

Zoning

§ 153.003

CAMPGROUND, MEMBERSHIP. A land use under single ownership consisting of designated campsites with appropriate facilities designed for temporary occupation by tents or recreational vehicles with management services and with site rentals. (See also ***RECREATIONAL CAMPING AREA***).

CAMPSITE. A parcel within a resort, campground or recreational camping area designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle. Whether owned, leased or timeshared, or in any other manner recognized.

CANNABIS DELIVERY. Cannabis business licensed or endorsed for cannabis delivery.

CANNABIS MANUFACTURER. Cannabis business licensed or endorsed for cannabis manufacturer.

CANNABIS RETAIL. Cannabis business licensed or endorsed for cannabis retail.

CANNABIS TRANSPORTATION. Cannabis business licensed or endorsed for transportation.

CITY ADMINISTRATOR. The duly elected or appointed person chiefly responsible for the administration of the city affairs and staff.

CITY CLERK-TREASURER. The duly elected or appointed person chiefly responsible for the record keeping in the city and any other responsibilities as assigned by the City Administrator or as designated in Minnesota Statutes.

CITY COUNCIL. The duly elected governing body of the city.

CITY SEWER or ***WATER SYSTEM.*** A system of municipally maintained utilities approved by the state and serving more than one building or property.

COLLECTOR ROAD. Roads that collect local roads and provide for the movement of people and commodities to arterial roads. Also referred to as ***THOROUGHFARES.***

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COMPREHENSIVE PLAN. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development of the city.

CONDITIONAL USE (CUP). A land use or development, as defined by ordinance, that would not be appropriate without restriction, but may specifically be allowed with appropriate restrictions or conditions as determined by the Planning Commission upon a finding that:

- (a) The use or development is an appropriate conditional use in the land use zone;
- (b) The use or development with conditions conforms to the Comprehensive Land Use Plan;
- (c) The use with conditions is compatible with the existing neighborhood; and
- (d) The use with conditions would not be injurious to public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity.

CONDOMINIUM OWNERSHIP. A form of ownership within a multi-owner building or complex wherein the boundaries are defined by a condominium plat in accordance with M.S. Chapter 515A, as it may be amended from time to time, or subsequent revisions.

CONSTRUCTION DEBRIS. Waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

CONTROLLED ACCESS LOT. A riparian lot meeting the ordinance standards for a lot suitable for building, owned by more than one owner in undivided interest, provided with facilities and used for access and not containing a dwelling.

CORRUGATED STEEL and/or **SHEET METAL.** Maintenance-free or non-coated ribbed, curved or flat steel panels commonly used as exterior surfaces for post frame buildings.

CULTIVATION. Cannabis business licensed or endorsed for cannabis cultivation.

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liquefied natural gas, synthetic gas usable for fuel or mixtures of the synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.

HAZARDOUS WASTE. Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semi-solid, liquid or contained gaseous form which, because of its quantity, concentration or chemical, physical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. **HAZARDOUS WASTE** does not include source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, being 42 U.S.C. § 2011 as amended; any hazardous waste as defined in M.S. § 116.06, Subd. 11 and any substance identified as a hazardous waste pursuant to rules adopted by the Minnesota Pollution Control Agency under M.S. § 116.07, as amended and any hazardous waste as defined in the Resource Conservation and Recovery Act under 42 U.S.C. § 6903, which is listed or has the characteristics identified under 42 U.S.C. § 6921, as amended, not including any hazardous waste, the regulation of which has been suspended by act of Congress.

HEMP MANUFACTURER. Business licensed or endorsed for low-potency hemp edible manufacturers.

HOLDING TANK. A sewage treatment system holding tank that consists of a tank that stores sewage effluent and that is regularly pumped as the tank is not connected to a drainfield.

HOME OCCUPATION. The use of commercial nature conducted by an occupant of a dwelling entirely within the dwelling or accessory buildings, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.

HOUSEHOLD WASTE. Any material including garbage, trash and sanitary waste in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.

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originating from the ordinary household or business operations or from any other source that shall not include body wastes of human or animal origin.

