

DATE \_\_\_\_\_

**CITY OF RED LAKE FALLS BOARD OF ADJUSTMENT  
APPLICATION FOR A CONDITIONAL USE PERMIT**

Applicant \_\_\_\_\_ Address \_\_\_\_\_

Authorized Agent \_\_\_\_\_ Address \_\_\_\_\_

Location of Property \_\_\_\_\_  
(Legal Description)

**ZONING DISTRICT**

Agriculture-Residential (R-1) \_\_\_\_\_ PROPOSED USE \_\_\_\_\_

Residential-Resort (R-2) \_\_\_\_\_

Commercial (C-1) \_\_\_\_\_

Commercial (C-2) \_\_\_\_\_

Public (P) \_\_\_\_\_

Open (O) \_\_\_\_\_

Description of proposed use and justification for the granting of a conditional use permit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date \_\_\_\_\_

Fee of **\$ 250.00** paid in full. Date: \_\_\_\_\_ Clerk \_\_\_\_\_

Date of Board of Adjustment Hearing \_\_\_\_\_

Application *granted / denied* by the Board of Adjustment on \_\_\_\_\_ in accordance  
with the following conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Chairman of the Board of Adjustment \_\_\_\_\_

## § 153.13 LIST OF PERMISSIBLE AND CONDITIONAL USES.

On the following table, an open circle (0) means that the use is permitted in that district only if a conditional use permit is granted by the Board of Adjustment. An "X" means that the use is permitted in the zone district subject to the general provisions of the zoning ordinance. For uses not included on this list, application shall be made to the Board of Adjustment for interpretation.

	<i>R</i>	<i>C-1</i>	<i>C-2</i>	<i>M</i>	<i>P</i>	<i>O</i>
	<i>R</i>	<i>C-1</i>	<i>C-2</i>	<i>M</i>	<i>P</i>	<i>O</i>
Acoustical material, mfg., storage				X		
Acoustical material, sales		X	X	X		
Advertising display mfg.				X		
Agriculture farmland	0			X		X
Agricultural implements service and sales		0	X	X		0
Animal hospital, veterinarian		0	0			
Antique sales		X	X			
Apartment	0	0	0			
Armory			0	X	X	0
Asphalt and asphalt products processing storage				0		
Association (club and lodges, private)		X	X			
Athletic fields					X	X
Auditorium, assembly hall		0			X	0
Automobile and truck sales, parts, repairs		0	X	X		
Automobile and truck salvage and scrap yard				0		
Bake sales	0	X	X			
Baked goods, mfg., sales (small scale)		X	X			
Baked goods, mfg., sales (large scale)		0	0	X		
Bank trust co., bonding co.			X	X		
Bar, tavern, saloon		X	X			
Barber		X	X			
Beauty shop		X	X			
Beverages			0	X		
Bicycle		0	X	X		
Billiard parlor		X	X			
Boat marina, sales, storage		X	X	X		
Body shop, automotive			0	X		
Bottled gas, storage and distribution				0		

Bowling alley		X	X			
Broadcasting station, transmitting equip-tower	0		0	X	0	X
Broadcasting studio		X	X	X	0	X
Building materials, storage, sales		0	0	X		
Café, restaurant, supper club		X	X			
Carpentry and cabinet shop		0	0	X		
Carpet and rug sales, storage, cleaning	X	0	X			
Cement and concrete project, mfg., sales, storage				0		
Cemetery					X	X
Cesspool-septic tank, builders, service, sales				X		
Child care center, play school	0				0	
Church, synagogue	0	X	X			
Clay products, mfg., storage				0		
Clinic, hospital	0	0	0		X	
Clothing store, general, specially		X	X			
Coal and coal storage yards				0		
Coin machines, rental, service		X	X	X		
Cold storage, locker plant		0	0	X		
Community center	0	0	0		X	
Contractor (general) equip. and storage yard				X		X
Credit Union loan company		X	X			
Dairy products, mfg., sales, distribution		0	0	X		0
Dance hall		0	0		0	
Department store		X	X			
Disposal plant, sewage				0	0	X
Dog pound				0		0
Drive-in restaurant		0	X			
Driving range, miniature golf, go-karting			0			0
Dry cleaning and laundry, pick up only		X	X	X		
Dry cleaning and laundry, self-service		X	X			
Dump, ash, garbage, offal and the like				0		0
Dwelling, single-family	X					0
Dwelling, two-family	X					0
Dwelling, multiple family	0	0	0			
Egg processing, distribution				X		X

