

# Article IX: Conditional Uses

## Section 1 General

Any use listed in this Ordinance as a conditional use may be permitted only after an application for a conditional use permit has been reviewed and approved by the Planning Commission.

The Planning Commission shall have the authority to approve or deny all conditional use permit applications, and to direct the issuance of conditional use permits.

## Section 2 Application for a Conditional Use

### A. General.

1. The Planning Director receives requests for an application for a conditional use permit and determines if the proposed conditional use is prohibited by Ordinance.
2. If the proposed conditional use is not prohibited by ordinance, the Planning Director will meet with the applicant to discuss the area of impact of the proposal. The Planning Director will then make a recommendation to the Planning Commission at their next regularly scheduled meeting to determine the *Community Participation Plan*.
3. The Planning Commission will decide and identify the area of impact and identify the people, organizations, agencies, etc. to be notified regarding the proposed conditional use.
4. The Planning Commission will set a date for the Public Hearing on the conditional use.
5. The applicant will then complete and submit the application for a conditional use permit, which includes the *Community Participation Plan*.
6. Based on the *Community Participation Plan*, the Planning Commission will take appropriate steps to notify those in the area of impact of the proposed conditional use, including the applicant's name and how the applicant will be gathering information for their part of the Community Participation process
7. The *Community Participation Report* must be completed by the applicant and must be submitted at least seven (7) days prior to the public hearing. If the *Community Participation Plan* is not completed and submitted at least seven (7) days prior to the Public Hearing, the Conditional Use Permit shall be denied. The Applicant may re-apply for the Conditional Use permit. The applicant will be required to pay an additional application fee to be heard again.

### B. Community Participation Plan. Every application includes a *Community Participation Plan* that must be completed prior to the Public Hearing. An application will not be considered complete until the *Community Participation Plan* is completed

1. **The purpose of the community participation plan is to:**
  - a. Ensure that applicants pursue early and effective community participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
  - b. Ensure that the community has an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process.
  - c. Facilitate ongoing communications between the applicant, the community, the Planning Commission and elected officials.
  - d. The community participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision-making.

*Duluth Zoning Ordinance - Article IX: Conditional Uses*

2. **Information required.** At a minimum, the Community Participation Plan shall include the following information.

- a. How those affected or otherwise interested will be provided an opportunity to discuss the applicants' proposal with the applicant and express any concerns, issues, or problems they may have with the proposal.
- 3. **Area of Impact.** The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The area of impact for notification will be determined by the Planning Commission based on the following:
  - a. Extent of the effects (including effect on natural resources, visual effects, and social effects) of the conditional use.
  - b. Intensity of the effects of the conditional use.
  - c. Duration of the effects of the conditional use.
- 4. **At a minimum** the area of impact shall include owners of record within one-fourth (1/4) mile of the affected property or the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners (Minnesota Statute 394.26, Subdivision 2B).

- C. Community Participation Report.** The applicant shall provide a written document on the results of their effort as part of the Public Hearing process. This report will be attached to the Planning Commission's record of decision. At a minimum the document will include a summary of concerns, issues, and problems expressed during the process including:
- 1. The substance of any concerns, issues, problems.
  - 2. How the applicant has addressed or intends to address the concerns, issues
  - 3. Concerns, issues, problems the applicant is unwilling or unable to address and why.

### Section 3. Public Hearing

The conditional use permit will be heard by the Planning Commission provided all of the requirements for holding the public meeting are met. In the event the applicant does not meet the time schedule set forth or other requirements for the Public Hearing, the permit will be denied. The applicant may apply again for the conditional use permit including the cost for a new conditional use permit hearing.

### Section 4. Public Hearing Notice Requirements.

- A. **Minimum Coverage.** At a minimum, notices will be sent to owners of record within one-quarter mile (¼) mile of the affected property.
- B. **Publication.** Notice of hearing will be published in the newspaper of record for the Town of Duluth.
- C. **Minimum Notice.** All notices will be published or sent a minimum of ten (10) days prior to the date of the Public Hearing.
- D. **Additional studies.** The costs of special or environmental studies that might be required in conjunction with a conditional use shall be borne by the applicant.
- E. **Fee.** The required fee shall accompany the application.
- F. **Insufficient application.** The Planning Director shall reject any application not accompanied by the required fee or by other material and information as required by this Ordinance. Notification of rejection, along with the reason for such action, shall be given the applicant within ten (10) days of the decision.

