

PLANNING COMMISSION

AUGUST 14, 2017

6:30 O'CLOCK P.M.

AGENDA

- 1. Call to Order**
- 2. Minutes of the Previous Meetings – July 10, 2017**
- 3. Public Hearing Houston's First Subdivision Final Plat**
- 4. Public Hearing Conditional Use Permit for Rental Storage Units**
- 5. Public Hearing Conditional Use Permit for Czaplewski Funeral Home**
- 6. Public Hearing Preliminary Plat for Meadowbrook II**
- 7. Ordinance Discussion - Review changes to Chapters 152 and 152.54**
- 8. Ordinance Discussion – Comments for Definitions**
- 9. Comprehensive Plan -**
- 10. Other Business**
- 11. ADJOURN**

MINUTES OF PLANNING COMMISSION MEETING

July 10, 2017

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 10th day of July, 2017 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Commissioner Ferris, Commission Sannes, Commissioner Tinsley and Commissioner Zelinske, Commissioner Torkelson, Commissioner Burton and Commissioner Borgstrom.

THE FOLLOWING WERE ABSENT: None

THE FOLLOWING WERE ALSO PRESENT: City Administrator Coleman, City Clerk Rappe, Tony Bigelow, Jesse Preston - WHKS and David Martin – Massey Surveying

CALL TO ORDER: Commissioner Ferris called the meeting to order at 6:30 PM.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETING: Motion to Approve the June 12, 2017 minutes made by Commissioner Zelinske, second by Commissioner Burton with all voting Aye.

PUBLIC HEARING DAVIDSON DEVELOPMENT CUP REVOCATION –Administrator Coleman stated that the reason for revocation per ordinance is that no activity has taken place in 12 months and the owner has been notified.

Public Hearing Opened

No comments from the present public

Public Hearing Closed

Motion to Recommend Approve the Revocation of the CUP made by Commissioner Sannes, second by Commissioner Torkelson with all voting Aye.

PUBLIC HEARING CHAD STANNARD CUP REQUEST – Administrator Coleman stated that this was anticipated after the last meeting, changing the ordinance to include rental storage units in a C-3 zone.

Public Hearing Opened – no public comments

Public Hearing Closed

Administrator Coleman stated that City Attorney Leth noted that buffer yards include but not limited to plantings. City Clerk Rappe stated that the required submittals had not been received from Mr. Stannard.

Motion to Deny the CUP because the application was not complete and required submittals were not turned in made by Commissioner Borgstrom, second by Commissioner Burton with all voting Aye.

PUBLIC HEARING FOR HOUSTONS FIRST SUBDIVISION PRELIMINARY PLAT – Administrator Coleman stated that this has to be annexed and the staff planning review is included along with a mark-ups on the plat.

Public hearing opened

Tony Bigelow - 1210 16th St NE –This is a 25 lot, single family subdivision tying into Blaine's 11th Subdivision. There is an orderly annexation agreement in place for this land. Commissioner Zelinske asked if Mike Paradise had any issues with the staff review and Mr. Bigelow stated he did not. Commissioner Borgstrom thought this was fine pending annexation. Jesse Preston – WHKS Engineering – stated that the annexation should be on the City Council's agenda this month.

Public Hearing Closed

Discussion – Commissioner Burton confirmed that the drainage will go west and that the street configuration is consistent with comp plan.

Motion to Recommend Approval of the Preliminary Plat Contingent on Annexation made by Commissioner Borgstrom, second by Commissioner Zelinske with all voting Aye.

GENERAL DEVELOPMENT PLAN FOR MEADOWBROOK II – Administrator Coleman stated that she provided Mr. Martin with the marked up plan from the staff review. The temporary pond would require an agreement with the current owner of property not in the city limits. The City of Kasson is updating the flood plain map but the City Engineer has not indicated a date of completion. Engineer David Martin was in attendance to answer question from the Commission.

Motion to Accept the GDP as Modified with the Requirements of Staff Review made by Commissioner Borgstrom, second by Commissioner Torkelson with all voting Aye.

Ordinance Discussion - Review changes to Chapters 150 and 151 – Administrator Coleman presented the changes that were suggested at the last meeting and stated the new changes she suggested.

Ordinance Discussion – Comments for Chapter 152 through 152.54 – The Planning Commissioners discussed and suggested many changes to this part of the ordinance. Administrator Coleman will make the suggested changes and bring this part back to the next meeting. Administrator Coleman stated that at the next meeting the planning commission review 152 through Minor Subdivision and discuss the definitions.

COMPREHENSIVE PLAN – Administrator Coleman encouraged the Commissioners to check out the Website - <http://cityofkasson.com/kassonupward2040> and to participate in the survey and the interactive map. Commissioners Ferris and Tinsley gave a brief update on the Comprehensive Plan working group; its meeting on July 5 and the upcoming community event on July 25, 2017 from 6-8 PM in the KM High School Commons. They stated that this is a very daunting task.

OTHER BUSINESS

ADJOURN 8:02PM

ATTEST:

Linda Rappe
City Clerk

Theresa Coleman
Zoning Administrator/City Administrator

2905 South Broadway
Rochester, MN 55904-5515
Phone: 507.288.3923
Fax: 507.288.2675
Email: rochester@whks.com
Website: www.whks.com



August 8, 2017

Ms. Theresa Coleman
City Administrator
City of Kasson
401 5th St. SE
Kasson, MN 55944

RE: Kasson, MN
Houston's 1st Subdivision
Review of Construction Plans, Drainage Study and Final Plat

Dear Theresa:

We have reviewed the grading, utility and storm water pollution prevention plans, drainage study and final plat as submitted for the referenced project, as requested. We offer the following comments on the submitted plans in addition to the comments on the attached plans.

1. Development Agreement, Zoning Review and Fee related items are not included in our review.
2. An Engineer's Opinion of Construction Costs and Construction Schedule has been submitted.
3. All construction plan sheets need to be signed by a licensed Minnesota Professional Engineer.
4. The applicant must secure all necessary permits before construction begins including the NPDES construction storm water, Health Department watermain extension, MPCA sanitary sewer extension. The Owner, or their representative, will be responsible for permit compliance.
5. The Owner and Contractor will be required to have a pre-construction meeting with the City for the installation of public infrastructure. Contractor shall coordinate any watermain and sewer disturbances with the City maintenance staff.
6. An existing permanent storm water management pond serves the subdivision to meet NPDES permit requirements. The developer shall excavate and remove any sediment in the pond to the designed elevations at the end of the project.
7. All proposed private utility roadway crossing conduit locations should be before roadway construction.
8. Monuments disturbed/missing should be set at the end of construction.
9. As-built construction plans should be provided.

10. Documentation of permission to grade outside the property lines should be provided.
11. ADA compliant 5-foot sidewalk with pedestrian ramps should be installed along 5th Avenue NE frontage.
12. Stortz values shall be provided on all hydrants.

We recommend approval of the plans and final plat conditional upon the above items being addressed and resubmitted.

Please contact us if you have any questions.

Sincerely,

WHKS & co.



Brandon W. Theobald, P.E.

BWT/tr

cc: Charlie Bradford, City of Kasson
Melanie Leth, City Attorney
Jesse Preston, WHKS & Co.
Tony Bigelow, Bigelow Enterprises

Houston's First Subdivision

Final Plat

Prepared for Paradise Brothers, LLC

Mike Paradise, Contact

Recommended with Conditions of Approval

Annexation Agreement Executed by Mantorville Township

Execute Development Agreement

Payment of Parkland Fees

Payment of WAC and SAC

City Engineer Review and Approval of Final Construction Plans

Staff Planning Review

Conditional Use Permit Application

Rental Storage Units

C-3 Highway Commercial Zoning District

800 7th Street SE

Chad Stannard

Public Works Director

No water or sewer revenue

Electric Supervisor

People's Electric Cooperative

Park and Recreation Supervisor

No parkland fee required

Water/Wastewater

No water or sewer connections

Streets

No planned improvements to 8th Ave SE

Access from 7th Street SE

City Engineer

Building Permit Application to include grading plan, site plan, dust proof condition, and lighting plan relative to adjacent residential use.

Zoning

C-3 Conditional Use – Rental Storage Units

154.080 G.2 "parking lots should be maintained in a useable dust-proof condition and shall be kept graded and drained to dispose of surface water in accordance with existing state, federal and local regulations.

No external storage.

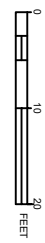
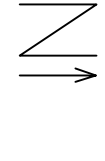
Finance

No Issues

Fire

Access from 7th Street SE

no issues



TRUNK HIGHWAY NO. 14

Northwest Corner
Section 3, T106N, R16W
Fnd. 5/8" Iron Rod with
a 1 1/2 Dia. Aluminum Cap

Billboard Sign

OUTLOT B

Barricade

Restricted Access

S89°50'16"E 293.76'

Platted 20' Utility and
Drainage Easement

60' Access Easement
(Bk. 121, Pg. 290)

Storage Building

Older broken asphalt

TH ST CIRCLE SE

Gravel surface

Asphalt surface

8TH AVE SE

PROPOSED 7TH ST SE

PROPOSED LETH SUBDIVISION

LOT 1

LOT 2

BLOCK 1

S00°35'33"W 295.46'

S00°09'44"W 295.45'

I HEREBY CERTIFY THAT THIS
PLAN, SPECIFICATION, OR
REPORT WAS PREPARED BY
ME OR UNDER MY DIRECT
SUPERVISION AND THAT I
AM A DULY LICENSED
ENGINEER UNDER THE LAWS
OF THE STATE OF
MINNESOTA.

James Makepeace

SIGNATURE

JAMES MAKEPEACE

PRINTED NAME

5/3/2017

NUMBER

DATE

DATE	REVISION	DESCR.

C100

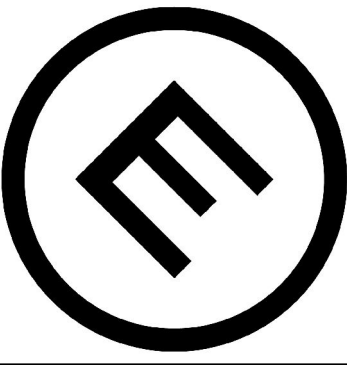
EXISTING SITE

05/03/2017

CZAPLEWSKI FUNERAL HOME
LOT 1, BLOCK 1 LETH SUBDIV.
KASSON, MN

816 2ND AV S
SUITE 800
ONALASKA, WI 54650
608.797.1025

MAKEPEACE
ENGINEERING



I HEREBY CERTIFY THAT THIS
PLAN, SPECIFICATION, OR
REPORT WAS PREPARED BY
ME OR UNDER MY DIRECT
SUPERVISION AND THAT I
AM A DULY LICENSED
ENGINEER UNDER THE LAWS
OF THE STATE OF
MINNESOTA.

James Makepeace

SIGNATURE
JAMES MAKEPEACE
PRINTED NAME
51972 **5/3/2017**
NUMBER DATE

DATE	REVISION	DESCR.

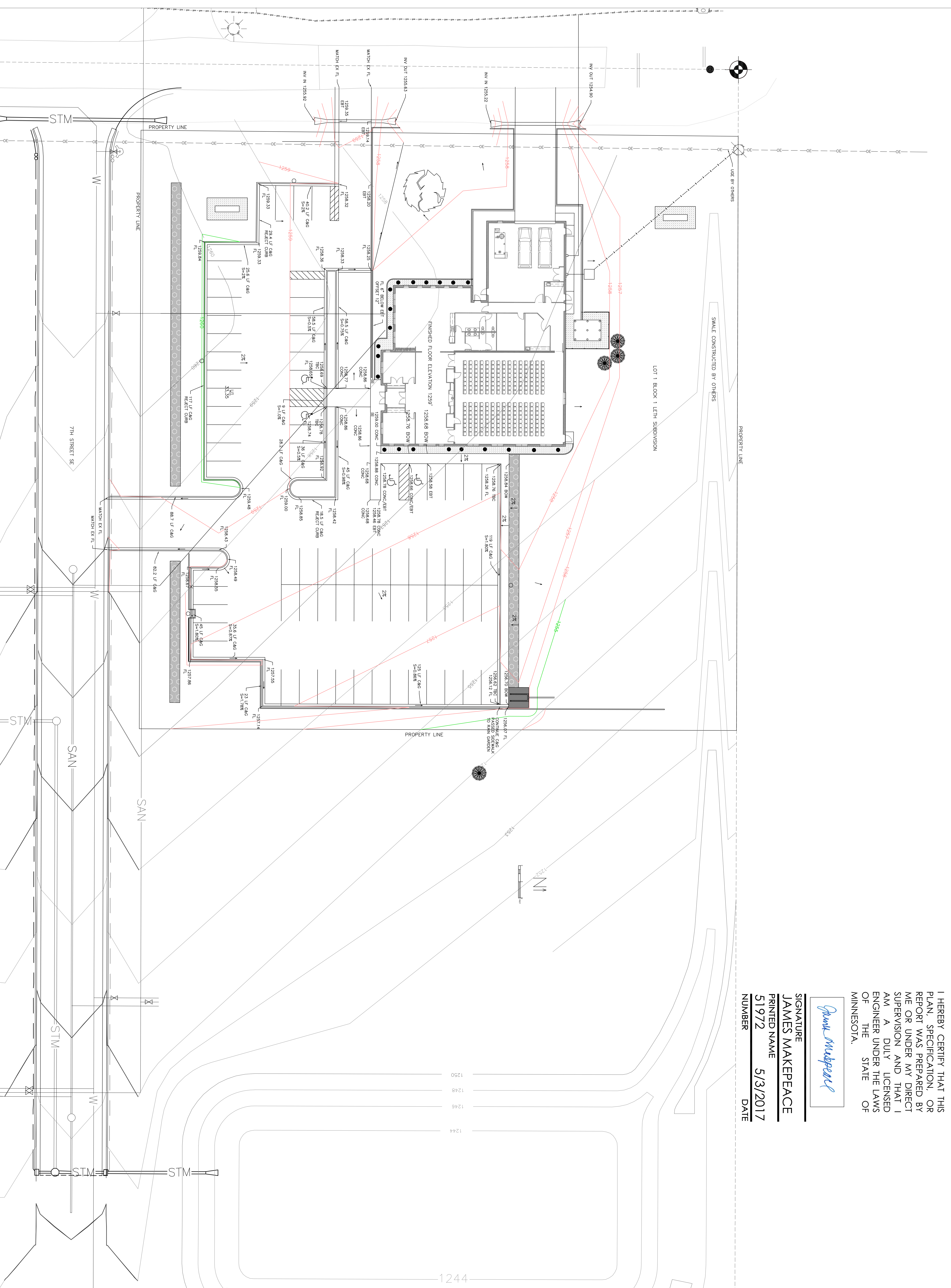
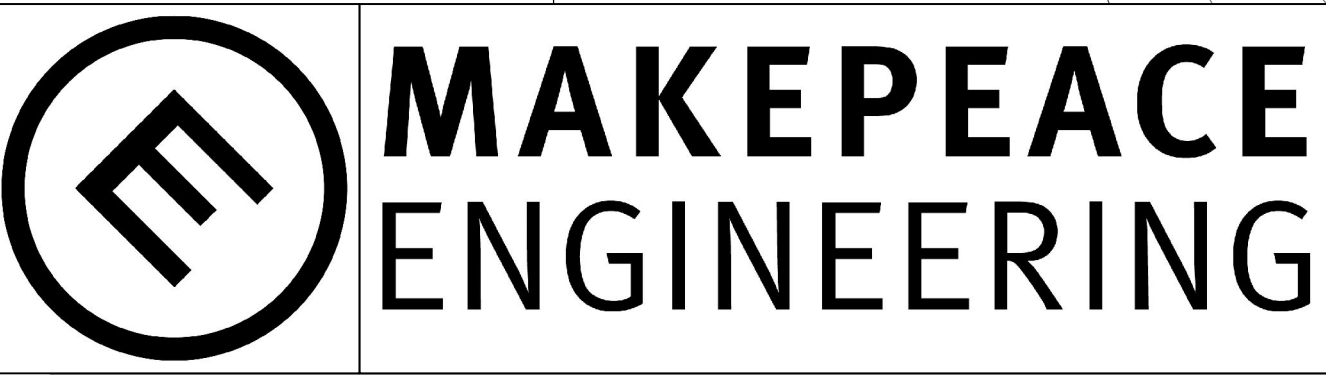
C102

GRADING PLAN

05/03/2017

CZAPLEWSKI FUNERAL HOME
LOT 1, BLOCK 1 LETH SUBDIV.
KASSON, MN

816 2ND AV S
SUITE 800
ONALASKA, WI 54650
608.797.1025



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

James Makepeace

SIGNATURE
JAMES MAKEPEACE
PRINTED NAME
51972 5/3/2017
NUMBER DATE

DATE	REVISION	DESCR.