Electrical appliances, equip., sales		X	X	X		
Electric light and power company yards				X		0
Explosive, storage, distribution				0		
Farm implement dealer, distribution, repair, sales		0	X	X		
Feed-fertilizer (natural, processed) sales, storage				X		
Filling stations, gasoline		0	X	X		
Fire station	0	X	X	X	X	0
Fish or meat, wholesale, curing, storage			0	X		
Florist, greenhouse, nursery			X	0		X
Florist, sales		X	X	0		0
Food products, sales		X	X	X		
Food products, warehouses			0	X		
Freight depot, office, wholesale			0	X		
Fuel storage, distribution				0		0
Funeral parlor, mortuary	0	X	X			
Furniture store		X	X			
Furs, mfg., assembly				0		
Furs, sales		X	X	0		
Frozen food lockers			0	X		
Garage, equipment, sales		0	X	X		
Garment, clothing mfg., sales				X		
Gas, appliances, sales		X	X			
Gasoline, or filling station		0	X	X		
Gift shops		X	X			
Gravel pit					0	X
Grocery store, retail	0	X	X			
Grocery store, wholesale, warehousing			0	X		
Halls, assembly		0	0		X	
Hard wares, sales, repair		X	X	X		
Home, old age, children, nursing	0					
Hospitals	0	0	0		X	
Hotel		X	X			
Housing, public project	0					
Ice, mfg., sales			0	X		
Ice skating rink	0				X	X
Insulation materials, storage				X		
Iron or woodworking			0	X		
Jail		X			X	

Jeweler, sales, mfg.		X	X			
Junk or salvage yard				0		
Key and lock shop		X	X			
Kennel			0	0		
Laboratories		X	X	X		
Laundries, self service	0	X	X			
Library	0	X	X		X	
Lighting and power plants					X	0
Liquor, off-sale storage		X	X			
Lockers, food storage		0	0	X		
Lodging house	0		X			
Lumber yard, storage, sales			0	X		
Machine shop			0	X		
Meat and fish sales		X	X	X		
Meat packers				0		
Metal fabrication, processing	0	0	X			
Mobile home mfg. and sales	0		0	X		
Mobile home and mobile home parks	0				X	
Monuments, sales, display		X	X			
Motel		X	X			
Motion picture theater, non drive-in		X	X			
Museum	0	X	X		X	
Nursing home	0					
Paper and wood products mfg., storage				X		
Parish house	X					
Park, playground	X	X	X	X	X	X
Parking lot	0	X	X	X	X	X
Paving materials, storage					0	
Pharmacy		X	X			
Plumbing fixtures and supplies, sales shops		X	0	X		
Police station		X			X	
Post office		X			X	
Poultry, products processing				0		0
Printing service, lithograph, photo engraving		X	0	X		
Professional office, doctors, lawyers and the like						
Public housing	X				X	
Public or private school	0	X	X		X	
Public building	0	X	X		X	

Public campground					X	X
Public utilities and storage area	0	0	0	X	X	
Railroad, service and repair				X		
Rendering plant						
Restaurants, cafés		X	X			
Retail store, general, specialty		X	X			
Roadside park or wayside	X	X	X	X	X	X
Roadside sales stand	0		X			0
Rooming house	0	0	0			
Salvage yards, storage, sales				0		
Satellite dish antennas						
Sauna, steam bath, commercial		X	X			
Schools, commercial		X	X			
Schools, public or parochial	X				X	
Signs, off-site		0	0	0		
Signs, on-site		X	X	X		
Silo, mfg., sales						
Skating rink, ice	0				X	X
Sporting goods, sales		X	X			
Sporting goods, mfg.			0	X		
Storage warehouse				X		
Storage yard, bulk material, equipment				X		0
Trailer (travel)	0	X	X			
Taxidermist	0	X	X	X		
Theaters, in-door		X	X			
Theaters, outdoor drive-in			0			0
Tire repairing, equipment and supplies		0	0	X		
Tourist court, rooms	0	X	X			
Trailers, sales	0	X	X	X		
Trailer (mobile home) park	0				X	
Utility structure, substation		0	0	X		
Warehouse, all types		0	0	X		
Water tank, reservoir	0	0	0	X	X	0
Welding shop, service equipment, storage		0	0	X		
Wood, storage, sales				X		

(2009 Code, § 905.08)

**§ 153.14 CONDITIONAL USES.**

(A) Exceptions to the basic provisions of Title XV shall be permitted only for uses listed in § 153.13 and the complete classification list and only after the issuance of a conditional use permit. An application for a conditional

use permit shall be filed with the Zoning Officer on a form furnished for the purpose.