*Duluth Zoning Ordinance - Article IX: Conditional Uses*

### Section 5 Decisions

The Town of Duluth uses the following process and requirements for conditional use decisions.

- A. Basis for decisions.** Decisions of the Planning Commission on applications shall be made according to the general requirements and criteria for such permits as listed in this Article, **Section 7, page 78**, and any special requirements applicable to the particular application listed in this Article.
- B. Decision timeframe, evaluation basis.** The Planning Commission will render its decisions in writing within 60 days of accepting the Conditional Use Permit application, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing and according to the criteria contained in this Ordinance. The vote of the Commission will be indicated on the written decision.
- C. Filing with County.** After a Conditional Use Permit is granted, a certified copy of the decision will be filed with the County Recorder or Registrar of Titles. It is the responsibility of the Planning Director to carry out this provision.

## Section 6 Conditions

The Town of Duluth sets the following standards for regulating land uses listed as conditional.

- A. Public interest.** The Planning Commission may impose such conditions or restrictions, as it deems necessary to protect the public interest.
- B. Unlisted land uses.** When a specific use requiring a conditional use permits is not noted in this Article and the St. Louis County Zoning Ordinance lists performance standards and/or requirements for the use, they will become required conditions for that particular use at a minimum. The Town of Duluth Planning Commission may require stricter requirements if it deems them appropriate.
- C. Covenants.** When appropriate, restrictive covenants may be entered into regarding such matters.
- D. On-going observation of conditions.** A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed. The Planning Commission may alternatively place a time limitation or review requirement condition on any permit.
- E. Required securities.** A bond, cash deposit or other security may be required by the Town of Duluth as a condition for the issuance of a conditional use permit to secure compliance with the conditions of the permit. The form and amount of such security shall be at the discretion of the Planning Commission and may be equal to, but not exceed, the amount estimated to cover the costs of meeting those conditions it secures.
- F. Termination due to discontinuance.** If a conditional use is discontinued for 36 consecutive months, the conditional use permit authorizing it shall automatically terminate, and any future use of the building, structure or property to which the permit pertained shall conform to **Article IV, page 45**, "Nonconformities".
- G. On-going review.** Conditional uses with conditions will be reviewed periodically by the planning Commission. Where such a use does not continue in conformity with the conditions of the original approval, the permit shall be terminated and such non-compliance shall constitute a violation of this Ordinance.

### *Duluth Zoning Ordinance - Article IX: Conditional Uses*

- H. Listed conditions.** All of the requirements in this Article, **Section 7**, "General Criteria and Requirements", must be met. In addition, special conditions and requirements for specific uses listed in this Article, **Sections 9 through 16** must also be met.

## Section 7      General Criteria and Requirements

The Town of Duluth sets the following general criteria and requirements for conditional use applications and approvals.

- A. Approval standards.** At a minimum, a conditional use permit may be approved only upon a showing by the applicant that the standards and criteria stated in this section will be satisfied. Since by definition a conditional use is a special use not generally appropriate within the zone district, the applicant bears the burden of demonstrating a right to the permit. Absent such showing, the Planning Commission shall deny any application.
- B. Necessary findings.** A conditional use permit may be granted only upon finding all of the following:
1. That the proposed use is consistent with the Comprehensive Plan and within the spirit and intent of this Ordinance.
  2. The use is compatible with the existing neighborhood.
  3. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district.
  4. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.
  5. The proposed use will comply with the Wetlands requirements in **Article III, Section 6, page 43**, of this ordinance.
  6. The total amount of impervious surfaces will not exceed that allowed in the zoning district where the conditional use would occur.
  7. The topography, vegetation and soil conditions are adequate to accommodate the proposed use.
  8. The proposed use will not impact public waters during or after construction or impact wetlands without appropriate mitigation measures.
  9. Adequate utilities (water supply, wastewater treatment), access, drainage, storm water retention, and supporting facilities have been provided or are being provided backed by appropriate financial assurance.
  10. The proposed use will not create potential health and safety, environmental, lighting, noise, signing, or visual problems.
  11. The location of the site is appropriate with respect to existing or future access roads.
  12. The demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities, which would be affected by the proposed use, and the adequacy of existing services to meet the increased demand can be met.
- C. Additional information needed.** When in the opinion of the Planning Commission a Conditional Use Permit may result in a material adverse effect on the environment, the applicant may be requested by the Planning Commission to demonstrate the nature and extent of the effect by performing an Environmental Assessment Worksheet (EAW) or other form of environmental assessment. The purpose of an Environmental Assessment is to evaluate, carefully, proposed actions in order to assure safe, healthful, productive and aesthetically pleasing surroundings and to discourage ecologically unsound practices.