C103

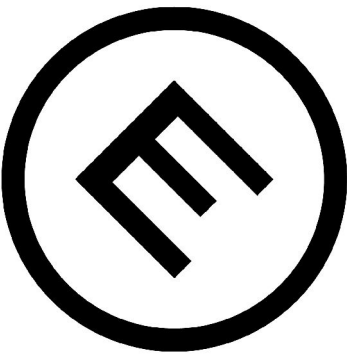
STORM WATER &
EROSION CONTROL PLAN

05/03/2017

CZAPLEWSKI FUNERAL HOME
LOT 1, BLOCK 1 LETH SUBDIV.
KASSON, MN

816 2ND AV S
SUITE 800
ONALASKA, WI 54650
608.797.1025

MAKEPEACE
ENGINEERING



- EROSION CONTROL NOTES:
1. THE DISTURBED AREA IS GREATER THAN ONE ACRE. CONTRACTOR SHALL SECURE AN NPDES PERMIT.
 2. THIS EROSION CONTROL PLAN HAS BEEN PREPARED AS A GUIDE. ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED. CONTRACTOR SHALL MAINTAIN, MODIFY, AND IMPLEMENT AN ALTERNATE EROSION CONTROL PLAN BASED ON THEIR MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF CONSTRUCTION.
 3. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL REMAIN IN PLACE UNTIL THE DISTURBED AREA IS RESTORED TO ORIGINAL OR BETTER CONDITION.
 4. CONTRACTOR SHALL COORDINATE WEEKLY BMP INSPECTION REPORTS, AND AFTER ALL RAIN EVENTS 0.5" OR LARGER IN ANY 24-HOUR PERIOD.
 5. ADJACENT STREETS AND ROADWAYS SHALL BE SWEEPED TO KEEP THEM FREE OF SEDIMENT. ANY SEDIMENT DEPOSITED ON ANY DISTURBED GROUND LEFT INACTIVE FOR 14 OR MORE DAYS MUST BE COVERED OR STABILIZED BY SEEDING, MULCH, OR SODDING.
 6. CONTRACTOR SHALL ADJUST THE APPROPRIATE STRUCTURAL AND NON-STRUCTURAL BMP'S BASED ON CONSTRUCTION ACTIVITY. EROSION CONTROL BMP'S SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL REMAIN IN PLACE UNTIL THE DISTURBED AREA IS RESTORED TO ORIGINAL OR BETTER CONDITION.
 7. OPERATIONS INCLUDING BUT NOT LIMITED TO MATERIALS, STAGING, WASTE, WASHOUT AREAS, EQUIPMENT FUELING AND STORAGE SHALL BE LOCATED AND CONDUCTED IN A MANNER THAT PREVENTS POLLUTION FROM CONSTRUCTION SITE.
 8. ALL SLOPES STEEPER THAN 3:1 V SHALL HAVE EROSION CONTROL MEASURES INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
 9. A COPY OF THIS EROSION CONTROL PLAN SHALL BE KEPT ON-SITE DURING ALL LAND-DISTURBING CONSTRUCTION ACTIVITIES.
 10. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL REMAIN IN PLACE UNTIL THE DISTURBED AREA IS RESTORED TO ORIGINAL OR BETTER CONDITION.
 11. A COPY OF THIS EROSION CONTROL PLAN SHALL BE KEPT ON-SITE DURING ALL LAND-DISTURBING CONSTRUCTION ACTIVITIES.
 12. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL REMAIN IN PLACE UNTIL THE DISTURBED AREA IS RESTORED TO ORIGINAL OR BETTER CONDITION.

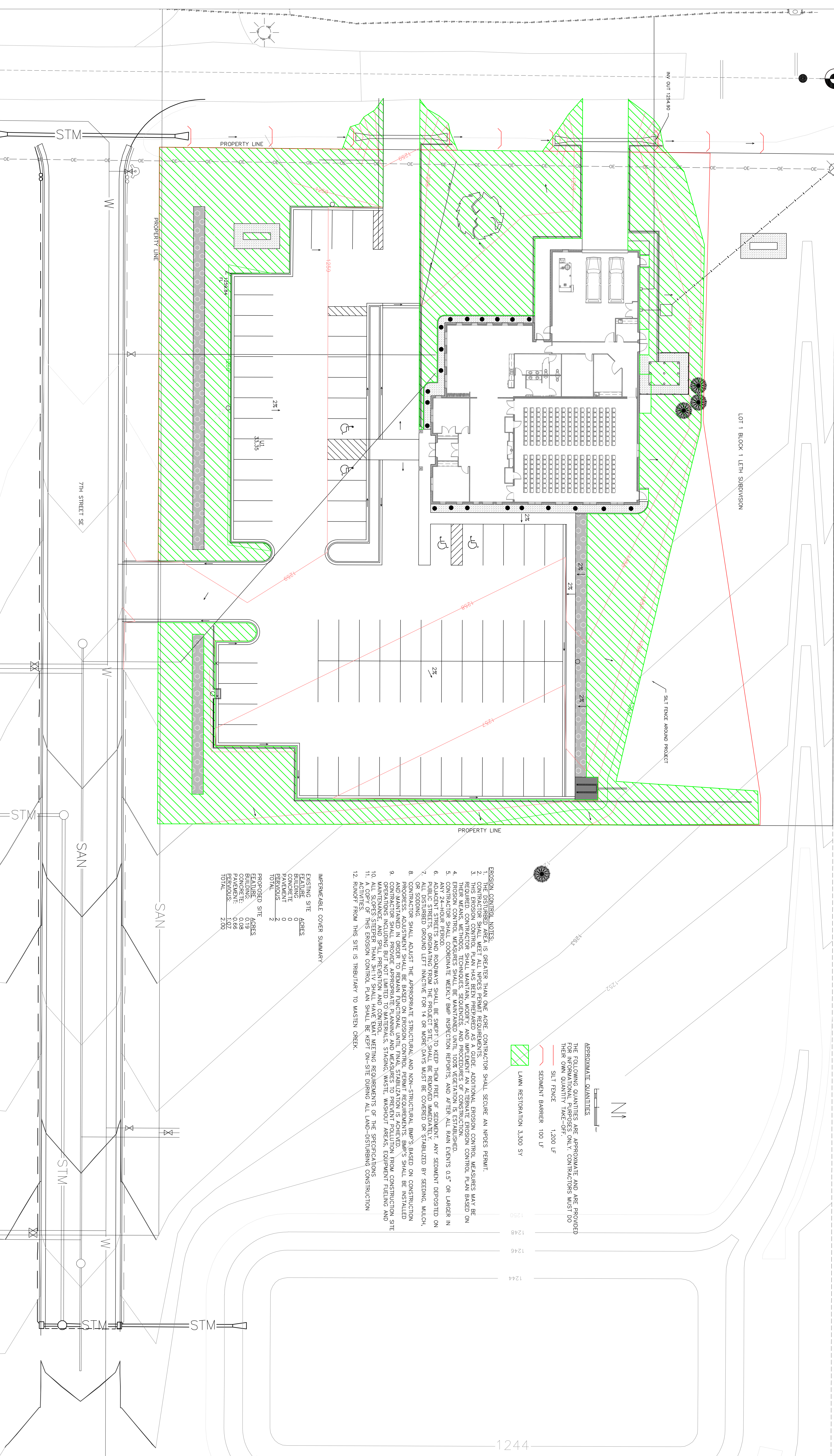
IMPERMEABLE COVER SUMMARY

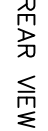
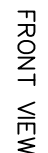
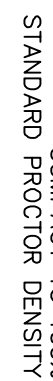
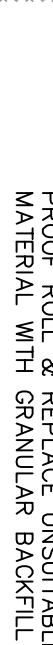
EXISTING SITE	AGEES
FEATURE	1
CONCRETE	0
PAVEMENT	0
PERVIOUS	2
TOTAL	2

PROPOSED SITE	AGEES
FEATURE	0
CONCRETE	0.08
PAVEMENT	1.02
PERVIOUS	1.02
TOTAL	2.10

APPROXIMATE QUANTITIES
THE FOLLOWING QUANTITIES ARE APPROXIMATE AND ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. CONTRACTORS MUST DO THEIR OWN QUANTITY TAKE-OFF.

SEDIMENT BARRIER 1,200 LF
SEDIMENT BARRIER 100 LF
LAMM RESTORATION 3,300 SF





Frank Murphy

NUMBER

-SELECTED PLANTS SHALL BE APPROVED BY OWNER PRIOR TO PLANTING

C104C
D

05

C:
L:
K:81
SU
OI
60

DATE	REVISION	DESCR.

C105

I HEREBY CERTIFY THAT THIS
PLAN, SPECIFICATION, OR
REPORT WAS PREPARED BY
ME OR UNDER MY DIRECT
SUPERVISION AND THAT I
AM A DULY LICENSED
ENGINEER UNDER THE LAWS
OF THE STATE OF
MINNESOTA.

James Makepeace

SIGNATURE
JAMES MAKEPEACE
PRINTED NAME
51972 5/3/2017
NUMBER DATE

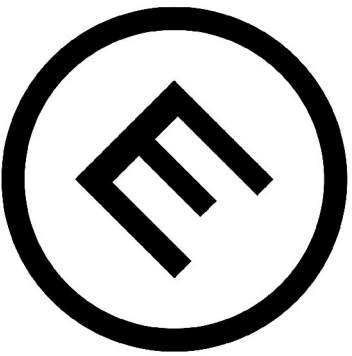
EROSION CONTROL DETAILS

05/03/2017

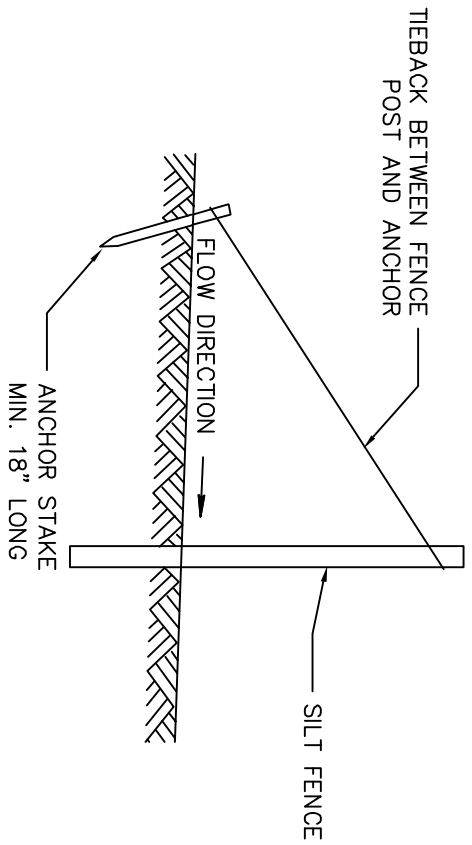
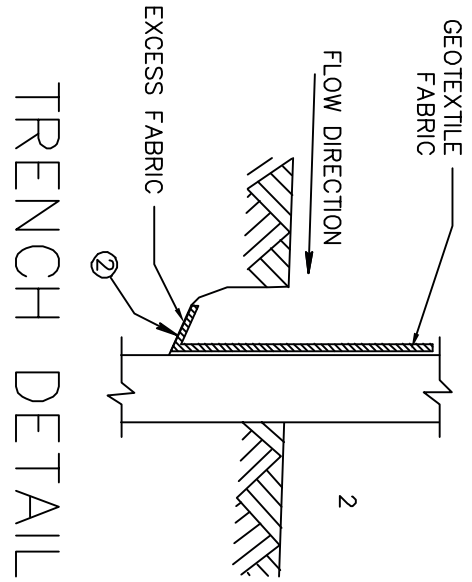
CZAPLEWSKI FUNERAL HOME
LOT 1, BLOCK 1 LETH SUBD.V.
KASSON, MN