(B) The application shall be accompanied by plans and other data as prescribed on the form.

(1) *Application review.* Each application for a conditional use permit shall be reviewed by the Board of Adjustment and approved by a majority vote before a use permit may be issued. The Board of Adjustment may grant or deny any application for a conditional use permit following the policy hereafter set forth. An applicant denied a permit may make application for a hearing before the City Council. The City Council may reverse the decision of the Board of Adjustment if a majority of the City Council deems the issuance of a permit is necessary for the protection of the public interest.

(2) *Requirements for grant of permit.* No conditional use permit shall be granted unless the Board of Adjustment shall find:

(a) The conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity nor substantially diminish and impair property values within the surrounding neighborhood;

(b) The proposed development will not increase local or state expenditures in relation to costs of servicing or maintaining neighboring properties;

(c) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area; and

(d) The location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general.

(2009 Code, § 905.09)

#### **§ 153.15 SATELLITE DISHES.**

In zones where satellite dish antennas are allowed only by conditional use permit, the following specifications and restrictions shall apply.

(A) The antenna shall have a diameter of 11 feet or less.

(B) A site plan showing the proposed a location of the antenna shall be submitted with the application for a conditional use permit.

(C) No conditional use permit shall be granted unless:

(1) A separate permit application is filed for each activity and satellite dish antenna requiring a permit;

(2) Each permit application is accompanied by specific plans and all necessary information upon which to base a decision as to whether or not it complies fully with the city code; and

(3) Payment of a satellite dish antenna permit fees are paid as establishment by resolution of the Council.

(2009 Code, § 905.09.01)

#### **§ 153.16 ADMINISTRATION.**

(A) This chapter shall be administered by the Zoning Officer. No land or structure shall be changed in use and no structure shall be erected, altered or moved until the Zoning Officer has issued a zoning permit certifying that the plans and intended use of land, building and structures are in conformity with this chapter.

(B) No land or structure shall be changed in use and no structure shall be erected, altered or moved until the Zoning Officer has issued a zoning permit certifying that the plans and intended use of land, buildings and structures are in conformity with this chapter.

(C) No land or structure hereafter erected, moved or altered in its use shall be used until the Zoning Officer shall have issued a certificate of zoning compliance stating that such land or structure is found to be in conformity with the provisions of this chapter.

(2009 Code, § 905.10)

(1) *Board of Adjustment.* There shall be a Board of Adjustment consisting of members of the Planning Commission. The terms of the members of the Board of Adjustment shall be concurrent with their terms as members of the Planning Commission.

(2009 Code, § 905.10.01)

(2) *Appeals to the Board of Adjustment.* Appeals to the Board of Adjustment may be taken by any person aggrieved. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At any hearing, any party may appear in person, or by agent or attorney.

(2009 Code, § 905.10.02)

(3) *Powers of the Board of Adjustment.* The Board of Adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged there is an error in any order, requirements, decisions or determinations made by the Zoning Officer;

(b) To hear and decide on special exceptions, variances, conditional use permits and all other matters referred to it or upon which it is required to pass under this chapter; and

(c) In passing upon variances, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter to vary or modify the application of any of the regulations or provisions of this chapter so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.

(2009 Code, § 905.10.03)

(4) *Reversing or affirming determination.* In exercising the above-mentioned powers, such Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officers from whom the appeal is taken.

(2009 Code, § 905.10.04)

(5) *Majority vote sufficient to reverse determination.* The majority vote of the members of the Board shall be sufficient to reverse any order, requirement, decision or determination of the Zoning Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in this chapter.

(2009 Code, § 905.10.05)

(6) *Board to adopt rules.* The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meeting shall be open to the public.

(7) *Board to keep minutes.* The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the City Administrator-Treasurer.

(2009 Code, § 905.10.07)

(8) *Board actions.* The Board of Adjustment shall always act with due consideration to promoting the public health, safety, convenience and welfare, encouraging the appropriate use of land and conserving property value, shall permit no building or use detrimental to a neighborhood, and may prescribe appropriate conditions and safeguards in each case. Any special variances or special exceptions granted by the Board of Adjustment shall be subject to appeal to the City Council but do not require Council action for approval or disapproval.

(2009 Code, § 905.10.08)

**§ 153.17 AMENDMENTS.**

This chapter may be amended whenever the public necessity and the general welfare require such amendment by the following procedure.

(A) An amendment may be initiated by the City Council or the Planning Commission, or by the verified petition of not less than 50% of the property owners affected by the proposed amendment and 50% of those property owners within 200 feet of the proposed change.

