required to offset the adverse impacts of the continued non-conformancies.

902.10 Unsafe Structures.

Nothing in this Code shall prevent the strengthening or restoring to a safe condition any portion of a building or structure declared unsafe by the City Building Inspector or .his deputy.

902.11 Partial Conformity.

When the use of all or part of any land or building is changed from non-conforming to one which conforms to the provisions of this Code, such lot or building shall not again return to a non-conforming use.

902.12 Restoration

Any building or structure which subsequent to the enactment of this ordinance is damaged by fire, collapse, explosions or acts of God, may be rebuilt to its original size for its original non-conforming use, provided, however, that the expense of such work does not exceed 50 percent of the fair market value of the building at the time such damage occurred. If the expense of such work exceeds 50 percent, the reconstruction must adhere to the provisions of Section 902.09 of the Lilydale City Code or Section 905.9 of said Code if within the flood plain district, whichever is more restrictive. The value of such building shall be established by the Building Inspector or his deputy subject to the approval of the Council after a hearing at which the owner of the subject property shall be entitled to present evidence as to such value.

902.13 Wear and Tear.

Reconstruction, repair or rebuilding of a non-conforming building or part thereof existing as of the effective date of this ordinance rendered necessary by wear and tear, deterioration or depreciation shall be permitted providing that the cost of such work shall not exceed 15% of the fair market value of such building at the time such work is done. Such fair market value shall be established by the Building Inspector or his deputy subject to the approval of the Council.

902.14 Abandonment.

A non-conforming use of a building or premises, which use has been abandoned, shall not thereafter be resumed. A non-conforming use shall be considered abandoned when the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within 6 months.

902.15 Discontinuance.

If a non-conforming use of a building or land is voluntarily discontinued for a period of 12 months or more, subsequent use of such building or land shall be in conformity with the provisions of this zoning ordinance.

902.16 Displacement.

No non-conforming use shall be extended to displace the conforming use. When a structure, building or lot has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use.

902.17 Unlawful Use.

Nothing in this Code shall be interpreted as authorizing or approving of the continuance of the use of the structure or premises in violation of zoning ordinances in effect at the time of the enactment of this Code.

902.18 Definitions.

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

Accessory Use or Structure - A use or structure incidental and subordinate to the principal use or structure located on the same lot.

Bluffline - A line describing the top of a slope which has a fall greater than 18 percent. More than one bluffline may be encountered landward from the water.

Building - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Line - A line parallel to the street right-of-way line at any story level of a building and building and representing the minimum distance which or any part of the building is set back from said right-of-way line.

Building Height - The vertical distance from the average of the highest and lowest point of that portion of the lot immediately adjacent to the building to the highest point of the roof for flat roofs, to the deck of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Comprehensive Plan - "Comprehensive Plan" is a compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in the Minnesota Municipal Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Comprehensive Sewer Plan - The plan and program of a local governmental unit for the collection, treatment and disposal of sewage which has been approved by the Metropolitan Waste Control Commission and adopted by the local governmental unit.

Conditional Use - A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designated it may create special problems such as excessive height or bulk or abnormal traffic congestion.

Development - means the making of any material change in the use or appearance of any structure or land including, but not limited to: a reconstruction, alteration of the size, or material change in the external appearance of a structure on the land; a change in the external appearance of a structure on the land; a change in the intensity of use of the land; alteration of a shore or bank of a river, stream, lake or pond; a commencement of excavation; demolition of a structure; clearing of land as an adjunct to construction; deposit of refuse, solid, or liquid waste, or fill on a parcel of land; the dividing of land into two or more parcels.

Drainage System - ANy natural or artifical devise for the converyance or storage of water used to drain or store surface or underground water, including but not limited to streams, rivers, creeks, ditches, channels, conduits, gulleys, ravines or washes and including structures connected therewith including culverts, drainage tile, dams and bridges and water storage basins such as lakes, ponds, natural or man-made.

Floor Area - The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.