816 2ND AV S
SUITE 800
ONALASKA, WI 54650
608.797.1025

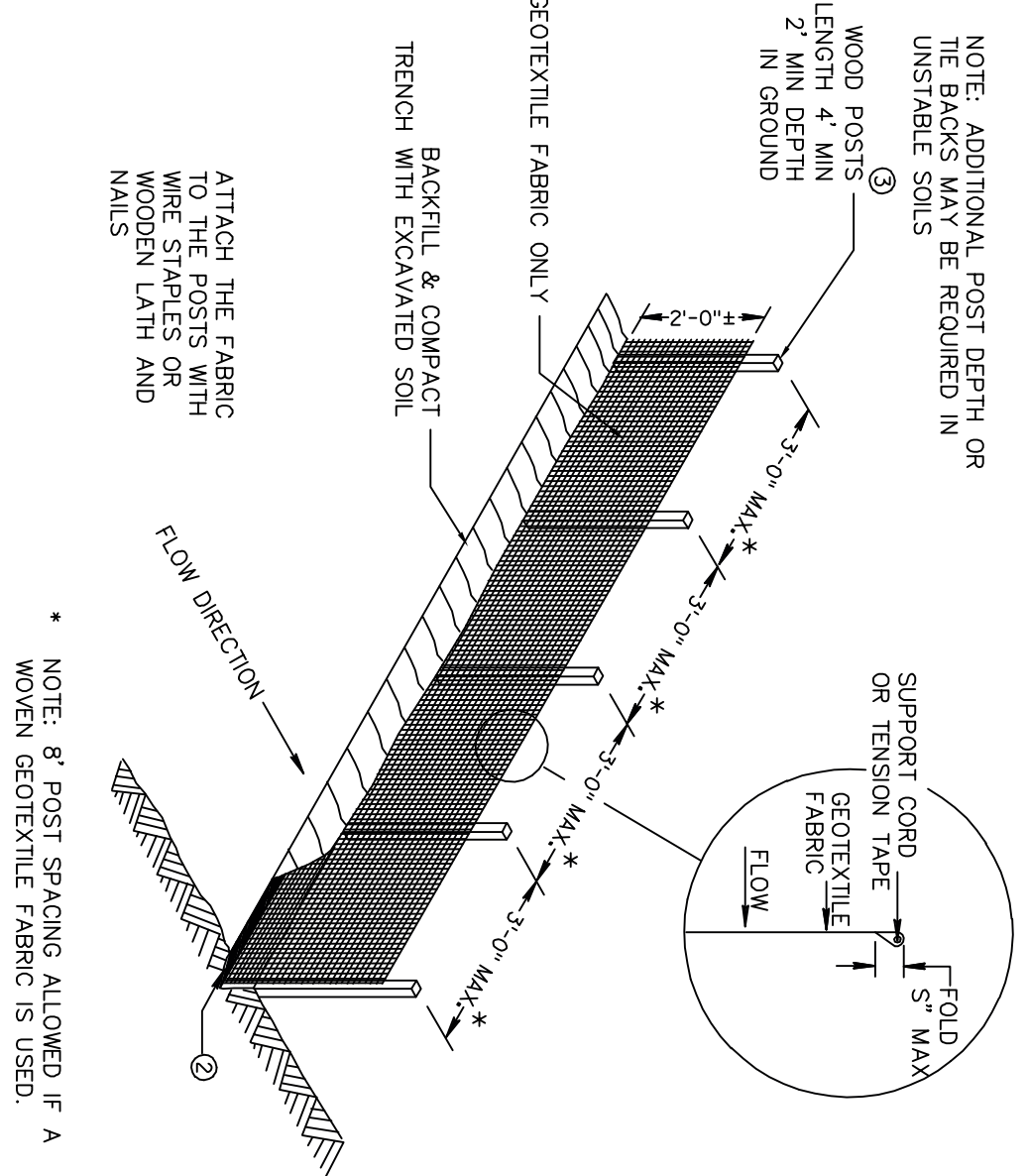
MAKEPEACE
ENGINEERING



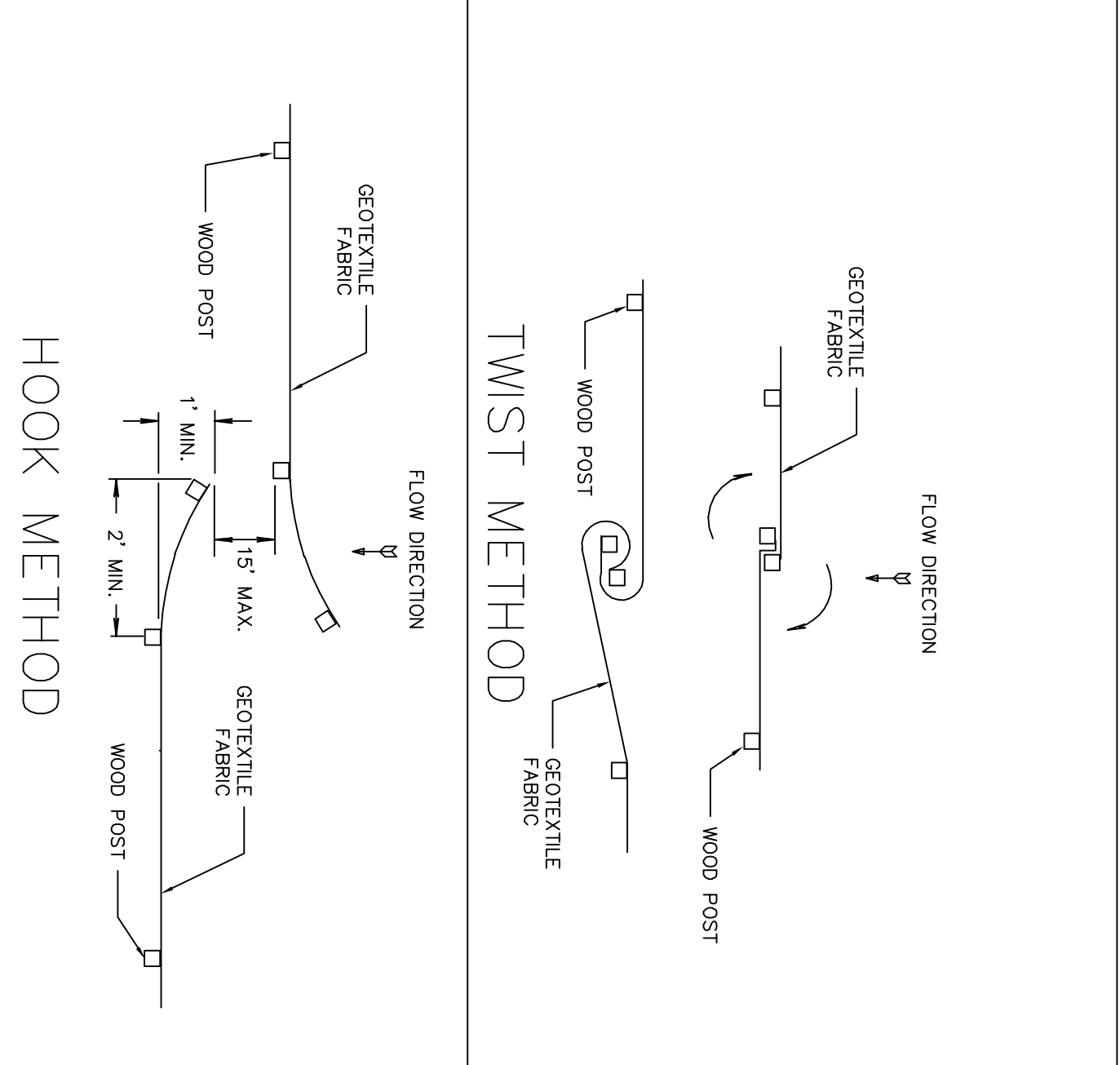
GENERAL NOTES
DETAILS OF CONSTRUCTION NOT SHOWN ON THIS DRAWING SHALL
CONFORM TO THE PERTINENT REQUIREMENTS OF THE
SPECIFICATIONS AND APPLICABLE SPECIAL PROVISIONS.
1. HORIZONTAL BRIDS REQUIRED WITH 2"x8" WOODEN FRAME OR
2. FOR MANHOLE INSTALLATIONS, THE TRENCH SHALL BE A MINIMUM
3. BACKFILL AND COMPACT TRENCH WITH EXCAVATED SOIL.
4. SILT FENCE TO EXTEND ACROSS THE TOP OF THE PIPE POSSIBLE
BY CUTTING LENGTHS TO AVOID JOINTS. IF A JOINT IS
OVERLAP THE END POSTS AND WIGS OR ROTATE
180 DEGREES. B) HOOK THE END OF EACH SILT FENCE LENGTH.



SILT FENCE THE BACK
(WHEN REQUIRED BY THE ENGINEER)

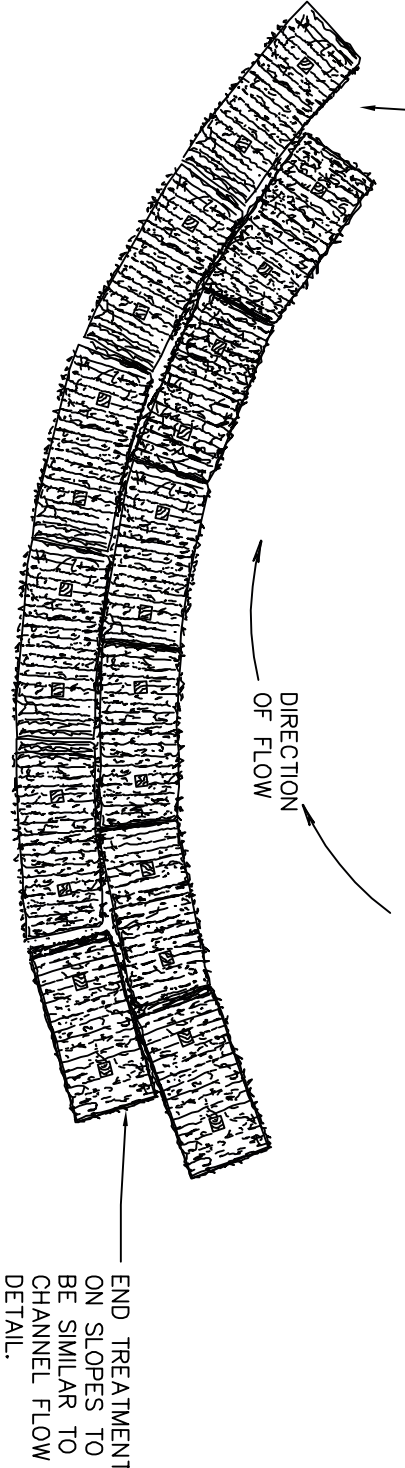


SILT FENCE

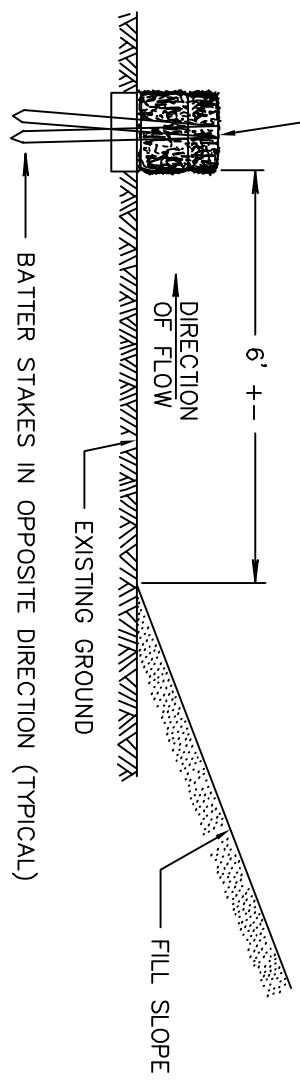
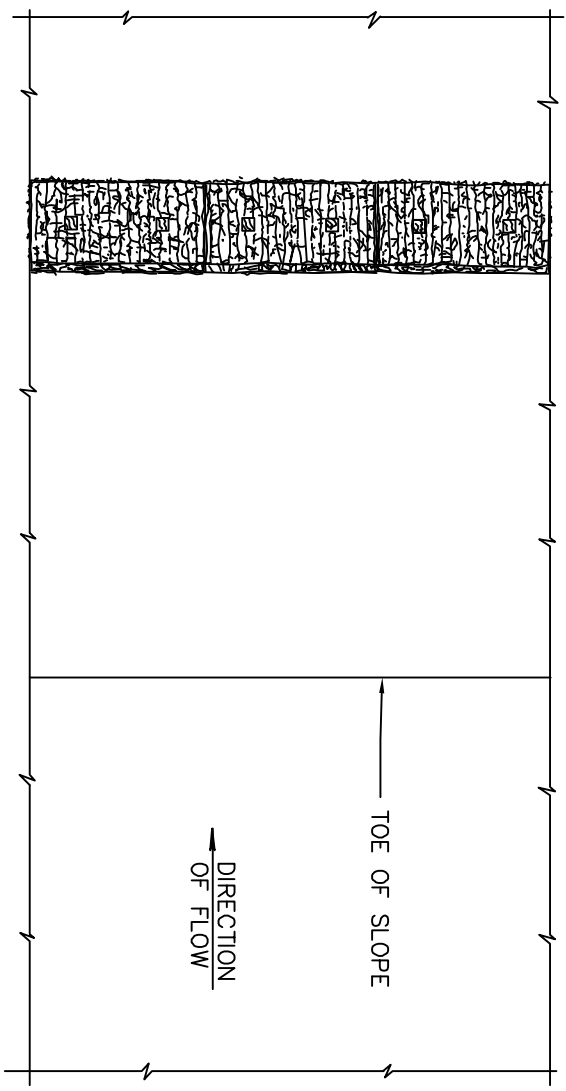


JOINING TWO LENGTHS OF SILT
FENCE

GENERAL NOTES
DETAILS OF CONSTRUCTION NOT SHOWN ON THIS DRAWING SHALL
CONFORM TO THE PERTINENT REQUIREMENTS OF THE
SPECIFICATIONS AND APPLICABLE SPECIAL PROVISIONS.