## Section 8 Appeals from Decisions

Appeals from decisions made by the Planning Commission or appeals from administrative determinations made by the Planning Director may be made by letter to the Board of Adjustment within thirty (30) days of receipt of the decision being appealed.

## Section 9 Special Requirements and Conditions for Private Airstrips

In addition to the general criteria and requirements listed in Section 6 of this Article, and the zoning requirements of the zone district in which it is to be located (as described elsewhere in this zoning ordinance), the Town of Duluth requires the following special conditions for private airstrips.

- A. Hours.** Airstrips may only be used for landing and takeoff during daylight hours.
- B. FAA Standards.** The airstrip shall be in conformance with all standards, regulations, and recommendations set forth by the Federal Aviation Administration.
- C. Use.** Airstrips shall only be used for destination landings and take off. Touch and go practice landings shall not be permitted.
- D. Safety.** The applicant must demonstrate that the site has adequate runway length and approach to assure the safety of the community.
- E. Utility structures.** Airstrips shall not be located within areas adjacent to utility structures if they constitute a danger to the community.

## Section 10 Special Requirements and Conditions for Home Based Business

In addition to the general criteria and requirements listed in Section 6 of this Article, and the zoning requirements of the zone district in which it is to be located (as described elsewhere in this zoning ordinance), the Town of Duluth requires the following special conditions for home-based businesses.

- A. Storage.** No outside storage of material or equipment shall be permitted.
- B. Waste.** All waste shall be disposed of in accordance with County and State Regulations.
- C. Traffic.** It must be determined by the Planning Commission that the road can be utilized by the Home Based Business without adversely affecting the public safety or the ability of the road to support additional traffic.
- D. Individual Sewage Treatment Systems (ISTS).** County on-site sewage treatment regulations must be met.
- E. Fire code.** The design, placement of structures and the storage of materials must meet State Fire Code regulations.
- F. Notification to the Fire Department.** The Fire Department must be made aware of any hazardous, toxic, or flammable material kept on the property.
- G. Limitations on use.** The Home Based Business shall not be a rural industry, salvage yard, or other use that is industrial in character.

- H. Petition.** A majority of the property owners within one-quarter (1/4) mile of the use sign a petition in support of the proposal. The petition must be submitted to the Planning Director for approval prior to obtaining the authorization.

## **Section 11 Special Requirements and Conditions for Mobile Home Parks**

In addition to the general criteria and requirements listed in Section 6 of this Article and regulations explained elsewhere, including but not limited to lighting, screening and signage, the Town of Duluth requires the following special conditions for mobile home parks.

- A. Size minimum.** Each mobile home park shall contain a minimum of five (5) acres or meet the minimum lot size in the zone district, whichever is greater.
- B. Site width.** The minimum site width per mobile home unit within the park shall be fifty feet. Each site shall be clearly defined by a permanent marker in the ground
- C. Site area.** The minimum site area per mobile home unit site within the park shall be 5000 square feet.
- D. Non-residential uses forbidden.** No mobile home in this district shall be used for any purpose other than a dwelling.
- E. One home per site.** No mobile home site shall be used as the location for more than one (1) mobile home or trailer.
- F. Site surface.** Each mobile home unit site shall be equipped with a hard surface gravel base of sufficient size to support the wheels or support structure for the unit and the front parking jack.
- G. Access requirement.** Each park shall have direct access to a state highway, county, or township road and each mobile home site shall have direct access to a connecting private hard surface road.
- H. State regulatory approval.** Application must be made and subsequently approved by the Minnesota Department of Health for operation of a mobile home park.
- I. Common area.** A commons area for residents of the park shall be provided and maintained based on the following formula: a minimum of one hundred (100) square feet for each mobile home unit.
- J. Walkways.** Walkways at least three (3) feet wide shall be constructed and maintained throughout the mobile home park to provide access to the general park facilities including all buildings and sanitation facilities. Such walkways shall be separate from roadways or driveways for auto traffic.
- K. Parking.** Provision shall be made for a minimum of one (1) individually accessible and one (1) tandem parking space per mobile home site.
- L. Additional parking.** In addition to the above described parking spaces, to provide for excess parking of campers, boats, pickup trucks, hauling trailers, and the like, there shall be provided "reservoir parking" in the ratio of one (1) such parking space for every four (4) mobile home sites. Each reservoir parking space shall be at least ten (10) feet by thirty (30) feet in size.
- M. Storage areas.** There shall be provided a minimum storage facility of ninety (90) cubic feet on each mobile home site. Storage facilities shall be designed in a manner that will enhance the appearance of the mobile home park and shall be constructed of suitable weather resistant materials.
- N. Underground utilities.** All service utilities such as electricity, water, gas, and the like within the property lines of the premises of a mobile home park shall be installed underground.

