



OLD BUSINESS – DISCUSSION

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**Topic: Ordinance Amendment – Interim Uses, Discussion**

**Agenda Item: 7 (a)**

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**Background Information:** At the August Planning Commission meeting, Staff was directed to include Matrix's from other municipalities that use Interim Use Permits, as well as language from the League of Minnesota Cities regarding Conditional Use Permits vs. Interim Uses.

Language from the League is attached, as well as the Matrix's from 2 municipalities.

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## INFORMATION MEMO

# Land Use Conditional Use Permits

*Learn the basics of conditional use permits (CUPs) in administering the city's land use ordinances. Define conditional use permits, for what purposes they may be granted; learn who grants them and procedural considerations for public hearings and the role of neighborhood opinion. Understand expiration dates, time limits and revocation of CUPs.*

### RELEVANT LINKS:

## I. Conditional use

A conditional use is a land use designated in a zoning ordinance that is specifically allowed in a zoning district so long as certain standards are met. The zoning ordinance typically detail both general standards that apply to all conditional uses, as well as specific standards that apply to a particular conditional use in a given zoning district.

A use is typically designated in a zoning ordinance as conditional because of hazards inherent in the use itself or because of special problems that its proposed location may present. For example, uses that generate traffic such as family childcare, service stations, convenience stores, or drive-thrus are often designated as conditional uses.

## II. Conditional use permit (CUP)

A conditional use permit is a document a city issues to grant a conditional use when the general and specific ordinance standards have been met by the applicant. The use is allowed by permit only if the special concerns are addressed as set forth in the zoning ordinance. Conditional use permits are authorized under state law.

### A. General CUP standards

A zoning ordinance will typically detail general standards that apply to all conditional uses. For example, some zoning ordinances provide that all conditional uses must conform to the comprehensive land use plan of the community, be compatible with the adjoining properties, and be served by adequate roads and public utilities.

Minn Stat § 462.3595

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

**RELEVANT LINKS:**

See Section IV, Public hearings

Minn Stat § 15.99

## **B. Specific CUP standards**

In addition to general CUP standards, many zoning ordinances will detail specific standards that apply to a particular conditional use, such as those made for businesses operating a drive-thru. Conditions for such uses may include specific standards regarding things like off-street parking and loading areas, landscaping and site plan, and hours of business operation.

## **III. Granting conditional use permits**

Generally, CUPs are granted only for uses specifically listed in the zoning ordinance as conditional uses in a particular zoning district. If a use is not designated as a conditional use in a zoning district, then arguably the city has no ability to issue a CUP without first amending the zoning ordinance to provide for the conditional use. This would of course allow other applicants to apply for a conditional use permit under the same standards.

### **A. Who grants**

A CUP is typically approved by the city council. Planning commissions often first consider the CUP application and make recommendations to the city council. State statute allows the city council to designate its CUP approval to another authority, and some cities have designated the planning commission as the approving body. In any event, the city council is generally makes the final decision on CUPs.

### **B. Required approval**

If a proposed conditional use satisfies both the general and specific standards set forth in the zoning ordinance, the applicant is entitled to the conditional use permit. Importantly, if the applicant meets the general and specific ordinance standards, the city usually has no legal basis for denying the CUP.

### **C. Time limits**

A written request for a CUP is subject to Minnesota's 60-day rule, and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is considered an approval.

**RELEVANT LINKS:**

Minn Stat § 462.3595 subd 3  
A.G. Op. 59 A 32 (February 27, 1990)

Minn Stat § 462.3597

Minn Stat § 462.3595 subd 2  
Minn Stat § 462.357 subd 3

LMC information memo,  
*Zoning Guide for Cities*,  
Section IV-C-2-b on  
conducting public hearings

## **D. Other conditions on permits**

### **1. Permitted**

Reasonable conditions relating to the ordinance standards may be attached to a CUP based upon factual evidence contained in public record. For example, if a zoning ordinance provides that a conditional use should not have adverse visual or noise impacts on any adjacent property, a city might require specific screening and landscaping conditions to address any potential impacts established in the record.

### **2. Not permitted**

State statute provides that a CUP remains in effect as long as the conditions agreed upon are observed. The attorney general has found that time limits such as sunset provisions or automatic annual review are not consistent with state law, explaining that cities may not enact or enforce provisions that allow a city to terminate CUPs without regard to whether or not the conditions agreed upon are observed.