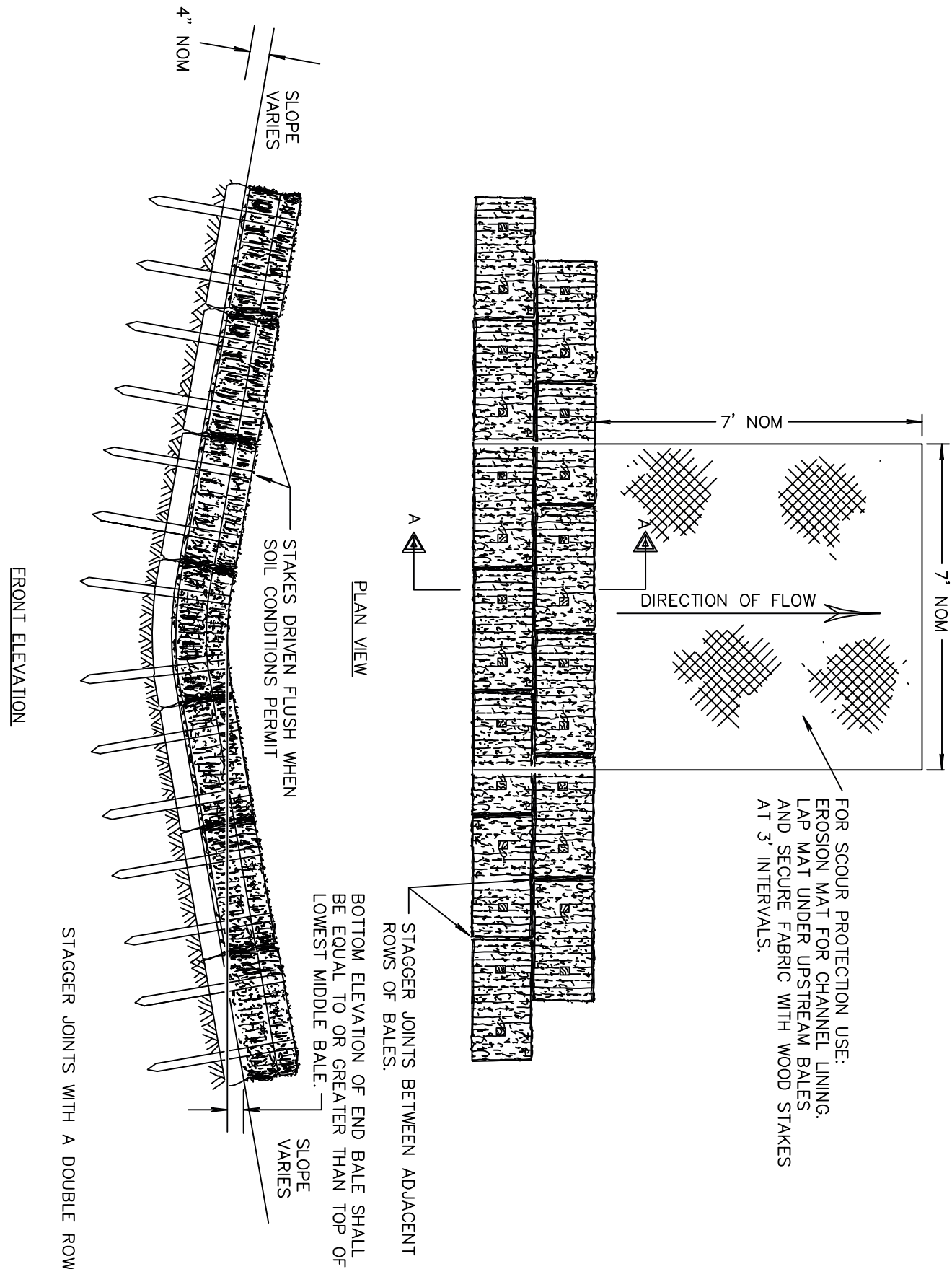


WHEN ALTERING THE DIRECTION OF FLOW



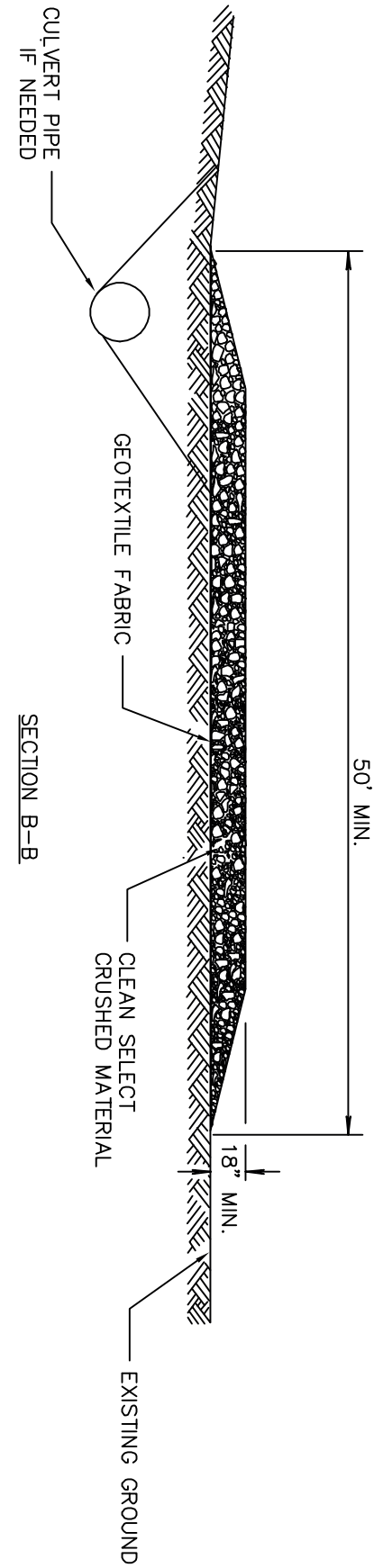
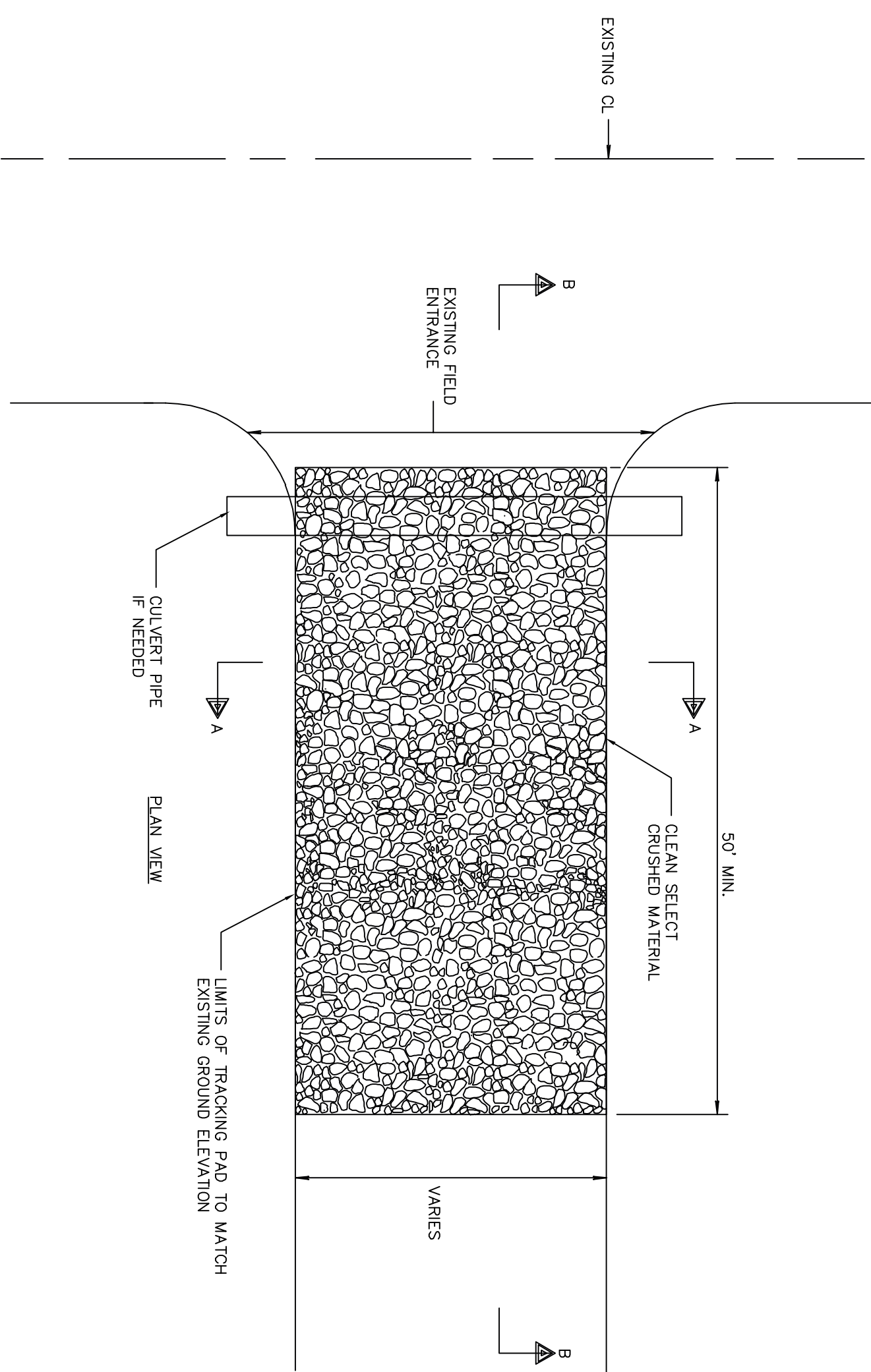
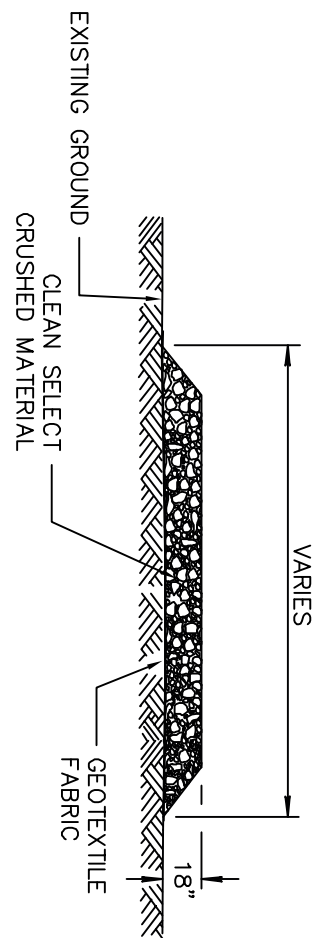
WHEN EXISTING GROUND SLOPES AWAY FROM RILL SLOPE

EROSION BALES FOR SHEET FLOW

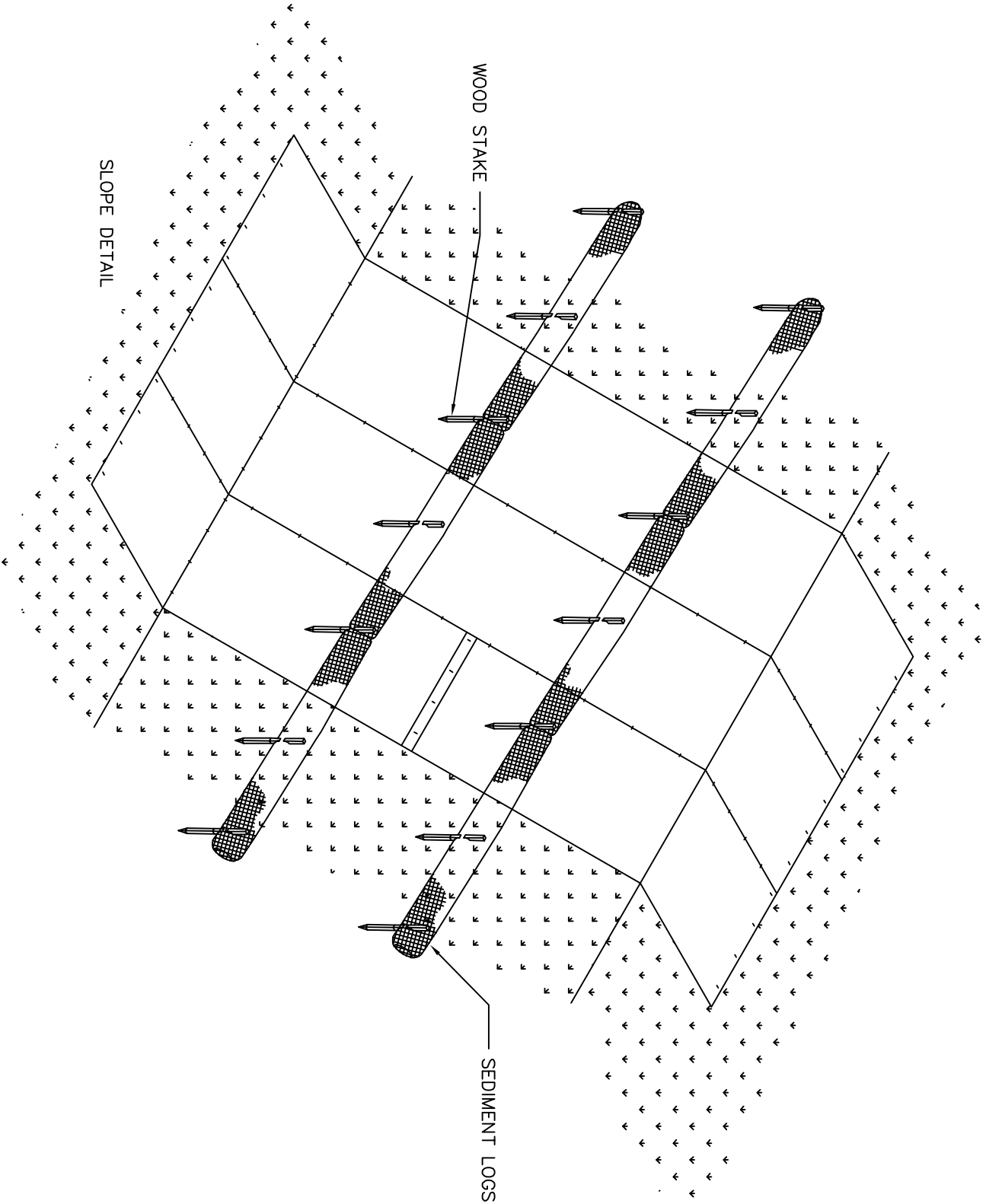


TEMPORARY DITCH CHECK USING EROSION BALES

GENERAL NOTES
DETAILS OF CONSTRUCTION NOT SHOWN ON THIS DRAWING SHALL
CONFORM TO THE PERTINENT REQUIREMENTS OF THE
SPECIFICATIONS AND APPLICABLE SPECIAL PROVISIONS.
1. TRACKING PAD SHALL BE INSPECTED DAILY. DEFICIENT AREAS
2. TRACKING PAD TO BE REMOVED AFTER CONSTRUCTION IS
3. POINT. TRACKING PAD SHALL BE THE FULL WIDTH OF THE EGRESS
4. POINT. TRACKING PAD SHALL BE REMOVED FROM PAVING
THROUGH THE TRACKING PAD. FLOWS SHALL BE DIVERTED
AWAY AROUND OR CONVEYED UNDER THE TRACKING PAD.
5. AROUND OR UNDER THE TRACKING PAD SHALL BE DESIGNED TO
6. TRACKING PAD SHALL BE DESIGNED TO DIVERGE WATER ARE
INCIDENTAL TO THE TRACKING PAD.

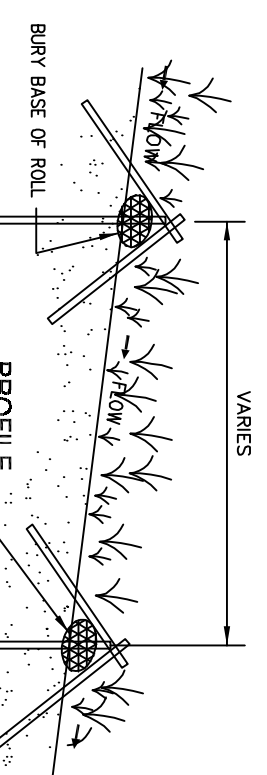
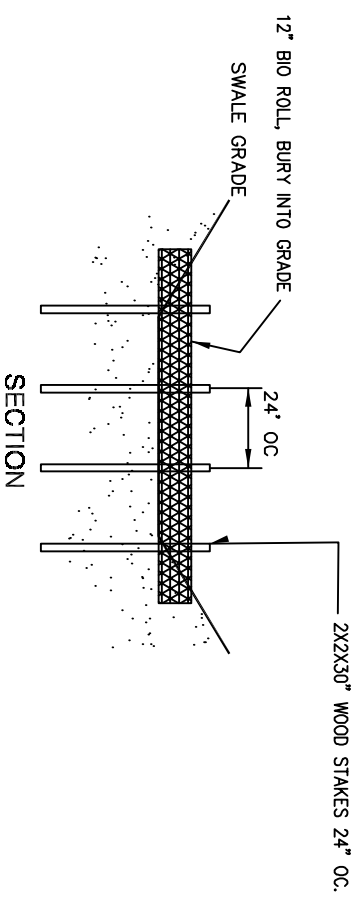
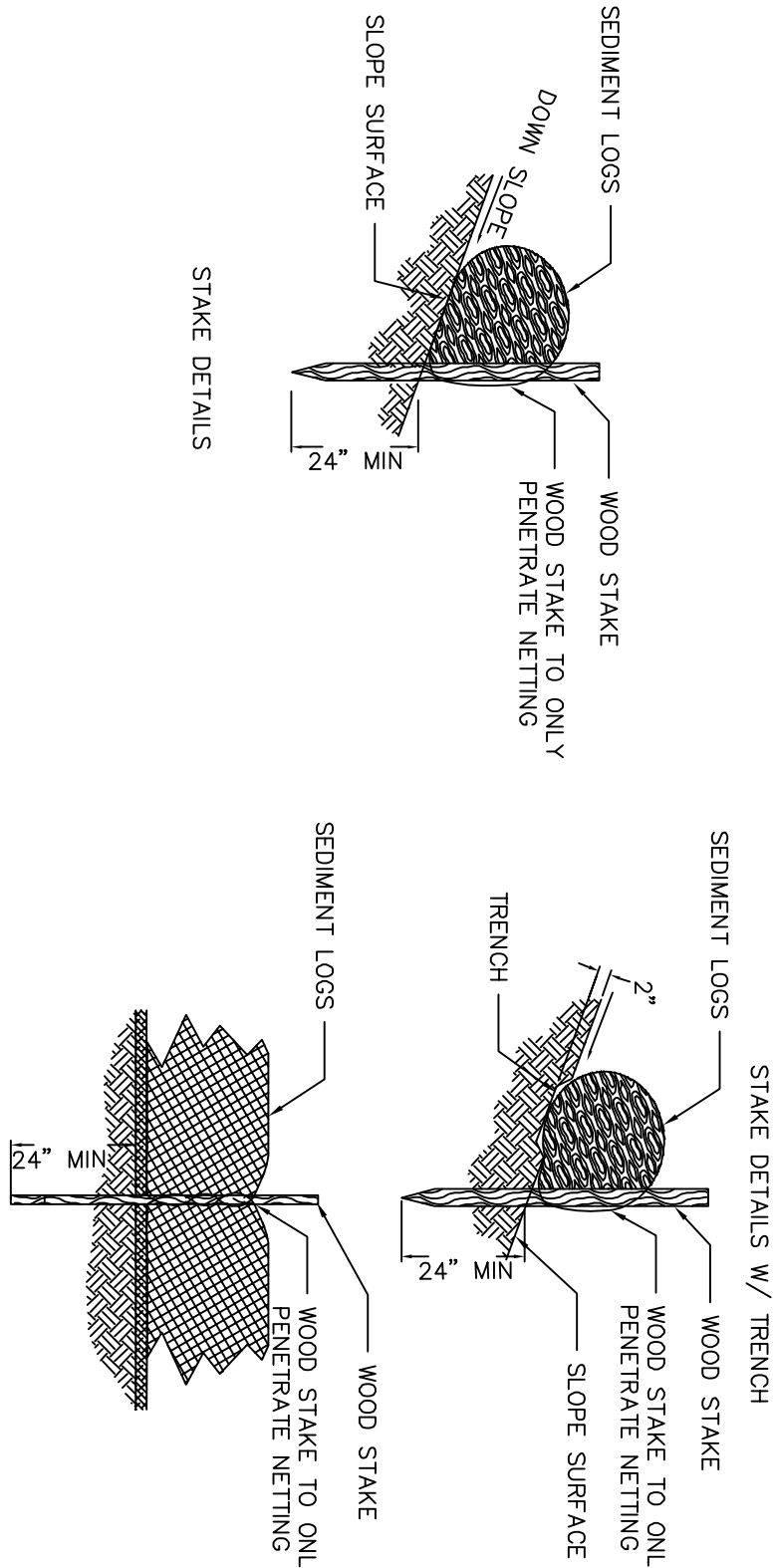


TRACKING PAD



BIO-ROLL INSTALLATION

BIO-ROLL INSTALLATION DETAILS



DITCH CHECKS FOR DRAINAGE SWALES

Staff Planning Review

Conditional Use Permit Application

Funeral Home

C-3 Highway Commercial Zoning District

801 7th Street SE

Czeplewski

Public Works Director

See letter from City Engineer.

Electric Supervisor

People's Electric Cooperative

Park and Recreation Supervisor

No parkland fee required

Water/Wastewater

See letter from City Engineer.

Streets

No planned improvements to 8th Ave SE; vacate with access easement for Herbst.

City Engineer

Letter from Engineer including NPDES permit.