## Section 12 Special Requirements and Conditions for Recreational Camping Vehicle (RV) Parks

In addition to the general criteria and requirements listed in Section 6 of this Article and regulations explained elsewhere, including but not limited to lighting, screening and signage, the Town of Duluth requires the following special conditions for creating and operating Recreational Camping Vehicle parks.

- A. Permanent structure limited.** Recreational Camping Vehicle parks and accessory uses are limited to a permanent residence for the manager, vending machines and recreational facilities for the exclusive use of the park occupants.
- B. Occupancy limits.** Occupancy of each site is limited to one (1) Recreational Camping Vehicle and one (1) automobile or truck, accommodating one (1) camping party. The length of stay for any one party is limited to a maximum of one-hundred-twenty (120) days in any twelve (12) month period.
- C. Park size.** Each RV Park shall contain a minimum of five (5) acres.
- D. Site width.** The minimum width per RV unit site within the park shall be fifty (50) feet.
- E. Visitor parking.** One (1) visitor parking space shall be provided for every fifteen (15) Recreational Camping Vehicle sites or fraction thereof.
- F. Recreation areas.** A recreation area of at least five thousand (5,000) square feet shall be provided. Recreation equipment, such as a pool, playground, and picnic tables, and a service building, including toilets, showers, and laundry, can be located within the recreation area.
- G. Sanitation stations.** Trailer sanitation stations designed to receive the discharge of sewage holding tanks for self-contained vehicles shall be installed in an accessible location in every Recreational Camping Vehicle park in which there are sites not provided with drain inlets designed to receive the discharge of toilets. Trailer sanitation stations shall be provided on the basis of one (1) station for each one-hundred (100) such sites or fraction thereof.
- H. Minimum site area.** The minimum RV site size is two-thousand-five-hundred (2,500) square feet.
- I. Screening.** The RV Park will be screened from residential areas.

## Section 13 Special Requirements and Conditions for Utility Facilities

In addition to the general criteria and requirements listed in Section 6 of this Article and regulations explained elsewhere, including but not limited to lighting, screening and signage, the Town of Duluth requires the following special conditions for construction and operation of utility facilities.

- A. Size and height.** Requirements for all utility structures (commercial, public and private):
  - 1. A structure greater than fifty (50) feet in height requires a conditional use permit.
  - 2. Structures will not exceed six-hundred (600) square feet in area. This may be in a single structure or a series of structures at the site provided the total area does not exceed six-hundred (600) square feet.
- B. Utility structure requirements.** Requirements for all commercial or public utility structures:
  - 1. One parking place will be provided for at each facility.
  - 2. If the site is on a private road, there must be an agreement to use such a road from the appropriate party.
  - 3. A performance bond will be required to ensure that the standards associated with the permit are met, including, but not limited to the removal of the structure when it is no longer used.

4. Facilities that are no longer being utilized for their intended purposes for a period of one (1) year will be considered an inactive permit, subject to the permit requirements (if any) regarding their removal.
5. Prior to the submission of any application, the applicant will discuss the Town's emergency and public information needs with the Planning Commission and other appropriate government agencies.
6. All appropriate government permits and authorizations must be obtained and complied with and submitted and included in the Community Participation Report.
7. All facilities will have a landscaping or vegetative protection plan, property maintenance plan (including structural maintenance), and a fencing plan. These will be submitted to the Planning Commission and included in the Community Participation Report.
8. No advertisement will be placed on utility structures except for the name of facility owners as required by State or Federal Regulatory agencies.

