

5.7 Conditional Uses. Any proposed conditional use shall be presented to the City Council for the determination of its applicability to the Shoreland Management District wherein proposed. In support of such determination applicability, the City Council may require preliminary scale drawings or sketches of all buildings or groups of buildings showing the front, side and rear elevations of the proposed buildings, structures or other improvements and the proposed location of such buildings on the lot as the same shall appear after the work has been completed. Such drawings shall be considered by the City Council in an endeavor to ascertain that such buildings, structures and other improvements shall be so designed and constructed that they will not be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the City and the zoning district wherein located.

5.71 Application. The applicant for a Conditional use Permit shall file an Application along with the required scale drawings in the office of the Zoning Administrator not less than twenty (20) days prior to the next scheduled meeting of the City Council and pay a fee as set forth in the Fee Schedule when the application is filed.

5.72 Staking. Within three days of making an application for a Conditional Use Permit, the applicant shall stake the area under consideration in such a way as to demonstrate the area to be topographically altered or the location of a proposed structure and post the applicant's name and address in a clearly visible location on the property.

5.73 Notice. The Zoning Administrator shall refer the Application to the City Council, and give the notice required by Section 3.5.

5.74 Meeting. The City Council shall consider the Application at its next regular meeting at which time is available, following compliance with the provisions of notice above specified.

5.75 If either an EAW or an EIS is required for any proposed Conditional Use Application, the applicant shall assume all costs associated with preparation, review, and presentation of these documents.

5.76 The applicant or the applicant's representative shall appear before the City Council and answer any questions concerning the proposed Conditional Use Application.

5.77 The City of Vergas shall have the right to require performance bonds and establish the amount of a bond for any one or all Conditional Use Application approvals. All bonds shall be payable to the City of Vergas and shall be filed with the Zoning Administrator prior to City Council approval of the Conditional Use Permit.

5.78 The City Council may issue a Conditional Use Permit if the proposed change is found to be consistent with the general purposes of this Ordinance and the intent of this and all other applicable state and local regulations and laws, taking into consideration the following (when applicable):

- A. Adequate parking and traffic control.
- B. Amount of noise generated.
- C. Environmental impact, including site evaluations based on soils, topography and vegetation.
- D. Any hazards that may be created; both on land and water.
- E. Compatibility with the surrounding area; both on land and water.
- F. Density and location of development.
- G. Suitability of the area for the proposed use.
- H. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- I. The visibility of structures and other facilities as viewed from public waters is limited;
- J. The site is adequate for on-site water supply and/or on-site sewage treatment, if on-site water supply and/or on-site sewage treatment is to be allowed; and
- K. The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- L. Whether a conditional use is appropriate based on existing uses in the area.
- M. Any other possible adverse effects of the proposed Conditional Use Application and what additional requirements may be necessary to prevent such adverse effects.

5.79 Conditions Attached to Conditional Use Permits. The City Council, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- A. Increased setbacks from the ordinary high water level;
- B. Limitations on the natural vegetation to be removed or the requirements that additional vegetation be planted; and
- C. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

5.80 The City Council shall take action on the Application within sixty (60) days after the meeting, for which notice was first given under Sections 3.5.

5.81 The City Council shall establish the valid period for each Conditional Use Permit granted.

5.82 After approval of the Conditional Use Application by the City Council the applicant shall secure from the Zoning Administrator a written Conditional Use Permit before initiating the project.

5.83 Within three (3) days of completion, the applicant for a Conditional Use Permit, shall notify the Zoning Administrator that the conditional use project is completed and ready for an inspection.

5.84 The Zoning Administrator shall inspect after notification and inform the applicant in writing whether the project complies with the approved Conditional Use Permit. The purpose of the Conditional Use Permit shall not be put to use until written approval has been granted by the Zoning Administrator.

5.85 Nonconforming Uses. Nonconforming uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement, establishment or expansion is consistent with existing uses in the area.

5.8 Water Supply and Sewage Treatment.

5.81 Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

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

A. Publicly-owned sewer systems must be used unless a variance is obtained for a private system.

B. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance.

C. On-site private sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 5.21 of this ordinance.

D. All proposed sites for private sewage treatment systems shall be evaluated in accordance with the criteria in subitems 1. through 4., below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

1. Depth to the highest known or calculated ground water table or bedrock;
2. Soil conditions, properties and permeability;
3. Slope;
4. The existence of lowlands, local surface depressions and rock outcrops;

E. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 6.13 of this ordinance.

SECTION 6.0 NONCONFORMITIES

All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

6.1 Construction on Nonconforming Lots of Record.

6.11 Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 5.1 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.

6.12 A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the city council shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

6.13 If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 5.1 of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 5.1 of this ordinance as much as possible. However, nonconforming sales of or uses on contiguous lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the sale, use, replacement, establishment or expansion is consistent with existing uses in the area.