If a city wishes to place time constraints on particular uses, then the appropriate zoning tool is an interim use permit, rather than a conditional use permit. State law authorizes interim use permits for a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

## **IV. Public hearings**

A proposed conditional use is allowed only after a statutorily required public hearing. The city must provide published notice of the time, place, and purpose of the hearing on a proposed CUP at least 10 days prior to the day of the hearing. If the decision affects an area of five acres or less, the city may need to mail notice to property owners within a 350-foot radius of the land in question. The purpose of the public hearing is to help develop a factual record as to whether the applicant meets the relevant ordinance standards such that the CUP should be granted.

**RELEVANT LINKS:**

See LMC information memo,  
*Taking the Mystery out of  
Findings of Fact*

Minn Stat § 462.3595 subd  
3

Minn Stat § 462.3595 subd  
4

## **A. City role in hearing**

A city exercises so-called “quasi-judicial” authority when considering a CUP application. This means that the city’s role is limited to applying the standards in the ordinance to the facts presented by the application. The city acts like a judge in evaluating the facts against the standards. If the applicant meets the standards, then the CUP should be granted. In contrast, when the city in zoning ordinance designates certain uses as conditional, the city is exercising “legislative” authority and has much broader discretion.

## **B. Role of neighborhood opinion**

Neighborhood opinion alone is not a valid basis for granting or denying a CUP. While city officials may feel their decision should reflect the overall preferences of residents, their task is limited to evaluating how the CUP application meets the ordinance standards. Residents can often provide important facts to help the city address whether the application meets the standards, but unsubstantiated opinions and reactions to an application do not form a legitimate basis for a CUP decision. If neighborhood opinion serves as the sole basis of the decision, it could be overturned by a court if challenged.

## **C. Documentation of hearing**

Whatever the decision, a city should create a record that will support it. If a city denies a CUP application, the 60-day rule requires the reasons for the denial be put in writing. Even if a city approves a CUP, a written statement explaining the decision is advisable. The written statement explaining the decision should address the general and specific ordinance standards, and explain the relevant facts and conclusions.

## **V. Conditional use permit after issuance**

A conditional use permit is a property right that “runs with the land” so it attaches to and benefits the land and is not limited to a particular landowner. State statute requires that CUPs be recorded with the county recorder’s office. When the property is sold, the new landowner will have the continued right to the CUP so long as the conditions are met.

A city can revoke a conditional use permit if there is not substantial compliance with conditions, so long as the revocation is based upon factual evidence, after appropriate notice and hearing. Because a CUP is a property right, a city should work closely with the city attorney if considering a CUP revocation.

**RELEVANT LINKS:**

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League of Minnesota Cities

## **VI. Further assistance**

LMCIT offers land use consultations, training and information to members. Contact the League's Loss Control Land Use Attorney for assistance. You can also learn more about land use issues in the land use section of the League's website.

## RELEVANT LINKS:

Minn Stat § 462.3595

Minn Stat § 462.3597

### a. Use designations

Use designations, usually in a list form, specify the permitted, conditionally permitted and prohibited uses for a district or zone. The following types of uses generally are found in a zoning ordinance:

- Permitted uses: Uses allowed in a district as a matter of right, without further need for review or approval of the city.
- Prohibited Uses: Uses not permitted in a district under any circumstances. An explicit listing of prohibited uses is rare. Many ordinances simply will provide that any uses not specifically listed are deemed prohibited.
- Conditional uses: Uses permitted with the approval by the city, if conditions listed in the ordinance are met. Some zoning ordinances use the term “special use” instead of conditional use. The Municipal Land Use Planning Act does not recognize special use permits, and the courts would likely apply the same requirements for their issuance as those for conditional uses specified above.
- Interim uses: Uses permitted with the approval of the city for a limited amount of time (contain a sunset provision), if conditions listed in the ordinance are met.
- Accessory uses: Uses permitted or conditionally permitted to serve a permitted or conditionally permitted use. An accessory use generally will not be permitted absent the primary use. For example, a tool shed represents a standard accessory use in a residential zone.

### b. Setbacks, height, and density requirements

- Setbacks requirements establish the minimum horizontal distance between a structure and the lot line, road, highway or high-water mark (if the property abuts shore land).
- Height requirements establish maximum and/or minimum height requirements for structures and/or their attachments (such as antennas, cupolas, etc).
- Density requirements establish the number of structures or units allowed per lot or area.

## 4. Additional provisions

Depending upon the individual needs of the city, some ordinances may contain additional provisions. However, keep in mind that the quality of a zoning ordinance does not depend upon the quantity or complexity of the provisions it contains (nor the number of districts established).