**C. Private and Commercial Utility Towers.** Requirements for Commercial or private utility towers include the following.

1. The conditional use requirement for towers is waived for antennas placed on utility structures such as water towers, utility poles, steeples, public buildings or similar facilities if the overall height does not increase more than twenty (20) feet.
2. Commercial towers will be outside of significant migratory bird flight paths as determined by the Minnesota Department of Natural Resources or the U.S. Fish and Wildlife Service.
3. Towers within 1,000 feet of a classified lake or Residential zoned district are restricted to a height less than or equal to one-hundred (100) feet.
4. Towers located between one-thousand (1,000) feet and one-half mile of a lake are restricted to a height less than or equal to two-hundred (200) feet.
5. Towers located within one-quarter mile of Types III, IV, or V wetlands and the Shoreland Overlay (SLO), public parks and recreation areas, landing approach to private airstrips and Highway 61 Expressway are restricted to heights less than or equal to 200 feet.
6. The structure must not encroach on any shoreland, road, or yard setbacks for the zone or overlay district in which it is located.
7. Facilities less than one-hundred (100) feet shall not be illuminated.
8. Nighttime strobe lights will not be permitted unless specifically approved during the conditional permit process, and then only to meet Federal Standards or for protection of migratory birds.
9. Towers will not be closer than two (2) times the tower height to the nearest structure off the property.
10. At a minimum, the tower will be located a distance from property lines equal to the tower height. This setback will also apply from the ordinary high-water mark for properties on a lake or river. All other utility structures are required to follow principal structure setback requirements.
11. No additional permits are required for the placement of additional antennas on an approved tower provided tower height is not increased by more than twenty (20) feet and the new tower height does not exceed two-hundred (200) feet or lighting is required where previously lighting was not required.
12. All utility structures within parcels containing active or inactive borrow pits must demonstrate that they will not interfere with the reclamation of the borrow pit or deny access to aggregate material.
13. For commercial communication towers, an **alternatives analysis** shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, which identifies at least three (3) sites, technically feasible alternative locations and/or facilities that could provide the proposed telecommunication service. The intention of the alternative analysis is to present alternative strategies that could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the community. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed

*Duluth Zoning Ordinance - Article IX: Conditional Uses*

site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the determination of the Planning Commission that the site applied for is more

advantageous than any available, feasible alternative site. The Town of Duluth may require independent verification of this analysis at the applicant's expense.

14. For commercial communication towers, a tabular and map inventory of all of the applicant's existing telecommunications facilities that are located within the Town of Duluth and including all of the existing facilities that do or could provide services within the Town of Duluth, but are not physically within the town shall be provided. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication facilities, and the ability of the tower or antenna structure to accommodate additional co-location antennas.
15. On commercial communication towers, co-location of antennas is required, unless it can be demonstrated by the applicant that it is not possible. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time, such as would be occasioned by requiring a replacement tower or reconstruction of an existing tower to facilitate co-location. In general, it is anticipated that co-location will not result in any disruption of service. All co-located and multiple-user telecommunication facilities shall be designed to promote site sharing.
16. Windmills/wind generation units must follow all setback requirements for the zone district in which they are located except that the side yard setback shall be equal to the height of the windmill.
17. No permit is required for communication towers used by amateur radio operators that are authorized by the Federal Communications Commission (FCC) or other towers incidental to the principal use as long as they are less than or equal to fifty (50) feet in height.
18. Communication towers used by amateur radio operators that are authorized by the Federal Communications Commission (FCC) must meet all principal structure setback requirements in the zoning district.
19. Communication towers used by amateur radio operators that are authorized by the Federal Communications Commission (FCC) may not be illuminated unless required to meet Federal regulations.
20. The Community Participation Report must include:
  - a. Explanation of the reasons the particular site has been selected.
  - b. Documentation that the structure has been designed to conform to the applicable State Structural Building Codes.
  - c. Documentation that the structure complies with the applicable provisions of the National Electrical Code and identification of a qualified engineer licensed in the State of Minnesota who will inspect the facility when required.
  - d. Documentation of compliance with all applicable State and Federal Regulations.
  - e. Where identified in **Item 13**, above, an alternatives analysis.
  - f. Any other information the Planning Commission deems necessary to make a decision regarding the issuance of a conditional use permit.