Zoning

C-3 Conditional Use – Funeral Home

Finance

No Issues

Fire

2905 South Broadway
Rochester, MN 55904-5515
Phone: 507.288.3923
Fax: 507.288.2675
Email: rochester@whks.com
Website: www.whks.com



August 8, 2017

Ms. Theresa Coleman
City Administrator
City of Kasson
401 5th Street SE
Kasson, MN 55944

RE: Kasson, MN
Czaplewski Funeral Home
Review of Final Site Plans

Dear Theresa:

We have reviewed the final plans for the referenced project, as requested. We offer the following comments on the submitted plat and plans.

1. No variances are being requested.

The following fee related items apply to the project:

1. Sewer Connection charge will apply for the proposed connection.
2. Water Connection charge will apply to the proposed connection.

We offer the following additional comments:

1. All engineering sheets, including the grading plan, need to be signed by a licensed Minnesota professional engineer.
2. The applicant must secure all necessary permits before construction begins including a NPDES storm water permit and a MNDOT Drainage permit. The Owner, or their representative, will be responsible for permit compliance.
3. The site contractor should be required to have a pre-construction meeting and coordinate any watermain or sanitary sewer disturbances with City maintenance staff.
4. The existing storm water pond will serve this development.
5. The proposed driveways off 8th Ave SE should be discussed if the locations are agreeable to the City. The existing 8th Ave is in very poor condition and needs to be reconstructed. This section of roadway may also be considered for vacation as it will only serve one property.
6. Erosion control blanket should be placed on all ditch slopes along 8th Ave SE.

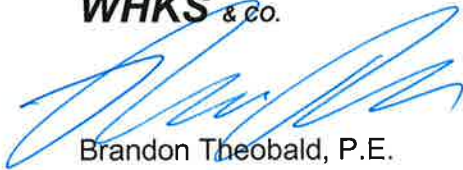
7. All on-site utilities should be labeled private, i.e. storm sewer, and sanitary and water services.
8. The water service shown is not installed at that proposed location. The water service should be connected to the service installed near the sanitary sewer service.
9. All emergency overflow routes should be shown on the plans.

We would recommend approval of the proposed plans conditional upon the above items being addressed.

Please contact us if you have any questions.

Sincerely,

WHKS & co.

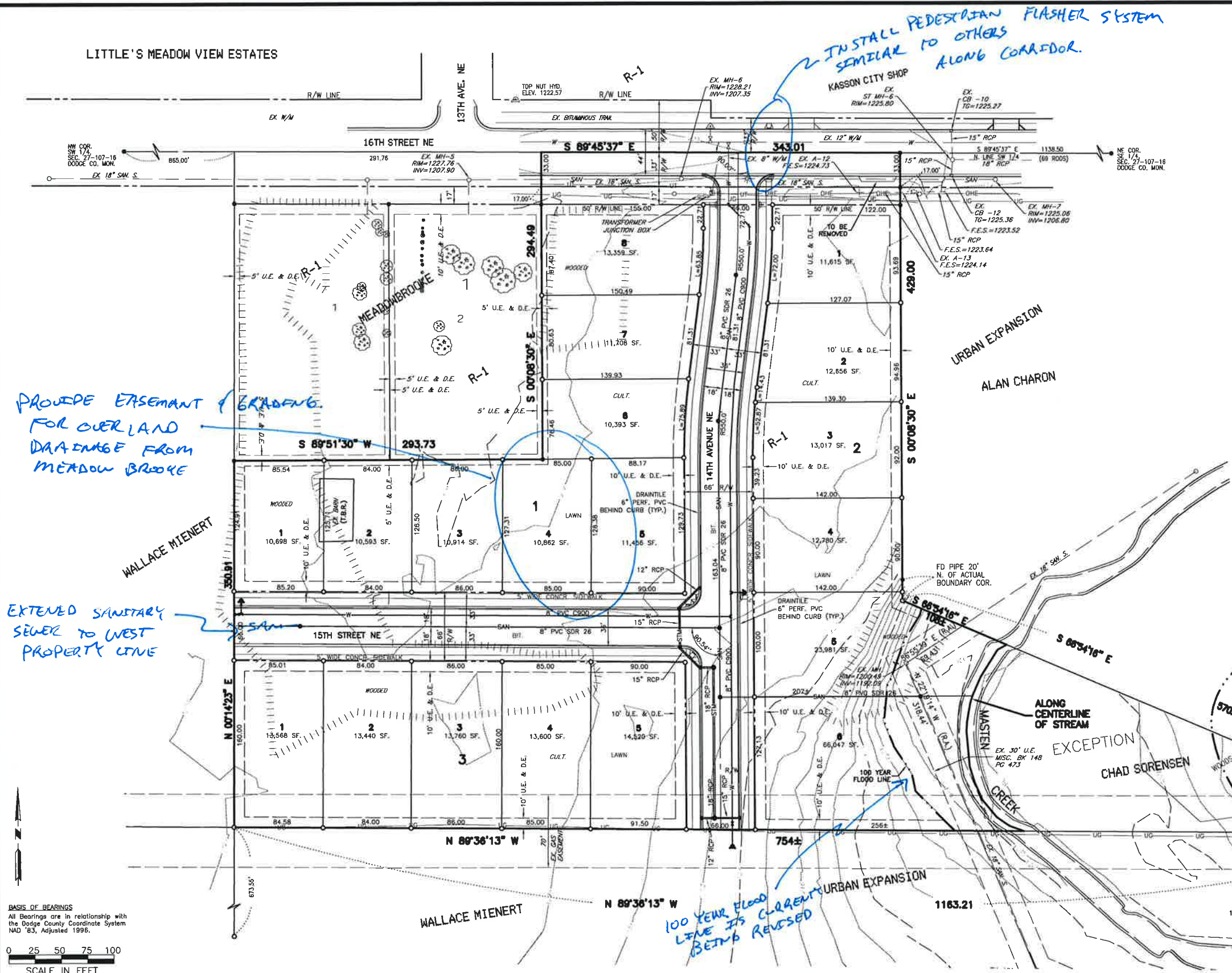


Brandon Theobald, P.E.

BWT/tr

cc: Charlie Bradford, City of Kasson
James Makepeace, Makepeace Engineering

LITTLE'S MEADOW VIEW ESTATES



LEGEND

SLANTED TEXT INDICATES EXISTING FEATURES	UPRIGHT TEXT INDICATES PROPOSED FEATURES
PROPERTY LINE	PROPERTY LINE
CENTER LINE	CENTER LINE
EASEMENT LINE	EASEMENT LINE
RIGHT OF WAY LINE	RIGHT OF WAY LINE
EXISTING WATER MAIN, WATER SHUT OFF MANHOLE, REDUCER, GATE VALVE AND HYDRANT	EXISTING WATER MAIN, WATER SHUT OFF MANHOLE, REDUCER, GATE VALVE AND HYDRANT
EXISTING SANITARY MANHOLE AND LINE	EXISTING SANITARY MANHOLE AND LINE
EXISTING STORM SEWER MANHOLE, LINE, CATCH BASIN OR INLET AND OUTLET	EXISTING STORM SEWER MANHOLE, LINE, CATCH BASIN OR INLET AND OUTLET
EXISTING LIGHT POLE	EXISTING LIGHT POLE
EXISTING TELEPHONE PEDESTAL	EXISTING TELEPHONE PEDESTAL
UTILITY POLE W/ GUY ANCHOR	UTILITY POLE W/ GUY ANCHOR
UNDERGROUND ELECTRIC	UNDERGROUND ELECTRIC
OVERHEAD ELECTRIC	OVERHEAD ELECTRIC
GAS LINE	GAS LINE
UNDERGROUND TELEPHONE	UNDERGROUND TELEPHONE
2' CONTOUR LINE	2' CONTOUR LINE
10' CONTOUR LINE	10' CONTOUR LINE
LAWN	LAWN
BIT	BIT
CUT	CUT
STAIR	STAIR
PROPOSED STORM LINE	PROPOSED STORM LINE
PROPOSED STORM OR SANITARY SEWER MANHOLE	PROPOSED STORM OR SANITARY SEWER MANHOLE
PROPOSED INLET	PROPOSED INLET
PROPOSED WATER LINE	PROPOSED WATER LINE
PROPOSED SANITARY LINE	PROPOSED SANITARY LINE
PROPOSED DRAINILE LINE	PROPOSED DRAINILE LINE
PROPOSED LAWN	PROPOSED LAWN
PROPOSED BITUMINOUS PAVING	PROPOSED BITUMINOUS PAVING
PROPOSED ACCEDE	PROPOSED ACCEDE

DESCRIPTION

That part of the Southwest Quarter of Section 27, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 27; thence South 89 degrees 45 minutes 37 seconds East (NOTE: All bearings are in relationship with the Dodge County Coordinate System, NAD '83 Adjusted 1996) along the north line of said Southwest Quarter, 1156.76 feet to the northeast corner of MEADOWBROOKE SUBDIVISION and to the POINT OF BEGINNING; thence continue South 89 degrees 45 minutes 37 seconds East, along said north line, 343.01 feet to a point described as 69 rods west of the northeast corner of said Southwest Quarter; thence South 00 degrees 08 minutes 30 seconds East along a previously described line, 429.00 feet; thence South 66 degrees 54 minutes 16 seconds East, along said previously described line, 570.37 feet; thence North 89 degrees 36 minutes 13 seconds West along said previously described line, 1163.21 feet; thence North 00 degrees 14 minutes 23 seconds East, 350.91 feet to the southwest corner of said MEADOWBROOKE subdivision; thence North 89 degrees 51 minutes 30 seconds East, along the south line of said MEADOWBROOKE, 293.73 feet to the southeast corner thereof; thence North 00 degrees 08 minutes 30 seconds East, along the east line of said MEADOWBROOKE, 294.49 feet to the POINT OF BEGINNING.

Said Parcel contains 7.84 acres more or less. Said parcel is subject to a sanitary sewer easement along the easterly side thereof, is subject to a 16th St. NE right of way along the northerly 33.00 feet thereof and is subject to any other easements or encumbrances of record.

EXCEPTING THEREFROM:

That portion lying East of the centerline of Mosen Creek.

CONSTRUCTION
FINAL PLANS (HYDRAULIC REPORT WILL BE REQUIRED)

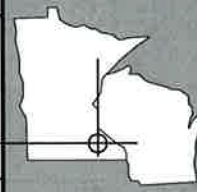
BASIS OF BEARINGS
All Bearings are in relationship with the Dodge County Coordinate System NAD '83, Adjusted 1996.

0 25 50 75 100
SCALE IN FEET

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota.

Date 7/21/2017
LIC. NO.: 41814
Richard J. Massey

MASSEY
LAND SURVEYING & ENGINEERING
P.O. BOX 100, KASSON, MN 55944
PH. NO. 507-634-4505, FAX NO. 507-634-6560



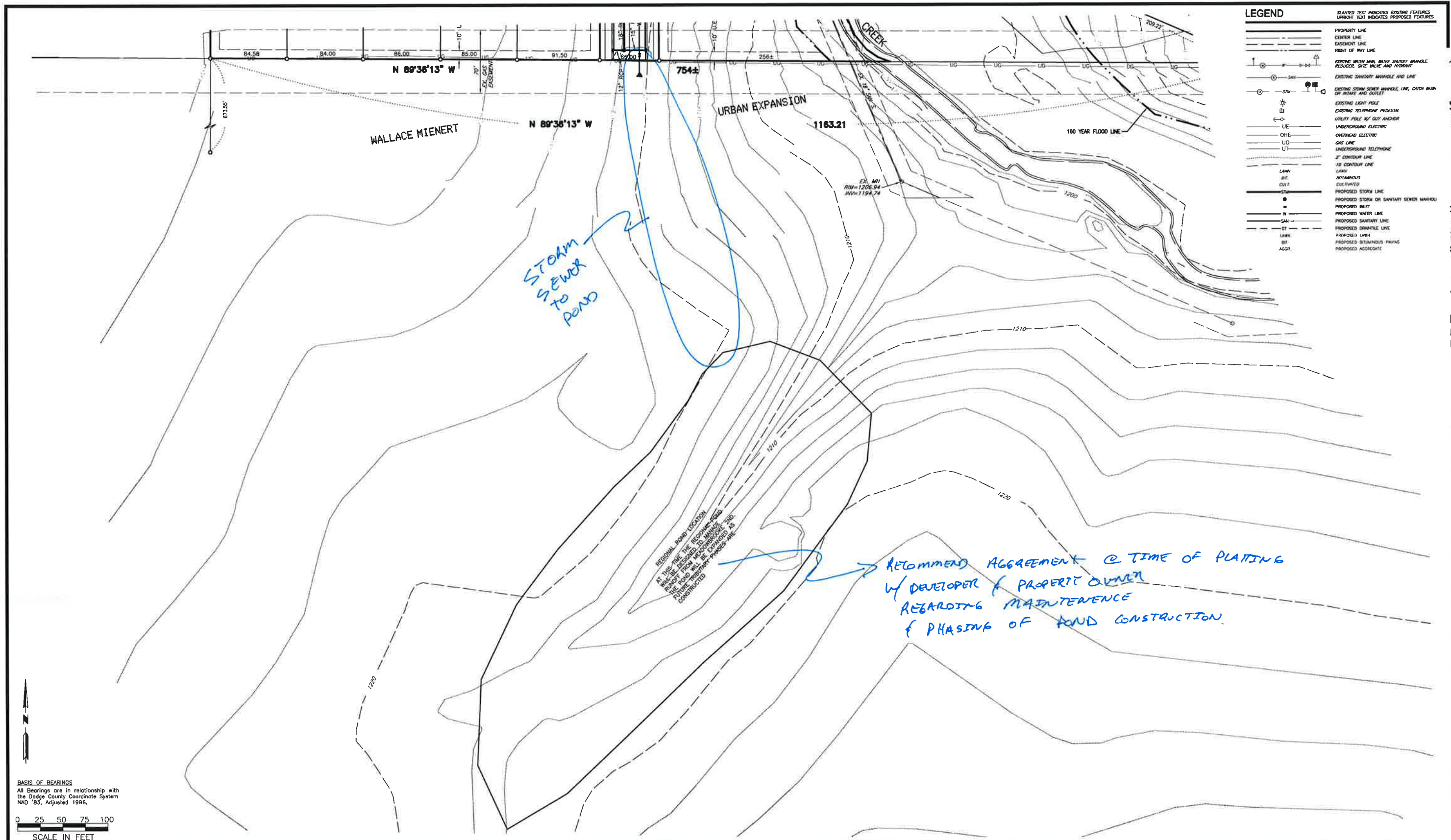
PRELIMINARY PLAT
MEADOWBROOKE SECOND
PART OF THE SW 1/4, SECTION 27, T 107 N, R 16 W
CITY OF KASSON, DODGE COUNTY, MINNESOTA



SCALE: 1" = 50'	MONUMENTS:
DATE: 7/21/2017	● FOUND (AS INDICATED)
DRAWN BY: D.A.M.	○ SET (8" PIPE UNLESS NOTED OTHERWISE)
CHECKED BY: R.J.M.	
JOB NUMBER: 2643	
DWG. FILE: 2643SP01	
REVISION DATE: N/A	

THIS SURVEY AND DRAWING WAS PREPARED FOR THE EXCLUSIVE USE OF:
BIGELOW VOIGT LAND DEVELOPMENT LLC
ROCHESTER, MN

SHEET NO. 1 OF 1



BASIS OF BEARINGS
All Bearings are in relationship with
the Dodge County Coordinate System
NAD '83, Adjusted 1996.

0 25 50 75 100
SCALE IN FEET

I hereby certify that this plan, specification, or report
was prepared by me or under my direct supervision and
that I am a duly Licensed Professional Land Surveyor
under the laws of the State of Minnesota.