- B. Present ownership and development
- C. Shoreland soil types and their engineering capabilities
- D. Topographic characteristic
- E. Vegetative cover
- F. In-water physical characteristics
- G. Recreational use of surface water
- H. Road and service center accessibility
- I. Socio economic development needs of the public
- J. Availability of public sewer
- K. The necessity to preserve and restore certain areas having significant historical or ecological value
- L. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties
- M. Alternatives available for desired land use
- N. Prevention of spot zoning
- O. Conformance to the City of Nisswa Land Use Plan.

#### **4.4 PART 4 - LAND USE CHART**

##### **4.4.1 Land Use Chart**

The following Land Use Chart is adopted.

All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses. An amendment to the chart may be initiated by the Nisswa City Council, Planning Commission or a resident/property owner within the City as per the provisions of Chapter 15.

- P SHALL DESIGNATE PERMITTED USES WITHIN THE DISTRICT
- C SHALL DESIGNATE CONDITIONAL USES WITHIN THE DISTRICT
- I SHALL DESIGNATE INTERIM USES WITHIN THE DISTRICT
- BLANK SHALL DESIGNATE PROHIBITED USES WITHIN THE DISTRICT

#### **City of Nisswa Land Use Classification Chart**

- |   |   |
|---|---|
| P - Denotes Permitted Use               | OSR - Open Space Residential                  |
|   | SR/LR - Shoreland/Linden Residential District |
| C - Denotes Conditionally Permitted Use | UR - Urban Residential                        |
|   | CW - Commercial Waterfront                    |
| I - Denotes Interim Use                 | CB - Central Business                         |
|   | HB - Highway Business                         |
| Blank - Denotes Prohibited Use          | P - Parks and Recreation                      |

| USE  | OSR                              | SR/LR | UR  | CW  | CB  | HB  | P   |
|--|----------------------------------|-------|-----|-----|-----|-----|-----|
| Accessory Uses   | P                                | P     | P   | P   | P   | P   | P   |
| <b>Accessory Uses For General Public</b>   |                                  |       |     | C   | C   | C   |     |
| Accessory Structures (See Also Performance Standards)  | P/C                              | P/C   | P/C | P/C | P/C | P/C | P/C |
| <b>Adult Use Business</b><br>(See Performance Standards in Chapter 8, Nisswa City Code, Part 11) |                                  |       |     |     |     | C   |     |
| Adult Daycare  |                                  |       |     |     | C   | C   |     |
| <b>Agricultural Use</b>  | P                                |       |     |     |     |     |     |
| Animal Husbandry   | P                                |       |     |     |     |     |     |
| <b>Assembly Plants</b>   |                                  |       |     |     |     | C   |     |
| Assisted Living/Board & Lodging  |                                  |       |     |     | C   | C   |     |
| <b>Auto Salvage Yard</b>   | C                                |       |     |     |     |     |     |
| Bed and Breakfast  | I                                | I     | I   | I   | I   | I   |     |
| <b>Boarding House</b>  | C                                | C     | C   |     |     |     |     |
| Brewery/Taproom  |                                  |       |     |     | C   | C   |     |
| Churches   | C                                |       | C   |     | C   | C   |     |
| <b>Clinic, Hospital</b>  |                                  |       |     |     | C   | C   |     |
| Communication Towers On Public Property  |                                  |       |     |     |     |     | C   |
| <b>Controlled Access Lot</b>   |                                  |       |     |     |     |     |     |
| Decks on Structures Existing on October 1, 1979 at Less Than Normal Setbacks                     | See Section 4.6.4, subdivision 1 |       |     |     |     |     |     |
| <b>Detachable Vestibules on Existing Buildings From October 15th to May 1st</b>                  | See Performance Standards        |       |     |     |     |     |     |

|  |                    |   |   |   |   |   |  |
|--|--------------------|---|---|---|---|---|--|
| Dwelling, Duplex (Separate from guest cabins in chart) | C                  | C | C | C |   |   |  |
| <b>Dwelling, Single Family Homes</b>                   | P                  | P | P | C |   |   |  |
| Dwelling, Triplex and Quad Residential in PUD          |                    | C | C | C |   | C |  |
| <b>Dwelling Unit Above Commercial Use</b>              |                    |   |   | C | C | C |  |
| Grading/Dirt moving                                    | See Section 4.9.12 |   |   |   |   |   |  |

