

**ORDINANCE 2018-01-02**

**CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CONDITIONAL USES  
AND ZONING PERMIT PROVISIONS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 301 (Zoning Code: General Provisions) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

**SECTION 301: ZONING CODE: GENERAL PROVISIONS**

301.070. CONDITIONAL USES. Certain accessory uses permitted within the City have greater than usual chances to present safety hazards, impact on neighboring people and property, and nuisance situations. Because of these greater effects, the City requires these uses to be covered under Conditional Use Permits. Applications for Conditional Use Permits must comply with all provisions of Section 306. **CONDITIONAL USE PERMITS.**

1. A Conditional Use Permit shall be required for the following projects:

a. Any land disturbance activity where the slope is toward a lake, pond, wetland, or watercourse leading to such waters, and the alteration is closer to such waters than the structure setback requirement. See Note at end of Section 301.070.

Exception 1. Replacement of beach sand lost due to erosion within the area of the existing beach above the OHWL and not to exceed four hundred (400) square feet and/or fifty (50) cubic yards in volume shall require a zoning permit.

b. Any land disturbance activity where such work involves an area greater than four hundred (400) square feet and/or more than fifty (50) cubic yards in volume. See Note at end of Section 301.070.

c. Any swimming pool with a capacity over three thousand (3000) gallons or with a depth of over three and one-half (3 1/2) feet of water.

d. Any tennis court.

e. Any solar energy system for heating, cooling, electrical generation or other purposes.

f. Home occupation.

NOTE: A separate Conditional Use Permit is not required for a land disturbance activity when a building permit has been granted. However, as part of the Building Permit Application, the applicant shall provide information required pursuant to Section 306.030

and shall follow all provisions of Sections 302.050 IMPERVIOUS SURFACES and 302.055 LAND DISTURBANCE ACTIVITY STANDARDS.

301.080 ZONING PERMIT. Certain uses and activities not requiring a Building Permit or a Conditional Use Permit have the potential of adverse impact on neighboring property, storm water runoff, and soil erosion. The City is especially concerned that landowners comply with Setback and Impervious Surface coverage requirements. Therefore, the City requires these uses and activities to be covered under Zoning Permits. Applicants for Zoning Permits must comply with all provisions of Section 307 ZONING PERMIT and Section 302 REQUIREMENTS AND PERFORMANCE STANDARDS. If a Building or Conditional Use Permit is applied for and issued, the applicant is not required to apply for a Zoning Permit.

1. A Zoning Permit shall be required for the following projects:
  - a. Retaining Walls. See special requirements in Section 302.070
  - b. Fences. See special requirements in Section 302.070 .
  - c. One-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, with a structure of one hundred forty-four (144) or less square feet and greater than twenty five (25) square feet. (Note: Larger structures require Building Permits.)
  - d. Sidewalks, driveways, and patios whose area is greater than one hundred (100) square feet.
  - e. Decks and platforms less than thirty (30) inches above adjacent grade and not attached to a structure with frost footings. (Note: Other decks and platforms require Building Permits.)
  - f. Land Disturbance Activities greater than one hundred (100) square feet or greater than ten (10) cubic yards. (Note: Land Disturbance Activities greater than four hundred (400) square feet or greater than fifty (50) cubic yards require Conditional Use Permits pursuant to Section 306.030 or Building Permits pursuant to Section 301.070.)
  - ~~g.~~ g. Stairs and lifts to lake or water body. See special requirements in Section 302.080.
  - ~~g-h.~~ h. Beach sand replacement. See section 301.070.1.a.Exception 1.
2. Landowners constructing structures or conducting activities similar to those in part 1 a. through e. and for Land Disturbance Activities in part f, but which do not require Zoning Permits, are required to comply with all provisions of Section 302 REQUIREMENTS AND PERFORMANCE STANDARDS.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 13<sup>th</sup> day of March, 2018

Attest:

\_\_\_\_\_  
Mary Wingfield  
Mayor

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Tobin Lay  
City Administrator-Clerk