Date 7/21/2017
LIC. NO.: 41814

Richard J. Massey

MASSEY
LAND SURVEYING & ENGINEERING
P.O. BOX 100, KASSON, MN 55944
PH. NO. 507-634-4505, FAX NO. 507-634-6560



PRELIMINARY PLAT
MEADOWBROOKE SECOND
PART OF THE SW 1/4, SECTION 27, T 107 N, R 16 W
CITY OF KASSON, DODGE COUNTY, MINNESOTA



SCALE: 1" = 50'
DATE: 7/21/2017
DRAWN BY: D.A.M.
CHECKED BY: R.J.M.
JOB NUMBER: 2643
DWG. FILE: 2643SP01
REVISION DATE: N/A

MONUMENTS
● FOUND (AS INDICATED)
○ SET (SINCE PIPE UNLESS NOTED OTHERWISE)

THIS SURVEY AND DRAWING
WAS PREPARED FOR THE
EXCLUSIVE USE OF:
BIGELOW VOIGT LAND
DEVELOPMENT LLC
ROCHESTER, MN

SHEET NO. 2 OF 2

Staff Planning Review

Meadowbrooke II

Preliminary Plat

Owner: Paradise Brothers LLC

Developer: Bigelow Voigt Land Development LLC

Public Works Director

OK

Electric Supervisor

Pipe crossings at North end across 14th Ave from East to West and North to South across 15th St and East to West on North and South sides of the intersection.

Park and Recreation Supervisor

Parkland fees due at Final Plat

Ped Ramp across 16th Street on East side of 14th Ave with pedestrian lighting

Water/Wastewater

Discuss water main size

Bring Sewer to west line of 15th Street

WAC and SAC fees (\$1,000 each at final plat)

Streets

Provide drainage easement for Meadowbrooke Subdivision

50' right of way at 16th Street NE required

Remove driveway apron

No turn around required

City Engineer

City Engineer to approve Final Construction Plans, Grading Plan, Hydraulic Plan, and Final Plat

Drainage easement for Meadowbrook

Regional Pond agreement with property owner to include future plan and maintenance.

NOTE: City updating 100 year flood plain; designation subject to change with update.

Zoning

WAC fees due for Meadowbrooke at Final Plat

Parkland fees for Meadowbrooke at Final Plat

Finance

Developer's Agreement

Fire

Awaiting comments



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota.

Richard J. Massey

Date 7/21/2017
LIC. NO.: 41814

MASSEY
LAND SURVEYING & ENGINEERING
P.O. BOX 100, KASSON, MN 55944
PH. NO. 507-634-4505, FAX NO. 507-634-6560

PRELIMINARY PLAT
MEADOWBROOKE SECOND
PART OF THE SW 1/4, SECTION 27, T 107 N, R 16 W
CITY OF KASSON, DODGE COUNTY, MINNESOTA

PROPERTY LOCATION MAP
T. 107 N. R. 16 W.
N.W. 1/4 N.E. 1/4
S.W. 1/4 S.E. 1/4
No Scale

SCALE: 1" = 50'
DATE: 7/21/2017
DRAWN BY: D.A.M.
CHECKED BY: R.J.M.
JOB NUMBER: 2643
DWG. FILE: 2643SP01
REVISION DATE: N/A

MONUMENTS
● FOUND (AS INDICATED)
○ SET (5/8" PIPE UNLESS NOTED OTHERWISE)

THIS SURVEY AND DRAWING WAS PREPARED FOR THE EXCLUSIVE USE OF:
BIGELOW VOIGT LAND DEVELOPMENT LLC
ROCHESTER, MN

SHEET NO. 2 OF 2

CHAPTER 152: SUBDIVISIONS

Section

General Provisions

152.001	Title
152.002	Purpose
152.003	Authority
152.004	Administration
152.005	Procedure
152.006	Amendments
152.007	Conservation
152.008	Greater restrictions
152.009	Fees
152.010	Validity, separability and effective date
152.011	Definitions

Required Improvements

152.020	Generally
152.021	Monuments
152.022	Public works
152.023	Open space reservations

Variances

152.035	Generally
152.036	Large scale developments
152.037	Conditions

Plats

152.050	General development plan
152.051	Preplat investigation
152.052	Preliminary plat generally
152.053	Final plat
152.054	Minor subdivision

Design Standards

152.070	Generally
152.071	Street design
152.072	Open ditch street design
152.073	Intersections
152.074	Alleys
152.075	Easements
152.076	Construction setback requirements from pipelines
152.077	Lots
152.078	Blocks

152.079	Walkways
152.080	Trails; linear parks
152.081	Storm sewer
152.999	Penalty
Appendix A:	Residential Developments
Appendix B:	Commercial/Industrial Developments

Statutory reference:

~~Authority of city to adopt subdivision regulations, see M.S. § 462.358~~

~~Municipal planning generally, see M.S. §§ 462.351 et seq.~~

GENERAL PROVISIONS

~~§ 152.001 TITLE.~~

~~This chapter shall be known and may be cited as the "Subdivision Ordinance for the City of Kasson, Minnesota" and its provisions shall apply to all lands to be subdivided within the municipal limits as they exist on 8-25-1999, or within the limits as they may be extended in the future.~~

~~(Prior Code, § 20.1-1) (Ord. 524, passed —; Ord. 772, passed —)~~

§ 152.002 PURPOSE.

Any person platting, re-platting or dividing property for purposes of transfer of title or separate description shall do so under the provisions of this chapter. This chapter sets forth the minimum requirements deemed necessary to ensure and protect the health, safety and welfare of the public. More specifically, the provisions of this chapter are designed to:

- (A) Assure that, to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence;
- (B) Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters;
- (C) Encourage well-planned subdivisions through the establishment of adequate design standards;
- (D) Discourage inferior developments that might adversely affect the local tax base;
- (E) Create neighborhoods which will be of lasting credit to the community;
- (F) Facilitate adequate provision lot transportation and other public facilities;
- (G) Secure and protect the rights of the public with respect to public lands, waters and the development of recreational facilities;
- (H) Improve land records by the establishment of standards for surveys and plats;
- (I) Safeguard the interests of the public, the homeowner, the subdivider and units of local government;
- (J) Provide a common ground for understanding between developers and local units of government;

(K) Prevent, where possible, excessive governmental operating and maintenance costs; and

(L) Preserve agricultural and other open lands.

(M) Efforts shall be made to conserve natural resources and advantageously utilize all natural features and vegetation on the property to minimize soil erosion. Consideration will be given to eliminate any form of underground or surface water pollution.

~~(Prior Code, § 20.1-2) (Ord. 524, passed—; Ord. 529, passed—; Ord. 772, passed—)~~

§ 152.003 AUTHORITY.

This chapter is enacted pursuant to M.S. § 462.358, as may be amended from time to time. When allowed, any provisions of this chapter that impose restrictions which are more restrictive than those imposed by provisions of Minnesota State Statute or Ordinances, the provisions of this chapter shall govern.

~~(Prior Code, § 20.1-3) (Ord. 524, passed—; Ord. 772, passed—)~~

§ 152.004 ADMINISTRATION.

(A) The provisions of this chapter shall be administered by the City Council in cooperation with the Planning and Zoning Commission and City Zoning Administrator who shall be appointed by the City Council.

(B) The Planning and Zoning Commission shall provide assistance to the City Council and Zoning Administrator in the administration of this chapter and their recommendations of the Planning Commission shall be advisory in nature. Specifically, the Planning and Zoning Commission shall review all subdivision applications, hold public hearings and make recommendations to the Council ~~on all subdivision applications~~.

~~(Prior Code, § 20.1-4) (Ord. 524, passed—; Ord. 772, passed—)~~

~~§ 152.005 PROCEDURE.~~

~~—See Appendix A, which is located at the end of this chapter, for timeline and steps.~~

~~(Prior Code, § 20.1-5) (Ord. 772, passed—)~~

§ 152.006 AMENDMENTS.

The Planning and Zoning Commission may, of its own motion or upon petition, cause to be prepared amendments supplementing or changing the regulations herein established. All proposed amendments, together with the recommendation of the Planning and Zoning Commission, shall be submitted to the City Council for adoption ~~in accordance with established procedures~~.

~~(Prior Code, § 20.1-6) (Ord. 524, passed—; Ord. 772, passed—)~~

~~§ 152.007 CONSERVATION.~~

~~Efforts shall be made to conserve natural resources and advantageously utilize all natural features and vegetation on the property to minimize soil erosion. Consideration will be given to eliminate any form of underground or surface water pollution.~~
(Prior Code, § 20.1-7) (Ord. 524, passed—; Ord. 772, passed—)

~~§ 152.008 GREATER RESTRICTIONS.~~

~~Whenever any provisions of this chapter impose restrictions which are more restrictive than those imposed by provisions of existing laws or ordinances, the provision of this chapter shall govern.~~
(Prior Code, § 20.1-8) (Ord. 524, passed—; Ord. 772, passed—)

§ 152.009 FEES.

(A) A cash filing fee payable to the city shall be paid as soon as ascertainable following receipt of the application. This fee shall be in the amount which has been set by ~~resolution by the City Council~~Ordinance and will be used for public expense and/or development fees in connection with the ~~plat's~~ consideration of the subdivision application by the Planning and Zoning Commission and Council.

(B) All other applicable fees that may be set by the Council shall also accompany the application.
(Prior Code, § 20.1-9) (Ord. 772, passed—)

~~§ 152.010 VALIDITY, SEPARABILITY AND EFFECTIVE DATE.~~

~~(A) Should any section, clause or provisions of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the codified in this chapter as a whole or any part thereof, except that part so declared to be invalid.~~

~~(B) The ordinance codified in this chapter was adopted 8-25-1999 and became effective 9-1-1999.~~
(Prior Code, § 20.1-11) (Ord. 772, passed—)

REQUIRED IMPROVEMENTS

§ 152.020 GENERALLY.

The following improvements will be required for all new subdivisions within the corporate limits of the municipality and to the specifications as adopted by the City Council.

(A) ~~Soil erosion and sedimentation control~~General Standards. Where the provisions of state law or other ~~city~~City regulation or ~~ordinance~~Ordinance set higher standards than those of this subchapter, the provisions of the laws, regulations or ordinances shall apply.

(1) ~~General standards~~Soil erosion and sedimentation control. The following management practices shall be applied to all development and earth moving activities.

(a) All development shall conform to the natural limitations presented by the topography and soil in order to create the best potential for preventing soil erosion.

(b) Best management practices for erosion control and sediment control shall be applied to each development/construction site.

(c) Slopes over 18% in grade shall not be developed.

(d) Development on slopes with a grade between 12% and 18% shall be carefully reviewed to ensure that adequate measures have been taken to prevent erosion, sedimentation and structural damage.

(e) Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

(f) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of lands shall be exposed at any one period of time and no exposure shall exceed 60 days unless extended by the Council.

(g) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. The topsoil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

(h) The natural drainage system shall be used, as far as feasible for storage and flow of runoff except that no storm water drainage shall be discharged to marshlands, swamps or wetlands. Storm water drainage shall be discharged to retention basins or other treatment facilities. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage and construction cost.

(i) Public and private properties adjacent to the development site shall be protected from the effects of sedimentation. Any violations of this provision must be corrected by the owner to the satisfaction of the city within five days of receiving notification of such. If the violation is not remedied within the time period specified, the city may correct the problem and assess the costs incurred to the property owner.

(2) *Exposed slopes*. The following control measures shall be taken to control erosion during construction.

(a) No exposed slopes should be steeper in grade than ~~four feet horizontal to one foot vertical~~one foot vertical for every four feet horizontal.

(b) At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.

(c) Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind the berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. The measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain

or flow apron, a gravel energy dissipater should be installed to prevent erosion at the discharge end.

(d) Exposed slopes shall be protected by ~~means hydroseeding~~ which will effectively prevent erosion considering the degree of the slope, soils material and expected length of exposure. ~~Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedlings of annual grasses. Mulch shall consist of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch must be anchored to slopes with liquid asphalt or stakes and netting, or be worked into soil to achieve additional slope stability.~~

(e) Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

(B) *Preservation of natural ~~drainageways~~ drainageways.*

(1) *Waterways.*

(a) Every effort shall be made to retain the natural drainage systems in the city including existing wetlands and ponds. Aboveground runoff disposal waterways may be constructed to augment the natural drainage system.

(b) The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten-year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

(c) No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

(d) The banks of the waterway shall be protected with permanent vegetation.

(e) The banks of the waterway shall not exceed ~~four feet horizontal to~~ one foot vertical for every four feet horizontal in gradient.

(f) The gradient of the waterway bed shall not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.

(g) The bend of the waterway shall be protected with turf, sod or ~~concrete~~ City Engineer approved materials. If turf or sod will not function properly, riprap may be used. Riprap shall consist of quarried limestone, fieldstone (if random riprap is used) or construction materials of concrete. The riprap shall be no smaller than two inches square nor no larger than two feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.

(h) If the flow velocity in the waterway is such that erosion of the turf side wall will occur and the velocity cannot be decreased via velocity control structures, then other City Engineer approved materials may replace turf on the side walls. Either gravel or riprap would be allowed to prevent erosion at these points.

(2) *Sediment control of waterways.*

(a) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.

(b) Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. The structures would serve as temporary sediment control features during the construction state of development. Development of housing and other

structures shall be restricted from the area on either side of the waterway required to channel a 25-year storm.

(c) Permanent impervious sediment control structures consist of sediment basins (debris basins, de-silting basins or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

(Prior Code, § 20.1-13) (Ord. 524, passed —; Ord. 772, passed —)

§ 152.021 MONUMENTS.

Monuments shall be placed at all block and lot corners, all intermediate points on blocks where there is a change in the direction of the block line, at points of curves in streets, at each angle and curve point of the exterior boundary lines of the plat, and at such other points as may be required by the Planning and Zoning Commission. All monuments shall be in accordance with current surveying standards or a minimum of a steel pipe one-half inch in diameter and 15 inches in length. All monuments shall bear the land surveyor's registration number.

(Prior Code, § 20.1-14) (Ord. 524, passed —; Ord. 772, passed —)

§ 152.022 PUBLIC WORKS.

All public improvements shall be constructed in conformance with Title V of this code.

(Prior Code, § 20.1-15) (Ord. 524, passed —; Ord. 772, passed —)

§ 152.023 OPEN SPACE RESERVATIONS.

(A) *Purpose.* The provisions of this section are intended by the city to be an exercise of the authority granted pursuant to M.S. § 462.358, Subd. 2(b), as may be amended from time to time, to require that a reasonable portion of any proposed subdivision of residential lands within the city be dedicated to the public or preserved as community parks, playgrounds or open space; or that a reasonable cash payment be received from the subdivider in lieu thereof in order to facilitate development of similar facilities.

(B) *Scope.* The provisions of this section shall apply to a person who applies, pursuant to this chapter, for a subdivision or resubdivision (where the resubdivision causes an increased demand on parks) of lands that are classified pursuant to this code as being located in a residential zoning district; or, for a subdivision of lands that are classified as being in a nonresidential district at the time of the application, but are intended to be developed following their subdivision in a manner requiring their designation as a residential zoning district; or lands used for high density housing units that are permitted by other means such as conditional use permits; or lands that are properly zoned or platted for housing developments consisting of three or more units.

(1) *Reservation of future park land.* At the discretion of the City Council, upon recommendation of the Planning and Zoning Commission, a subdivider may dedicate more land than would be required by the formulas established by this chapter and receive a written

credit against future park land dedication requirements. The credit shall attach to the relieved land and remain with the relieved land, regardless of change in ownership thereof.

(2) *Subdivision changes.* In the event a subdivider deviates from the approved preliminary plat in a final plat, or replats property already platted, or where the use of property is changed from a nonresidential use to a residential use, the owner or subdivider shall be obligated to provide additional land or fee to compensate for the increased demand on the park system.

(3) *Final platting of a portion of an approved preliminary plat.* Whenever a subdivider applies for approval of a final plat which contains only a portion of the land encompassed in the approved preliminary plat, the subdivider shall be responsible for making a dedication of park land or financial contribution as required, which is proportional to the area of the final plat. The conditions of the allowances shall be in the form and manner prescribed and approved by the county.

(4) *Multi-plat developments.* At the sole discretion of the Council, the ~~city~~ City may enter into an agreement with the applicant for a development containing multiple plats concerning the timing and sequence of park land dedication. Notwithstanding any provision in this chapter to the contrary, the multiple plat agreement shall determine the time when the required park land dedication for multiple plat developments shall occur.