| LAND USE CHART CONTINUED                                |                            |       |    |    |    |    |   |
|---|----------------------------|-------|----|----|----|----|---|
| USE   | OSR                        | SR/LR | IR | CV | CB | HB | P |
| Gravel Mining   |                            |       |    |    |    |    |   |
| Guest Quarters Dwelling                                 | P                          | P     | P  |    |    |    |   |
| Home Occupations  | I                          | I     | I  |    |    |    |   |
| Historic Sites (add definition)                         | C                          | C     | C  | C  | C  | C  | C |
| Junk Yard   |                            |       |    |    |    |    |   |
| Light Manufacturing Plants                              |                            |       |    |    | C  | C  |   |
| Lease of Residential Unit 3 or fewer times Annually     | P                          | P     | P  |    | P  |    |   |
| Mobile Home/Manufactured Housing Developments           |                            |       | C  |    |    |    |   |
| Motels/Hotels   |                            |       |    |    | C  | C  |   |
| Motor Vehicle Sales                                     |                            |       |    |    |    | C  |   |
| Municipal Sewage Disposal                               | C                          |       |    |    |    |    | C |
| Nursing Home  | C                          |       | C  |    | C  | C  |   |
| Outside Storage of Products for Sale/Rent               |                            |       |    |    | C  | C  |   |
| Parks, Non-Motorized Public Recreation Including Trails | P                          | P     | P  | P  | P  | P  | P |
| Planned Unit Developments, Mixed Use                    |                            |       | C  | C  | C  | C  |   |
| Planned Unit Developments, Commercial                   |                            |       |    | C  | C  | C  |   |
| Planned Unit Developments, Residential                  | C                          | C     | C  |    |    |    |   |
| Professional Buildings                                  |                            |       |    | C  | C  | C  |   |
| Public Buildings  | C                          | C     | C  | C  | C  | C  | C |
| Restaurants   |                            |       |    | C  | C  | C  |   |
| Retail Stores   |                            |       |    | C  | C  | C  |   |
| Services  |                            |       |    |    | C  | C  |   |
| Semi-Public Uses (PUD)                                  | C                          | C     | C  | C  |    |    | C |
| Snowmobile Trails                                       | P                          | P     | P  | P  | P  | P  | P |
| State Licensed Residential Facility                     | P                          | P     | P  |    |    | I  |   |
| Temporary Structures, Construction Trailers             | P                          | P     | P  | P  | P  | P  | P |
| Temporary Structures/Uses, Commercial                   |                            |       |    |    | I  | I  |   |
| Utilities, Semi-public                                  | C                          | C     | C  | C  | C  | C  | C |
| Theaters  |                            |       |    | C  | C  | C  |   |
| Vegetation Removal                                      | See Sections 4.9.8 & 4.9.9 |       |    |    |    |    |   |
| Vehicle Body Repair, Machine Shops                      |                            |       |    |    | C  | C  |   |
| Warehousing   |                            |       |    |    |    | C  |   |
| Water Oriented Accessory Structures                     | See Section 4.8.16         |       |    |    |    |    |   |



**153.044 Land Use Categories Chart**

**A** = Allowed Without A Permit      **P** = Permitted - Requires a Permit      **I** = Interim Use  
**C** = Conditional Use      **E** = Excluded Use      **NA** = Not Applicable