Historic Site - Structure or body of land or water of historic areheological, paleontological, or architectural content or value which has been designated as an historical site in the Federal Register of Historical Landmarks or by the Minnesota Historical Society or by resolution of the Lilydale City Council.

Lot - A parcel of land, subdivided or otherwise, capable of legal description, and having a principal frontage along a public or private road.

Lot of Record - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subor a Registered Land Survey that has been recorded in the Recorder's office of Dakota County, Minnesota, prior to the

effective date of this ordinance.

Lot Area Lot - The area of a lot in a horizontal plane bounded by the lot lines

Corner - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot Depth Lot - The mean horizontal distance between the front lot line and the rear lot line of a lot.

Line - The property line bounding a lot except that where any portion of a lot extends into a private or public right-of-way, the line of such right-of-way shall be the lot line for applying this ordinance.

Lot Line, Front - That boundary of a lot which abuts an existing or dedicated public street or private road, and in the case of a corner lot it shall be the shortest dimension on a public street or private road. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the (designated local official).

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

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

Lot, Substandard - A lot or parcel of land for which a deed has been recorded in the office of the Dakota County Recorder upon or prior to the effective date of this ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this ordinance.

Lot, Width - The maximum horizontal distance between the side lot lines of a lot measured within the first 30 feet of the lot depth.

Landscaping - Plantings such as trees, grass and shrubs.

Mobile Home - A housing unit designed for transportation after fabrication on streets and highways on its own wheels or flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connections to utilities and the like.

Ordinary High Water Mark - A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominately aquatic to predominately terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Planning Commission - The Planning Commission of the City of Lilydale.

Public Recreation Facility - Uses such as tennis courts, ball fields, picnic areas and the like that are commonly provided for the public at parks, playgrounds and other sites owned and operated by a unit of government for the purpose of providing recreation.

Retail and Service - Commercial Structures used for the display and sale of goods and services (including eating and drinking establishments).

Single-Family Dwelling - A free-standing (detached) permanent structure designed for habitation by human beings, designed for and occupied by one family only.

Structural Alteration - Any change, other than incidental repairs, such as painting, wiring, or plumbing, which would prolong the life of the supporting members of a building such as bearing walls, columns, beams, girders, or foundations.

Structure - Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.

Townhouse - A single-family building attached by party walls with other single-family buildings, and oriented so that all exits open to the outside.

Two-Family Dwelling - A detached dwelling unit designed for occupancy by two families.

Use, Non-Conforming - A use of land, building or structure lawfully existing at the time of adoption of this ordinance which does not comply with all the regulations of this ordinance or any use of land, building or structure lawfully existing prior to the adoption of an amendment which would not comply with all of the regulations.

Use, Permitted - A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such district.

Variance - A modification or variation of the provisions of this ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship, or strict conformity with the provisions of this ordinance would be unreasonable, impractical or unfeasible under the circumstances.

Zoning District - An area or areas within the limits of Lilydale for which the regulations and requirements governing use are uniform.

Subd. **2. Prohibition.** The following activities and the conduct and operation of the following activities, whether open to the general public or for demonstration, exhibition, or other proposes, are hereby prohibited?

(a) bungee jumping, also known as bungee cord jumping and reverse bungee jumping;

(b) splat ball, also known as paint ball, guns, games and ranges;

(c) velcro jumping;

(d) mechanical bull and mechanical horse riding;

(e) skateboard ramps in excess of three (3) feet in height, as measured from the lowest point to the highest point of the skateboard ramp;

(f) remote control planes;

(g) professional kite flying; and

(h) professional ballooning.

Subd. 3. Definition. Bungee jumping means the sport, activity, or practice of jumping, stepping out, dropping or otherwise being released into the air while attached or fastened to a cord made of rubber, latex, or other elastic type material, whether natural or synthetic, whereby the cord stops the fall, lengthens and shortens, allows the person to bounce up and down and is intended to finally bring the person to a stop at a point above the surface.

Subd. 4. Penalty. It shall be a misdemeanor to violate any provision of this Ordinance.