~~(C) "Park land" defined. For purposes of this section, the term **COMMUNITY PARK OR PARK LAND** shall mean a public recreation facility, designed to give residents of the community the opportunity for the enjoyment of open space, and which may also provide for the use of the residents playground equipment, picnic areas and areas suitable for such uses as ball fields, tennis and basketball courts and skating rinks. Trail corridors providing access from residential areas to neighborhood park facilities may be considered part of the community park system.~~

(D) *Minimum amount of dedication.*

(1) The ~~city~~ City shall establish by ~~resolution of the City Council~~ Ordinance the monetary value of the park land dedication. This fee shall be periodically reviewed by the Planning and Zoning Commission, Park Board and City Council. The fee shall be paid prior to recording the final plat of the subdivision. All payments collected shall be placed in the appropriate park acquisition and development fund established for the city.

(2) The City Council shall reserve the right to negotiate independently with any property owner in the community to acquire land(s) to be used for community parks. The monetary dedications from any or all subdivisions can be used for these acquisitions or to expand existing facilities.

(3) The ~~city~~ City reserves the right to acquire lands within a subdivision, in accordance with the comprehensive land use plan, at the time of platting for a future park or an addition to an existing park. These lands can be donated by the owner as a credit against current or future dedication requirements.

(4) Following dedication of lands as provided herein, no person shall remove trees, vegetation or topsoil therefrom, nor shall the lands be used for the purpose of stockpiling of earth or construction material, with out written permission from the ~~city~~ City.

(E) *Marketability of title.* Prior to the dedication, a person proposing to subdivide the land shall deliver to the City Attorney for examination an up to date abstract of title or registered property certificate for examination, or a title opinion by a person licensed to practice law in the state. If the examination of title by the City Attorney, or the title opinion indicated that title is not marketable, no subdivision of the land shall occur until such steps are taken by the subdivider to

permit marketable title to be conveyed to the ~~city~~ City by dedication upon the lands' subdivision or by a subsequent separate conveyance.

(1) *Exceptions.* The title to lands proposed to be subdivided shall not be deemed unmarketable pursuant to this section by virtue of the fact that a mortgage or other equitable interest in the lands is held by a person other than the subdivider; or that the lands are subject to the lien of a special assessment. Provided that, any conveyance or other act of the subdivider which thereafter conveys to the city title to the lands dedicated shall be free and clear of any equitable interest or mortgage.

(2) *Special assessments; real estate taxes.* The ~~city~~ City shall be responsible for the payment of any future special assessments levied on the lands dedicated pursuant to this section. Payment of real estate taxes payable on the land dedicated in the year of dedication shall be prorated between the city and the person subdividing the property.

~~(Prior Code, § 20.1-16) (Ord. 524, passed —; Ord. 762, passed —; Ord. 772, passed —; Ord. 783, passed —)~~

VARIANCES

§ 152.035 GENERALLY.

~~Where the Planning and Zoning Commission finds that extraordinary hardship may result from strict compliance with the provisions of this chapter, it may recommend the variance of the regulations to the extent that substantial justice may be done and the public interest secured; provided that, the variation may be granted without detriment to the public interest and will not have the effect of nullifying the intent and purpose of this chapter. Variance procedures shall conform to § 154.030.~~

~~(Prior Code, § 20.1-17) (Ord. 524, passed —; Ord. 694, passed —; Ord. 772, passed —)~~

~~§ 152.036 LARGE SCALE DEVELOPMENTS.~~

The standards and requirements of this chapter may be modified by the City Council ~~in the case of a subdivision of ten acres or more which is to be developed~~ in accordance with the comprehensive development plan safeguarded by appropriate restrictions, conditions and ~~which makes~~ adequate provisions for necessary community facilities and without detriment to the public interest. No variance shall be granted which shall have the effect of nullifying the intent and purpose of this chapter. Variance procedures shall conform § 154.030.

~~(Prior Code, § 20.1-18) (Ord. 524, passed —; Ord. 772, passed —)~~

~~§ 152.037 CONDITIONS.~~

~~In the granting of variances, the City Council shall weigh the benefits or hardships against the general standards and objectives of this chapter, and may require such conditions that~~

~~will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.~~

~~(Prior Code, § 20.1-19) (Ord. 524, passed—; Ord. 772, passed—)~~

PLATS

§ 152.050 GENERAL DEVELOPMENT PLAN.

(A) The general development plan shall be a drawing at any reasonable scale. Basically, it shall establish the desired street pattern and general lot layout together with a land use plan.

(B) (1) This plan need not be drawn by a registered surveyor or engineer.

(2) The plan must include the entire parcel of land and must demonstrate compliance with the land use plan, official street map and comprehensive plan.

~~(Prior Code, § 20.1-20) (Ord. 524, passed—; Ord. 772, passed—)~~

§ 152.051 PREPLAT INVESTIGATION.

(A) The subdivider shall submit ~~ten~~three print and electronically transmitted copies of a general development plan to the Planning and Zoning Commission Secretary at least ~~ten~~20 days before the next regularly scheduled meeting of the Planning and Zoning Commission.

(B) The Planning and Zoning Commission Secretary shall send a copy of the plan to the Zoning Administrator and other appropriate reviewing agencies who shall make written comments and recommendations before the aforesaid regular meeting of the Planning and Zoning Commission.

(C) Within ten days following the same regularly scheduled meeting, the Planning and Zoning Commission shall inform the subdivider, in writing, that the plan as submitted, or as modified does or does not meet the objectives of this chapter, except that action may be tabled for ~~45~~90 days pending further investigation.

(D) Required specifications for general development plan:

- (1) Scale and north point;
- (2) Proposed subdivision name;
- (3) Name and address of property owner;
- (4) Name and address of subdivider;
- (5) Zoning classification of proposal and adjacent lands;
- (6) Names of existing streets;
- (7) General street design;
- (8) General lot layout; and
- (9) Boundaries of entire parcel of land.

(E) Approval of the general development plan is limited to a period of twelve months.
~~(Prior Code, § 20.1-21) (Ord. 524, passed—; Ord. 772, passed—)~~

§ 152.052 PRELIMINARY PLAT GENERALLY.

Upon completing the preplat investigation, the subdivider shall prepare a preliminary plat together with improvement plans and other supplemental material as may be specified by the Planning and Zoning Commission and its reviewing agencies.

(A) The preliminary plat shall be reviewed by Planning and Zoning Commission and approved by the City Council before the final plat can be reviewed by the Planning and Zoning Commission. A subdivision application shall be preliminarily approved or disapproved by the municipality within 120 days following acceptance of the application completed in compliance with this chapter, unless an extension of the review period has been agreed to by the applicant.

(B) The preliminary plat shall be drawn to currently acceptable engineering design standards with a scale not greater than one inch equals 100 feet unless another suitable scale is approved by the Municipal Engineer and/or Planning and Zoning Commission. (Example: One inch equals 200 feet would be unacceptable.) Legible reproduction of the drawing shall be submitted to the Planning and Zoning Commission for the purposes of receiving approval.

(C) ~~Ten~~ Three paper and electronically transmitted copies of the preliminary plat and supplementary material shall be submitted to the Planning and Zoning Commission Secretary at least ~~ten~~ 20 days before the Planning and Zoning Commission's next regularly scheduled meeting. The Planning and Zoning Commission Secretary shall send copies to the appropriate reviewing agencies which shall review and submit written comments and recommendations before the next regular meeting of the Planning and Zoning Commission. A public hearing shall ~~be held on all subdivision applications~~ prior to preliminary approval. The hearing shall be called by the Planning and Zoning Commission Secretary and held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations.

(D) Following review of the preliminary plat and supplementary materials submitted in conformity with this chapter, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the Planning and Zoning Commission shall recommend approval or disapproval of the preliminary plat as submitted or modified and, if the Planning and Zoning Commission recommends approval, it shall express its recommendation for approval and state the conditions of its recommendation for approval, if any, or, if the Planning and Zoning Commission recommends disapproval, it shall express its recommendation for disapproval and its reasons therefor. Any plan given a conditional recommendation for approval shall be revised to meet the requirements of the conditions and ~~ten copies~~ three paper and electronically transmitted copies shall be resubmitted to the Planning and Zoning Commission.

(E) The Planning and Zoning Commission shall make its recommendation for approval or disapproval of the preliminary plat to the City Council within ~~45~~ 90 days of receipt of the preliminary plat by the Planning and Zoning Commission.

~~————(E)——The action of the Planning and Zoning Commission shall be noted on four copies of the approved preliminary plat. One shall be returned to the surveyor, one copy to the County Zoning Administrator, one copy to the City Council and the other retained by the Planning and Zoning Commission.~~

(F) Approval of a preliminary plat shall not constitute approval of the final plat. Approval of a preliminary plat is limited to a period of 12 months, after which time the

subdivider is required to resubmit a preliminary plat to give the Planning and Zoning Commission an opportunity to assess any changes in the general area or any regulation, ordinance or statute changes that may be applicable.

(G) Specifications for preliminary plat ~~are as follows:~~ conform substantially to the format referenced in MS § 505.021, as may be amended from time to time, and specifically include:

- (1) Date, scale, north point;
- (2) Proposed subdivision name and all intended street names according to the municipality's street naming and numbering system;
- (3) Name of the subdivider, surveyor and engineer preparing plat;
- (4) Topographic map of the area showing two-foot contour intervals. All areas of the subdivision to be platted with a slope greater than 25% must be clearly indicated;
- (5) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land;
- (6) Zoning classification of lands to be subdivided and all adjacent lands;
- (7) Location, widths and names of all existing, platted or dedicated streets, cul-de-sac names (i.e., place or circle), easements, railroad and utility rights-of-way, sidewalks, parks, watercourses, drainage ditches, front side and rear yard dimensions for all permanent buildings and structures;
- (8) Location, size and depth of all existing and/or proposed sanitary sewer, storm sewers, water mains, hydrants and catch basins. Location and proposed design of storm water retention areas when required;
- (9) Other data within 300 feet of the exterior boundaries of the area being subdivided as may be required by the Planning and Zoning Commission;
- (10) Identification and location of existing or potential wetlands. Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum;
- (11) When the subdivision borders a lake, river or stream the contour line above the indicated flood fringe boundary of the lake, river or stream shall be shown on the plat;
- (12) The layout and width of all new streets, sidewalks, rights-of-way and easements and the approximate angles of street intersections;
- (13) Length and bearings of the exterior boundaries of the land being subdivided;
- (14) Dimensions of all lots to the nearest foot;
- (15) Square footage of all lots;
- (16) All lots shall be numbered by beginning the numbering with number one and numbering each lot progressively, through the block in which they are situated. All blocks shall be numbered progressively, by beginning the numbering with the number one and numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another and one lot plats should have both a lot and block number;
- (17) Approximate radii of all curves and lengths of all tangents;
- (18) Approximate location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of the conditions of the dedication or reservation; and

(19) Other information as the Planning and Zoning Commission and City Engineer may determine is necessary.

(Prior Code, § 20.1-22) (Ord. 524, passed —; Ord. 529, passed —; Ord. 772, passed —)

§ 152.053 FINAL PLAT.

The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at this time; provided, however, that, the portion conforms to all requirements of this chapter.

(A) Application for approval of the final plat shall be submitted in writing to the Planning and Zoning Commission Secretary at least ~~ten~~ 20 days prior to the meeting at which it is to be considered.

(B) ~~Ten-Three print and electronically transmitted~~ copies of the final plat and other supplemental data required for approval shall be prepared and submitted to the Planning and Zoning Commission within 12 months after approval of a preliminary plat, ~~and at least ten days before its next regularly scheduled meeting. These ten copies shall be paper prints and are not required to be signed in accordance with divisions (C)(16) through (19) of this section. However, the~~ The map to be filed must contain the signature of the authorized representatives of the applicable governmental agencies.

(C) Specifications for final plat as follows:

- (1) Date, scale, north point;
- (2) Subdivision name and all street names;
- (3) Location of the plat by quarter section, section, town and range;
- (4) Location and names of adjacent subdivisions;
- (5) Exact location, widths and names of all existing platted or dedicated streets, cul-de-sac names (i.e., place or circle), sidewalks, easements, railroad and utility rights-of-way, parks, watercourses and drainage ditches within the boundaries of the land to be subdivided;
- (6) Identification and location of existing or potential wetlands. Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum;
- (7) When the subdivision borders a lake, river or stream the contour line above the indicated flood fringe boundary of the lake, river or stream shall be shown on the plat;
- (8) Exact location and width of all new streets, their angle of intersection, length of arcs, radii, points of curvature and tangent bearings;
- (9) Exact location and width of all easements, and a statement of easement rights;
- (10) Exact length and bearings or angles of the exterior boundaries of the land being subdivided;
- (11) Exact dimensions of all lots;
- (12) All lots shall be numbered by beginning the numbering with number one and numbering each lot progressively, through the block in which they are situated. All blocks shall be numbered progressively, by beginning the numbering with the number one and

numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another and one lot plats should have both a lot and block number;

(13) Exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon. All lands dedicated for public use, other than streets, shall be marked "Dedicated to the Public";

(14) Accurate location and material of all permanent reference monuments including lot corners which shall be marked in accordance with current surveying standards;

(15) Certificate of the registered land surveyor preparing the plat, that the plat as presented, fully complies with the requirements of this chapter, and the platting laws of the state relative to the surveying, dividing and mapping of land; that the plat is a correct representation of all exterior boundaries of the land surveyed; that the plat represents a survey made by the surveyor and that all monuments indicated thereon exist and their location, size and material are correctly shown;

(16) A certificate issued by the authorized county officials stating that there are no unpaid taxes or special assessments on any of the lands included in the plat;

(17) A certificate by the owner or owners dedicating to the public for full public use all street and street rights-of-way and other lands designated as "Dedicated to the Public" and the granting of utility easements as shown on the plat;

(18) A certificate of Planning and Zoning Commission approval signed by the Planning and Zoning Commission Chair; and

(19) A certificate of approval by the City Council signed by the Mayor and Administrator.

(D) ~~A public hearing shall be held on all final plat applications prior to final plat approval. The hearing shall be (called by the Planning and Zoning Commission Secretary and) held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. Following a public hearing and prior to presentment to the City Council, the~~ The final plat shall be reviewed and endorsed as approved by the Planning and Zoning Commission to determine its conformance with the approved preliminary plat and amendments dictated by the Planning and Zoning Commission and/or City Council.

(1) The final plat, upon its submission to the City Council, shall be accompanied by a written title opinion by an attorney at law naming therein the fee owners and other persons or entities having legal or equitable interest in the real estate affected, that necessary parties have joined in the plat, and that the title thereto is good and marketable.

~~(2) It shall be the developer's responsibility after the final plat, upon being accepted by resolution by the City Council shall thereafter be forthwith tendered to the County Recorder along with a copy of the resolution for its permanent entry upon the records of the county.~~

(3) ~~Following final plat approval, the applicant may request final approval by the municipality and, upon the request, a municipality~~ The City Council shall certify final approval within 60 days of the application if the applicant-subdivider has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If final approval is not certified

within 60 days by the City Council, final approval shall be deemed granted and the subdivision plat may be recorded.

(E) The final plat for recording after approval by the Planning and Zoning Commission and City Council shall ~~be drawn at current acceptable engineering design standards with a scale. The final plat shall measure 30 inches in length and 20 inches in width with a border line of two inches provided on the left side of the 30-inch length and a border of one-half inch provided on the other three sides. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets (i.e., two of three). The final plat shall be drawn to a scale not greater than 100 feet to the inch. (Example: one inch equals 200 feet would be unacceptable.)~~ substantially conform to MS § 505.021, as may be amended from time to time.

(F) It shall be the ~~developer's~~ subdividers responsibility to ensure that the final plat is recorded within 12 months from the date of approval by the City Council. Failure to record within 12 months from date of approval necessitates resubmitting the subdivision for approval by both the Planning and Zoning Commission and the City Council.

~~(Prior Code, § 20.1-23) (Ord. 524, passed —; Ord. 529, passed —; Ord. 772, passed —)~~

§ 152.054 MINOR SUBDIVISION.

(A) No subdivision of land involving a portion of a recorded subdivision plat, which is regulated by M.S. § 462.358, as may be amended from time to time, shall be made unless it complies with this chapter.

(B) This section is intended to provide for an expedited procedure for the subdivision of land by use of a certificate of survey when it is proposed to subdivide land in a recorded subdivision plat.