| Use                                       | Zoning District |    |      |     |     |     |     |    |    |    |    |
|---|-----------------|----|------|-----|-----|-----|-----|----|----|----|----|
|   | UR              | WR | EL-R | R-1 | R-2 | R-3 | R-4 | C  | RC | A  | P  |
| Boarding house                            | E               | E  | C    | E   | I   | I   | I   | C  | C  | E  | E  |
| Campground                                | E               | E  | E    | E   | E   | C   | E   | E  | C  | E  | E  |
| Camping; Limited                          | A               | A  | A    | A   | A   | A   | A   | E  | E  | E  | E  |
| Camping; Construction & Reconstruction    | A               | A  | A    | A   | A   | A   | A   | E  | E  | E  | E  |
| Churches                                  | C               | C  | C    | C   | C   | C   | C   | C  | C  | E  | NA |
| Controlled access lot                     | NA              | NA | E    | NA  | C   | NA  | NA  | NA | C  | NA | NA |
| Dwelling, single-family less than 26 feet | P               | E  | E    | E   | E   | E   | E   | E  | E  | E  | E  |
| Dwelling, duplex with subdivision         | E               | E  | E    | E   | C   | C   | C   | E  | E  | E  | E  |
| Dwelling, guest quarters                  | C               | C  | C    | C   | C   | C   | C   | E  | E  | E  | E  |
| Dwelling, triplex-quad                    | E               | E  | E    | E   | E   | E   | C   | E  | E  | E  | E  |
| Extractive use                            | I               | E  | E    | E   | E   | E   | E   | E  | E  | E  | E  |
| Game farm with hunting                    | I               | E  | E    | E   | E   | E   | E   | E  | E  | E  | E  |
| Gas station/light repair                  | E               | E  | E    | E   | E   | E   | E   | C  | E  | E  | E  |
| Golf course                               | C               | C  | C    | NA  | NA  | NA  | NA  | NA | C  | E  | C  |
| Grading; 50 cubic yards or less           | A               | A  | A    | A   | A   | A   | A   | A  | A  | P  | A  |
| Grading; 50 cubic yards or more           | P               | P  | P    | P   | P   | P   | P   | P  | P  | C  | P  |
| Hangar                                    | NA              | NA | NA   | NA  | NA  | NA  | NA  | C  | NA | P  | NA |
| Home occupation                           | I               | I  | I    | I   | I   | I   | I   | NA | NA | NA | NA |
| Junk yard                                 | E               | E  | E    | E   | E   | E   | E   | E  | E  | E  | E  |
| Manufactured home development             | E               | E  | E    | E   | C   | C   | C   | E  | E  | E  | E  |
| Manufacturing/light industrial            | C               | E  | E    | E   | E   | E   | E   | C  | E  | C  | E  |
| Marina                                    | NA              | NA | NA   | NA  | C   | NA  | NA  | NA | C  | NA | NA |
| Motel/hotel                               | E               | E  | E    | E   | E   | E   | E   | C  | C  | E  | E  |
| Motor vehicle sales, private; 2 or less   | A               | A  | A    | A   | A   | A   | A   | A  | A  | A  | A  |
| Motor vehicle sales, private; 3 or more   | E               | E  | E    | E   | E   | E   | E   | C  | C  | E  | A  |
| Motor vehicle sales, commercial           | E               | E  | E    | E   | E   | E   | E   | C  | E  | E  | E  |
| Nursing home/hospital                     | E               | E  | E    | E   | E   | E   | C   | C  | E  | E  | C  |
| Off-road vehicle activity area            | I               | E  | E    | E   | E   | E   | E   | E  | E  | E  | E  |

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| Use                                      | Zoning District |    |      |     |     |     |     |    |    |   |    |
|--|-----------------|----|------|-----|-----|-----|-----|----|----|---|----|
|  | UR              | WR | EL-R | R-1 | R-2 | R-3 | R-4 | C  | RC | A | P  |
| Outside storage                          | A               | A  | A    | E   | E   | E   | E   | P  | E  | E | A  |
| Parks and historical sites               | C               | C  | C    | C   | C   | C   | C   | P  | P  | C | A  |
| Professional buildings                   | E               | E  | E    | E   | E   | E   | E   | P  | P  | C | E  |
| PUD; interval ownership                  | E               | E  | E    | E   | E   | E   | C   | E  | C  | E | E  |
| PUD; residential single-family           | E               | E  | E    | C   | C   | C   | C   | E  | E  | E | E  |
| PUD; residential single and two-family   | E               | E  | E    | E   | C   | C   | C   | E  | E  | E | E  |
| PUD; mixed use                           | E               | E  | E    | E   | E   | E   | C   | C  | E  | C | E  |
| PUD; commercial                          | E               | E  | E    | E   | E   | E   | E   | C  | C  | E | E  |
| Public buildings                         | E               | E  | E    | E   | E   | E   | E   | E  | P  | C | P  |
| Public recreation, trails, non-motorized | P               | P  | C    | NA  | NA  | NA  | NA  | NA | NA | E | P  |
| Radio/t.v. studio                        | E               | E  | E    | E   | E   | E   | E   | C  | E  | E | E  |
| Recreation camping area                  | E               | E  | E    | E   | E   | E   | E   | E  | C  | E | E  |
| Recreational facility; resort guests     | E               | E  | E    | E   | E   | E   | E   | C  | C  | E | NA |
| Recreational facility; public            | E               | E  | E    | E   | E   | E   | E   | C  | P  | C | P  |
| Recreational vehicle park                | E               | E  | E    | E   | E   | E   | E   | E  | C  | E | E  |
| Rentals more than 4 times per year       | E               | E  | E    | E   | E   | E   | I   | I  | C  | E | E  |
| Rental units (apartments)                | E               | E  | E    | E   | E   | E   | C   | E  | C  | E | E  |
| Retail stores                            | E               | E  | E    | E   | E   | E   | E   | P  | P  | C | E  |
| Restaurant                               | E               | E  | E    | E   | E   | E   | E   | C  | C  | E | E  |
| Setback, rear; 10 to 35 feet             | E               | E  | E    | C   | E   | C   | C   | E  | E  | E | E  |
| Shore Impact Zone (SIZ); working within  | P               | P  | P    | P   | P   | P   | P   | P  | P  | P | A  |
| Sign; area identification sign           | C               | C  | C    | C   | C   | C   | C   | P  | P  | P | E  |
| Sign; residential identification sign    | A               | A  | A    | A   | A   | A   | A   | E  | E  | E | E  |
| Sign; off-site, commercial               | E               | E  | E    | E   | E   | E   | E   | C  | C  | E | C  |
| Sign; on-site, commercial                | E               | E  | E    | E   | E   | E   | E   | P  | P  | P | P  |
| Social club                              | E               | E  | E    | E   | E   | E   | E   | C  | C  | E | E  |
| Snowmobile trail                         | A               | A  | A    | A   | A   | A   | A   | A  | A  | A | A  |
| State; licensed residential facility     | E               | E  | P    | P   | P   | P   | P   | E  | E  | E | E  |