(B) Before any amendment is adopted, the Planning Commission shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten days before the hearing.

(C) Following the hearing, the Planning Commission shall make a report of its findings and recommendations on the proposed amendment, and shall file a copy with the City Administrator-Treasurer within 60 days of the date that the proposed amendments were referred to the Planning Commission. Failure of the Planning Commission to so report shall be deemed to be approval by the Commission of the proposed amendment.

(D) Upon the filing of such report or upon the expiration of such then days as aforesaid, the City Council shall hold such public hearings upon the amendment as it deems advisable. After the inclusion of the hearing, if any, the Council may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if two-thirds of all the members of the Council concur in its passage.

(2009 Code, § 905.11)

**§ 153.18 SCHEDULE OF FEES.**

(A) *Charges and expenses.* The City Council hereby establishes a schedule of fees and a collection procedure for zoning permits, certificates of zoning compliance and conditional use permits as required by this chapter. The schedule of fees listed below shall be posted in the office of the City

Administrator-Treasurer, and may be altered or amended only by the City Council.

(B) *No permit to issue until all fees paid.* No zoning, compliance or conditional use permit shall be issued unless or until such application fees, listed below, shall have been paid in full to the City Administrator-Treasurer, nor shall any action be taken on proceedings before the Board of Adjustment unless the following application fees have been paid in full.

(C) *Fees.* The City Council shall by Council resolution adopt a fee schedule for zoning and related compliance permits, which shall be in § 39.01.

(2009 Code, § 905.12)

**§ 153.19 ZONING DISTRICT SCHEDULE.**

				<b>Minimum Requirements</b>				<b>Maximum Limitations</b>			
<b>Districts</b>	<b>Examples of Basic (See Classification List)</b>	<b>Per Unit Floor Area Square Foot</b>	<b>Lot Width</b>	<b>Square Foot Lot Area</b>	<b>Front Set-back</b>	<b>Side Yard</b>	<b>Corner Side Yard</b>	<b>Rear Yard</b>	<b>Total Building Coverage</b>	<b>Height**</b>	
				<b>Minimum Requirements</b>				<b>Maximum Limitations</b>			
<b>Districts</b>	<b>Examples of Basic (See Classification List)</b>	<b>Per Unit Floor Area Square Foot</b>	<b>Lot Width</b>	<b>Square Foot Lot Area</b>	<b>Front Set-back</b>	<b>Side Yard</b>	<b>Corner Side Yard</b>	<b>Rear Yard</b>	<b>Total Building Coverage</b>	<b>Height**</b>	

Residential	R-1	Single & two family dwellings, churches, schools accessory use or structure, home occupation	900 for 1 <sup>st</sup> unit 750 for 2 <sup>nd</sup> unit	50'	1 <sup>st</sup> 7,000 2 <sup>nd</sup> 4,000	30'	10'	20'	35'	35%	2 stories or 35'
	R-2	Multi-family residential	3,000 sq. ft. per family but less than 6,000 sq. ft.	75'	1 <sup>st</sup> 7,000 2,000 each additional unit	30'	20'	15'	25'	40%	75'
Commercial	C-1	Central business district shops, commercial uses, services on-site signs not to exceed 3 units or 25 sq. ft. for ea. 25" frontage	-	-	-	-	-	-	-	90%	3 stories or 45'
	C-2	Tourist services, roadside uses for convenience of travelers, grocery store, limited shopping facilities, on-site signs, "drive-ins"	-	-	-	25'	8'	15'	15'	50%	2 stories or 35'
Industrial and Related	M	Limited industry, warehouses, small repair shops, general manufacturing, on-site signs	-	75'	10,000	35'	-	15'	15'	50%	2 stories or 35'
Public	P	Parks, recreation; public schools, hospitals, clinics, public works, utilities cemeteries	-	-	-	25'	25'	25'	25'	35%	2 stories or 35'
Open	O	Swampy, rocky or other sites unsuitable for development, forest and conservation	-	-	-	-	-	-	-	-	-

		areas, P uses							
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** Not including TV, radio antenna, church steeple, smoke stacks, broadcasting towers, siren and bell towers
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## § 153.20 SOLAR ENERGY SYSTEMS.

(A) *Purpose.* This section permits, as an accessory use, solar energy systems, while protecting the health, safety and welfare of city residents and the property interests of adjacent and surrounding land uses through appropriate zoning and land use controls.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM.** A solar energy system that is directly integrated into the building by replacing typical building materials.

**GROUND-MOUNTED SOLAR ENERGY SYSTEMS.** A solar energy system that is installed directly onto the ground by means of brackets or poles.