***WATER ORIENTED ACCESSORY STRUCTURE* or *FACILITY*.** A small above ground building or other improvement except stairways, fences, docks and retaining walls which, on account of its proximity to surface water, is located closer to public waters than the normal structure setback. Examples of the structures and facilities include boat houses, gazebos, screen houses, fish cleaning houses and detached decks.

***WETLAND*.** Land which is subject to periodic or continued inundation by water such as floodplains, marshes, swamps and peat lands, classified as provided in circular #39, United States Fish and Wildlife Service and amendments thereto.

WHOLESALE. Cannabis businesses licensed or endorsed for wholesale.

***YARD*.** A required green space unoccupied and unobstructed by a structure or portion of a structure; provided, however, that fences, signs, utility poles, lawn lights, antenna and related minor equipment may be permitted in any yard provided that they do not create a safety hazard or constitute a nuisance.

***YARD WASTE*.** The vegetative and garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste and prunings.

***ZONING ADMINISTRATOR*.** The duly appointed person responsible for the enforcement and administration of this chapter.

***ZONING DISTRICT*.** An area of the City of Breezy Point defined on the zoning map, having uniform zoning provisions.

***ZONING INSPECTOR*.** The duly appointed person responsible to the Zoning Administrator and authorized to inspect, enforce and administer provisions of this chapter.

***ZONING MAP*.** The map of the City of Breezy Point amended from time to time, which defines the boundaries of the zoning districts.

***ZONING PERMIT*.** A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this chapter have

Breezy Point Land Usage

§153.040

15. Nursing home/hospital
16. PUD; Mixed Use
17. PUD; Commercial
18. Radio/TV station
19. Recreational Facilities; Resort Guests
20. Recreational Facilities; Public
21. Restaurant
22. Off-site Commercial Sign
23. Social Club
24. Storage Units for Rental or Sale. Storage Units for Sale shall be Cooperative or Condominium and meet criteria for commercial PUD
25. Theaters
26. Used Structure moved on site
27. Open or Clear Vegetation Removal
28. Rental Units (Apartments)
29. Cultivation
30. Cannabis Manufacturer
31. Hemp Manufacturer
32. Wholesale
33. Cannabis Retail
34. Cannabis Transportation
35. Cannabis Delivery

D. Interim Uses:

1. Animal Husbandry of one animal unit or less per 5 acres on parcels 5 acres or more.
2. Residential Rentals more than 4 times per year

E. Excluded or Prohibited Uses: In addition to the following shown uses, uses **not** listed as Allowed, Permitted, Conditional or Interim are prohibited.

1. Adult uses Principal or Accessory
2. Residential Dwellings; Single, Single with Guest Quarters, Duplex, Triplex, Quads, apartments or interval ownership.

F. Similar Uses: Uses listed as Permitted, Conditional, Interim and Prohibited in this zone shall not be considered all inclusive. Uses similar to those listed may also be considered.

G. Lot Size, Setback, Height and Use Requirements:

	<u>Sewered</u>	<u>Unsewered</u>
1. Lot Area	10,000	20,000

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
Cannabis Delivery	E	E	E	E	E	E	E	C	E	E	E
Cannabis Manufacturer	E	E	E	E	E	E	E	C	E	E	E
Cannabis Retail	E	E	E	E	E	E	E	C	E	E	E
Cannabis Transportation	E	E	E	E	E	E	E	C	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
Cultivation	E	E	E	E	E	E	E	C	E	E	E
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
Hemp Manufacturer	E	E	E	E	E	E	E	C	E	E	E
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

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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
Wholesale	E	E	E	E	E	E	E	C	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, 3rd Series, passed 3-1-2010, Ord. 10-008, 3rd Series, passed 6-07-2010; Ord. 10-017, 3rd Series, passed 11-01-2010; Ord. 11-03, 3rd Series, passed 8-01-2011, Ord. 11-15, 3rd Series, passed 12-05-2011; Ord. 13-02, 3rd Series, passed 02-04-2013; Ord. 13-07, passed 07-01-2013; Ord. 15-01, 3rd Series, passed 10-05-2015; Ord. 16-01, 3rd Series, passed 05-02-2016; Ord. 16-04, 3rd Series, passed 11-07-2016, Ord. 19-02, 3rd Series, passed 08-05-2019)