### 153.044 Land Use Categories Chart

| Use   | P = Permitted - Requires a Permit |    |      | I = Interim Use |     |     |     |   |    |   |   |
|---|-----------------------------------|----|------|-----------------|-----|-----|-----|---|----|---|---|
|   | UR                                | WR | EL-R | R-1             | R-2 | R-3 | R-4 | C | RC | A | P |
| Storage units for rental                    | E                                 | E  | E    | E               | E   | E   | E   | C | C  | C | E |
| Storage units for sale                      | E                                 | E  | E    | E               | E   | E   | E   | C | C  | C | E |
| Storage shed, 10 feet by 12 feet or smaller | P                                 | P  | P    | P               | P   | P   | P   | P | P  | P | P |
| Silviculture with reforestation             | P                                 | C  | E    | E               | E   | E   | E   | E | E  | E | E |
| Theaters                                    | E                                 | E  | E    | E               | E   | E   | E   | C | C  | E | E |
| Towers                                      | C                                 | E  | E    | E               | E   | E   | E   | E | E  | E | C |
| Trap and/or skeet range                     | I                                 | E  | E    | E               | E   | E   | E   | E | E  | E | E |
| Used structure moved onto property          | C                                 | C  | C    | C               | C   | C   | C   | C | C  | C | C |
| Vegetation removal; select                  | A                                 | A  | A    | A               | A   | A   | A   | A | A  | A | A |
| Vegetation removal; open                    | P                                 | P  | P    | C               | C   | C   | C   | C | C  | A | C |
| Vegetation removal in SIZ; open             | E                                 | E  | E    | E               | E   | E   | E   | E | E  | E | E |
| Vegetation removal; clear                   | C                                 | C  | C    | E               | E   | E   | E   | C | E  | A | C |
| Vegetation removal in SIZ; clear            | E                                 | E  | E    | E               | E   | E   | E   | E | E  | E | E |
| Water oriented accessory structure          | E                                 | E  | E    | P               | P   | E   | E   | E | E  | E | E |

(Prior Code, § 8.05, Subd. 15) (Ord. 123, passed - 2005; Ord. 09-02-06, passed 9-5-2006; Ord. 09-02-07, passed 9-4-2007; Ord. 10-02-08, passed 10-6-2008; Ord. 09-01-09, passed 11-2-09; Ord. 10-005, 3<sup>rd</sup> Series, passed 3-1-2010, Ord. 10-008, 3<sup>rd</sup> Series, passed 6-07-2010; Ord. 10-017, 3<sup>rd</sup> Series, passed 11-01-2010; Ord. 11-03, 3<sup>rd</sup> Series, passed 8-01-2011, Ord. 11-15, 3<sup>rd</sup> Series, passed 12-05-2011; Ord. 13-02, 3<sup>rd</sup> Series, passed 02-04-2013; Ord. 13-07, passed 07-01-2013; Ord. 15-01, 3<sup>rd</sup> Series, passed 10-05-2015; Ord. 16-01, 3<sup>rd</sup> Series, passed 05-02-2016; Ord. 16-04, 3<sup>rd</sup> Series, passed 11-07-2016)