**INTERCONNECTION.** When a customer-owned solar energy system is connected to or has access to the electric grid.

**ROOF-MOUNTED SOLAR ENERGY SYSTEMS.** A solar energy system where the panels are mounted to a house or other building.

**SOLAR ENERGY SYSTEM.** A set of devices whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

**SOLAR THERMAL SYSTEM.** A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs of the building.

(C) *Permitted accessory use.* Solar energy systems are allowable as an accessory use in all residential districts and as a conditional use in all other zoning districts, subject to the following requirements:

(1) *Standards.*

(a) *Height.* Roof-mounted solar energy systems shall not project beyond the peak elevation of a pitched roof and shall not project more than ten feet above the surface of a flat roof to which they are attached. Ground-mounted solar energy systems shall not exceed 20 feet in height or the height of the principal structure, whichever is less.

(b) *Location.* Ground-mounted solar energy systems must be located in the rear yard only.

(c) *Setbacks.* Ground-mounted solar energy systems, at minimum design tilt, setback distance from property lines shall be equivalent to the setback requirements of the underlying district or as otherwise needed so as not to impair sight distance for safe access to the property or other traffic or properties in the vicinity. Roof-mounted solar energy systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(d) *Coverage.* A roof mounted solar energy system's surface shall comply with the Minnesota State Building Code.

(e) *Feeder lines.* All power exterior electrical or other service lines must be buried below the surface of the ground.

(f) *Exemption.* Building integrated solar energy systems are exempt for the requirements of this section and shall be regulated as any other building element.

(g) *Standards.* Reflection angles from collector surfaces shall be oriented away from neighboring windows. Where necessary, screening may be required to address glare.

(h) *Abandonment.* Any solar energy system that ceases to produce energy on a continuous basis for six months will be considered abandoned, unless the property owner provides substantial evidence to the City

Administrator of the intent to maintain and reinstate the operation of that solar energy system within an acceptable designated time period. Upon abandonment of a solar energy system, the property owner must remove all components of the solar energy system and restore the real property to its condition prior to development and installation of the solar energy system. If the property owner does not remove the abandoned solar energy system within 180 days of receiving written notice from the City Administrator, the city may remove the solar energy system, sell any removed materials and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the solar energy system and restore the site to a nonhazardous condition. All end-of-life disposal of solar products must comply with the Federal Resource Conservation and Recovery Act and any state policies governing solar product waste. If an applicant has received a permit, but has not completed construction of the solar energy system within 18 months from the date of issuance of the permit, the system shall be deemed abandoned.

(i) *Restoration.* Upon abandonment, the property owner must ensure the site is restored to a useful, nonhazardous condition in a timely manner, including, but not limited to the following:

1. Removal of aboveground and belowground equipment, structures and foundations.
2. Restoration of the surface grade and soil after removal of solar energy equipment.
3. Revegetation of restored soil areas with native seeds mixes, excluding any invasive species.

(j) *Design plan.* Any permit submittal shall include a site or design plan indicating the adequacy, location, arrangement, size, design and general site compatibility of the proposed solar energy system.

(2) *Safety.*

(a) *Compliance with building code.* All solar energy systems shall comply with all local and state and fire building codes.

(b) *Compliance with electrical code.* All solar energy systems shall comply with the National Electrical Code.

(c) *Compliance with state plumbing code.* All solar energy systems shall comply with the Minnesota State Plumbing Code requirements.

(d) *Certifications.* Solar energy system components shall be certified by Underwriters Laboratories Inc. and the Solar Rating and Certification Corporation. The city reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

(e) *Batteries.* When solar storage batteries are included as part of a solar energy system, they must meet the requirements of the Minnesota State Building Code.

(3) *Approval.*

(a) *Permits.* The erection, alteration, improvement, reconstruction, and movement of all solar energy systems shall require a building permit from the city. Installers must be licensed as required by state law and the City Council shall set the solar energy system permit fee by resolution.

(b) *Utility notification.* All solar energy systems that will interconnect with the electric grid shall have an agreement with the local utility prior to the issuance of a building permit. Any connection with a local utility must be inspected by the local utility prior to use.

(c) *Aviation.* If the solar energy system is over one-half acre in size and located within five nautical miles of an airport, or is located within the airport zoning district, airport or FAA notification shall be provided and approval obtained.

(Ord. - -, passed 8-12-2024)

**§ 153.99 PENALTY.**

Any person violating any provision of this chapter of the code of the city shall, upon conviction, be guilty of a misdemeanor. Each day such violation continues shall constitute a separate offense.

(2009 Code, § 905.13)