## **Section 14      Special Requirements for Rural Industry**

In addition to the general criteria and requirements listed in Section 6 of this Article and regulations explained elsewhere, including but not limited to lighting, screening and signage, the Town of Duluth requires the following conditions for rural industries.

- A. Hours of operation.** Hours of operation will be set as conditions responding to the following factors relevant to reducing the adverse effects on the adjacent community: Noise, Lighting, and Shipping and receiving of goods
- B. Noise.** Current Minnesota Pollution Control Agency standards on noise shall apply.

*Duluth Zoning Ordinance - Article IX: Conditional Uses*

- C. Road Capacity.** It must be determined by the Planning Commission that the road can be utilized by the applicant without adversely affecting the public safety or the ability of the road to support additional traffic.

- D. Individual Sewage Treatment Systems (ISTS).** St. Louis County regulations on site sewage treatment must be met.
- E. Support by nearby land owners.** A majority of the property owners of property contiguous with the proposed site, during the Application process, is in support of the proposal and it is so indicated in the Citizen Participation Report.
- F. State fire code.** The design, placement of structures and the storage of materials must meet State Fire Code regulations.
- G. Notification to Fire Department.** The Fire Department must be made aware of any hazardous, toxic, or flammable material kept on the property.
- H. Outdoor lighting.** Outdoor floodlighting by floodlight projection above the horizontal plane or onto adjoining properties is prohibited.
1. All light fixtures shall be located, aimed, or shielded to minimize stray light trespassing across property boundaries.
  2. All outdoor light fixtures shall be fully shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane or on to adjoining properties.
- I. Waste.** All solid and hazardous waste shall be stored and disposed of in accordance with County, State and Federal regulations.
- J. Lot width, siting.** The minimum lot width is 600' with the depth of the lot equal to or greater than 600'. Siting of the structures will be centered in the lot to the extent possible, based on natural resource and neighborhood concerns, not financial hardship for the applicant.
- K. Screening.** All structures will be visually screened from neighbors, as well as from the road. Natural vegetation is preferred, although fences and other human constructed elements are permissible.
1. Screening may consist of walls, fences, landforms or natural or planted landscape materials, and shall effectively screen the use or structure from roads or adjacent residential parcels. Screening must be on the same parcel as the structure or use being screened, and it shall be the responsibility of the owner to maintain the screening.
  2. The order of preference for screening is as follows, from most preferred:
    - a. Maintaining existing vegetation and using natural topography;
    - b. Planting native vegetation that is a minimum of four (4) feet high at the time of planting, and is planted and maintained in accordance with accepted silvicultural practices.
    - c. Construction of a berm, which must be seeded and have side slopes, not to exceed a 2:1 ratio. The planting of vegetation shall meet the technical standards of the Soil and Water Conservation District;
    - d. Construction of a solid wood fence;
    - e. Construction of a chain link fence.
- L. Permit renewal.** A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed. However, whenever it is deemed advisable, a time limitation or review requirement may be placed as a condition on any permit.

**Section 15      Special Requirements for Commercial Wood Processing facility**

These conditions apply to those enterprises that are commercial in nature and operate longer than a six (6) month period. Hours of operation will be set conditional upon the following factors relevant to reducing the adverse affects on the adjacent community: Noise, Lighting, and Hauling products.

**Section 16      Special Requirements for Borrow Pits (Gravel Pits)**

At a minimum, all of the requirements and conditions listed in St Louis County Zoning Ordinance number 46, Amended March 23, 1998, Article VI, Section 25, and any changes or updates, shall be met. The Planning Commission may require additional conditions.

**Section 17      Special Requirements for the Shore Land Overlay (SLO)**

See **Article 6, Section 6** for performance standards for Shoreland Overlay (**SLO**) water oriented structures, gazebos and saunas.

**Section 18      Special Requirements for Single Family Dwellings in the Limited Industrial Use District (LIU-3A)**

By Conditional Use Permit, there can be a maximum of one single family dwelling per site and the dwelling must be for personnel directly connected with the industrial operations.