(C) The subdivider shall file with the Planning and Zoning Commission Secretary ~~ten~~ three paper and electronically transmitted copies of the certificate of survey and the letter of application at least 20 days prior to the meeting of the Planning and Zoning Commission at which action is desired. A cash filing fee payable to the city shall accompany the subdivision application. This fee shall be in the amount set by ~~resolution by the City Council~~ Ordinance and will be used for public expense and/or development fees in connection with the subdivision's consideration by the Planning and Zoning Commission and City Council.

(D) The Planning and Zoning Commission Secretary shall ~~call a public hearing and~~ transmit copies of the certificate of survey and letter of application ~~and~~ to the Planning and Zoning Commission, all affected city boards, commissions and departments for their review and recommendations concerning the matter within their jurisdiction. Comments shall be transmitted to the Planning and Zoning Commission ~~within eight days from the date the certificate of survey and letter of application are received~~ five days prior to their next meeting. Failure to comment, by those notified, ~~within the allotted eight days~~ shall be construed as approval of the subdivision activities.

(E) After ~~the public hearing and~~ review, the Planning and Zoning Commission shall make a recommendation to the City Council to approve, approve with conditions or not approve the subdivision activities.

(F) The City Council shall, within ~~120-90~~ days, ~~after receiving recommendations from~~ the Planning and Zoning Commission ~~recommendation~~, approve, approve with conditions or not approve the subdivision activities.

(G) (1) No subdivision of land shall result in the creation of a substandard (non-buildable) lot, according to the current zoning classification, with the exception of existing outlots.

(2) Land to be subdivided as a minor subdivision shall be a lot (or lots) of record in a recorded subdivision plat. The subdivision of land that is not part of a recorded plat requires the land to be platted or re-platted.

(3) The maximum number of parcels or building sites to be created from one platted lot shall not exceed three; and the maximum number of parcels or building sites to be created from two platted lots shall not exceed three,

(4) Any affected lot or outlot shall not be allowed to be subdivided by use of a certificate of survey more than one time.

(5) The need for general utility easements or drainage easements or improvements shall be resolved prior to the approval of the subdivision.

(6) The dedication of land to the public for a street or street right-of-way shall not be allowed by use of a certificate of survey.

(7) Assessments shall be paid in full prior to the approval of the subdivision.

(H) The certificate of survey for filing or recording shall be drawn at current acceptable engineering design standards with a scale. The certificate of survey shall measure no less than eight and one-half inches by 11 inches. The certificate of survey shall be drawn to a scale not greater than 100 feet to the inch unless another suitable scale is approved by the City Engineer and/or Planning and Zoning Commission. (Example: one inch equals 200 feet would be unacceptable.)

(I) Upon approval of a minor subdivision:

(1) The ~~city-subdivider~~ shall file and record the certificate of survey with attached legal descriptions within 30 days from the date of approval by the City Council. One copy shall be filed with the City ~~Administrator~~Clerk, and one copy shall be recorded with the County Recorder. All fees for filing or recording shall be paid by the subdivider.

(2) The City ~~Administrator-Clerk~~ shall file the certificate of survey and attached legal descriptions with the original subdivision plat map in the Administrator's ~~office~~ within 30 days from the date of approval by the City Council.

(J) No building permits shall be issued prior to filing and recording the certificate of survey, and legal descriptions, with the required ~~city-City~~ and ~~county-County~~ officials.
(Prior Code, § 20.1-24) (Ord. 711, passed - -; Ord. 762, passed - -; Ord. 772, passed - -)

CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

General Provisions

§ 150.07 BUILDING RECORDS RETRIEVAL AND COPYING CHARGES.

A fee in an amount to be determined by the City Council shall be charged to persons requesting building records to defray the cost of retrieval and copying of same. The term ***BUILDING RECORDS*** shall include, but not be limited to, such items as new construction permits; new construction building inspection records; building permits for the alteration or remodeling of structures; inspection records for the alteration or remodeling of structures; and building permit and inspection records for the repair of damaged structures. The fee for the retrieval and copying of the building records shall be payable to the City Administrator. The fee for the retrieval and copying of building records may be revised from time to time and set by resolution of the City Council.

Small Buildings and the Like

§ 150.20 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING or ***STRUCTURE***. Any building or structure having a gross area of more than 200 square feet or a cubical dimension of less than 3,000 cubic feet. Also, shacks and quonsets of dimensions hereinbefore stated, converted box cars, cooks cars, trailers, semi-trailers or other movable vehicles or structures used for residence purposes within the city. The word ***BUILDING*** shall include the word ***STRUCTURE***.

Trailers

§ 150.35 DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTOMOBILE TRAILER. Any vehicle or structure designed and constructed in a manner as will permit the use or occupancy thereof as sleeping or living quarters for one or more persons, and so designed or constructed that it is or may be mounted on wheels and used as a conveyance on highways and streets, whether propelled or drawn by its own or other motive power. It includes a ***TRAILER COACH*** or ***TRAILER***.

CHAPTER 151: MOBILE HOMES

None

CHAPTER 152: SUBDIVISIONS

General Provisions

§ 152.011 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLOCK. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to continuity of development.

BUILDABLE AREA. The area of a lot remaining after the minimum yard and open space requirements of Chapter 154 have been met.

CERTIFICATE OF SURVEY. A correct representation of a survey, showing all distances correctly and the placement of all monuments and boundaries correctly, which is prepared and signed by a registered land surveyor under the laws of the state.

COMPREHENSIVE DEVELOPMENT PLAN. A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, official street map, a transportation plan and recommendations for plan execution. The **COMPREHENSIVE PLAN** represents a compilation of recommendations for future development of the municipality, from the municipality's constituents and appointed commissions, which are adopted by the Planning and Zoning Commission and the City Council.

EASEMENT. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

GENERAL DEVELOPMENT PLAN. A map or drawing showing property boundaries with proposed streets and lot layouts and all other specifications required by this chapter.

LOT. A piece or parcel of land occupied or to be occupied by building, or use, or by other activity permitted thereon and including the open spaces required under Chapter 154. A **LOT** need not be a lot of existing record.

MINOR SUBDIVISION. Buildable subdivisions created and recorded by the dividing of a subdivision of record. **MINOR SUBDIVISIONS** must meet the requirements as outlined within Chapter 154.

MONUMENT. Concrete and/or metal markers utilized to establish survey points and lot boundaries. All **MONUMENTS** must be set by a licensed land survey.

OFFICIAL MAP. An ordinance in map form adopted by the governing body that conclusively shows the location and width of proposed streets, public facilities, public areas and drainage rights-of-way.

OPEN SPACE. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment; or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring the **OPEN SPACE**.

PARKS. Areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, play fields and special purpose areas.

PEDESTRIAN WALKWAY. A right-of-way or easement dedicated to public use, ten feet or more in width, which cuts across or into a block to facilitate pedestrian access to adjacent streets and properties.

PERSON. A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state and all political subdivisions of a state or any agency or instrumentality thereof.

PLANNING AND ZONING COMMISSION. A governmental agency appointed by the governing body according to M.S. § 394.30, as may be amended from time to time.

PLAT.

(1) A map representing a tract of land showing the boundaries and location of individual properties and streets; and

(2) A map of a subdivision or site plan.

PLAT, FINAL. A map of all or a portion of a subdivision or site plan that is presented to the approving authority of final approval.

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval. The **PRELIMINARY PLAT** shall mean all required maps, information and documents as set forth in the subdivision regulations and as required by the Planning and Zoning Commission.

RE-PLAT. A change in a recorded subdivision if the change affects any street layout, affects any area reserved for public use or diminishes the size of any lot.

REVIEWING AGENCIES. Reviewing agencies may include, but are not limited to, the Municipal Engineer, School Board, utility companies, Park Board, County Surveyor, Department of Natural Resources, Planning and Zoning Commission, City Attorney, City Council and any additional government agencies city, state or federal, as dictated by statute.

STREETS.

(1) **ALLEYS.** A service roadway, dedicated to the public, providing a secondary means of public access to abutting property and not intended for general traffic circulation.

(2) **ARTERIAL.** Streets carrying large volumes of local traffic between widely separated areas of the community and which may be designated as county state aid highways.

(3) **COLLECTOR.** Streets which carry traffic from minor streets to arterial streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within the developments.

(4) **CUL-DE-SAC.** A short street having one end open to traffic and the opposite end permanently terminated by a circular turn-around for vehicles. (North/south streets shall be called "court" and east/west streets shall be called "place".)

(5) **FRONTAGE.** Streets which are adjacent and parallel to highways or arterial streets and provide access to abutting properties.

(6) **HIGHWAYS.** Streets carrying large volumes of relatively fast moving traffic and are designated as either interstate, federal, state, county or municipal state aid highways.

(7) **LOCAL.** Streets which are used principally for access to abutting properties, especially residential properties.

(8) **RIGHT-OF-WAY (ROW).**

(a) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission, oil or gas pipeline, water line, sanitary/storm sewer and other similar uses; and

(b) Generally, the right of one to pass over the property of another.

SUBDIVIDER. Any person having an interest in land that is the subject of an application for subdivision.

SUBDIVISION. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

VARIANCE. Permission to depart from the literal requirements of this chapter.

Required Improvements

§ 152.023 OPEN SPACE RESERVATIONS.

(C) *"Park land" defined.* For purposes of this section, the term **COMMUNITY PARK OR PARK LAND** shall mean a public recreation facility, designed to give residents of the community the opportunity for the enjoyment of open space, and which may also provide for the use of the residents playground equipment, picnic areas and areas suitable for such uses as ball fields, tennis and basketball courts and skating rinks. Trail corridors providing access from residential areas to neighborhood park facilities may be considered part of the community park system.

Design Standards

§ 152.080 TRAILS; LINEAR PARKS.

A dedicated right-of-way and/or park right-of-way that can be made up of various design types for recreational use.

CHAPTER 153: FLOODPLAIN MANAGEMENT

General Provisions

§ 153.011 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE or **STRUCTURE**. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASEMENT. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

CONDITIONAL USE. A specific type of structure or land use listed in the official control that may be allowed, but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (1) Certain conditions as detailed in Chapter 154 exist; and
- (2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

EQUAL DEGREE OF ENCROACHMENT. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

FLOOD. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE. The portion of the floodplain outside of the floodway. **FLOOD FRINGE** is synonymous with the term **FLOODWAY FRINGE** used in the Flood Insurance Study for the city.

FLOODPLAIN. The beds proper and the areas adjoining wetlands, lakes or watercourses which have been or hereafter may be covered by the regional flood.

FLOODPROOFING. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water.

PRINCIPAL USE or ***STRUCTURE***. All uses or structures that are not accessory uses or structures.

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or human-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a ***REACH***.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. ***REGIONAL FLOOD*** is synonymous with the term ***BASE FLOOD*** used in the Flood Insurance Study.

REGULATORY FLOOD PROTECTION ELEVATION. The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in § 153.102 and other similar items.

VARIANCE. A modification of a specific permitted development standard required in an official control, including this chapter, to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance, as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

CHAPTER 154: ZONING

General Provisions

§ 154.007 DEFINITIONS.

(A) The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural and plural the singular;
- (2) The present tense includes the past and the future tenses and the future the present;
- (3) The word "shall" is mandatory while the word "may" is permissive; and
- (4) The masculine gender includes the feminine and neuter.

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

ACCESSORY BUILDING. A structure detached from the principal structure located on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY STRUCTURE. A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ALLEY. A service roadway, dedicated to the public, providing a secondary means of public access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change or rearrangement in the supporting members of any existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or demolition of a building or a structure, whether horizontally or vertically, or the moving of a building or a structure from one location or another.

AMENITY. A natural or created feature that enhances the aesthetic quality, visual appeal or makes more attractive or satisfying a particular property, place or area (such as flowers, trees, architecture, cleanliness or paint).

ANNEXATION. The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

APPURTENANCES. The visible, functional or ornamental objects accessory to and part of buildings.

AUTOMOBILE REPAIR-MAJOR. General repair, rebuilding or reconditioning engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, overall painting or paint job; vehicle steam cleaning.

AUTOMOBILE REPAIR-MINOR. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding 9,000 pounds gross weight, but not including any operation specified under "automotive repair-major".

AUTOMOBILE SERVICE STATION. The retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories.

AVERAGE SETBACK. The mean setback from a street right-of-way of buildings on both sides of a lot.

BAR. Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASEMENT. The portion of a building which is wholly or one-half or more below the average grade of the ground level adjoining the building. If the height from the average grade level to the first tier of floor beams or joists is five feet or more, the **BASEMENT** shall be considered a story.

BED AND BREAKFAST (GUEST HOUSE or TOURIST HOME). Any dwelling providing certain rooms in excess of those used by members of the family, as herein provided, which are rented primarily to the traveling public, on a short term basis, customarily overnight or for a weekend.

BLOCK. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

BOARD OF ADJUSTMENTS AND APPEALS. The Board of Adjustments and Appeals shall be composed of the members of the City Council as authorized by M.S. § 462.354, Subd. 2, as may be amended from time to time.

BOARDING HOUSE. A dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well.

BOARDING KENNEL. A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.

BUFFERYARD. Open spaces, landscaped areas, fences, walls, berms or a combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

BUILDABLE AREA. The area of a lot remaining after the minimum yard and open space requirements of this chapter have been met.

BUILDING. Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal or chattel of property of any kind. Any portion completely separated from every other part of

a building by division walls from the ground up and without openings, shall be deemed as a separate building.

BUILDING COVERAGE. The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

BUILDING LINE. A line parallel to the street line touching that part of a building closest to the street.

BUILDING OFFICIAL. The authorized representative of the city, licensed by the state, to enforce the State Building Code.

BUILDING SETBACK LINE. The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

BUSINESS SERVICES. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services, equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

CARPORT. A structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed, for the purpose of storage of motor vehicles.

CELLAR. A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half feet.

CHILD. An individual 12 years of age or younger.

CHILD CARE FACILITY. A place (or building) other than the child's dwelling in which care, supervision and guidance of a child unaccompanied by parents, guardian or custodian is provided on a regular basis for a period of less than 24 hours a day, whether operated for profit or nonprofit.

CHURCH. A building with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLINIC. A public or proprietary institution providing diagnostic, therapeutic or preventive treatment of humans by either doctors, physicians, dentists, other medical personnel, psychologists or social workers or a combination thereof, acting in concert and in the same building, where patients are not usually lodged overnight.

COLUMBARIUM. A vault with niches for urns containing ashes of cremated bodies.

COMMERCIAL USE. Activity involving the sale of goods or services carried out for profit.

CONDITIONAL USE. A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in this chapter and authorized by the approving agency.

CONDITIONAL USE PERMIT. A permit issued by the approving agency stating that the conditional use meets all conditions set forth in local ordinances.

CONDOMINIUM. A building, or group of buildings, in which dwelling units, offices or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONTIGUOUS. Next to, abutting or touching and having a boundary, or portion thereof, that is coterminous.

CONVENIENCE STORE. Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

COURT. An open unoccupied space on a lot bounded by two or more sides by the exterior walls of a dwelling or other building or buildings.

DAY CARE HOME. Restricted to a family dwelling in which foster care, supervision and training for children of school or pre-school age out of their own home is provided during part of the day, which is less than 24 hours with no overnight accommodations or facilities and children are delivered and removed daily and for which all licenses shall be obtained.

DECK LINE. The intersection of two roof surfaces of a mansard roof forming the highest horizontal line of the steeper roof slope.

DISTRIBUTION CENTER. An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle.

DOUBLE FRONTAGE LOT. A lot fronting more than one public street right-of-way.

DWELLING. A structure or portion thereof that is used exclusively for human habitation.

DWELLING, ATTACHED. A one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot, sometimes referred to as zero lot line development.

DWELLING, DETACHED. A dwelling that is not attached to any other dwelling by any means.

DWELLING, MULTI-FAMILY. A building containing three or more dwelling units, including units that are located one over the other.

DWELLING, QUADRUPLEX. Four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining units.

DWELLING, TOWNHOUSE. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

DWELLING, TRIPLEX. A building containing three dwelling units, each of which has direct access to the outside or to a common hall.

DWELLING, TWO-FAMILY. A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT. One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

EGRESS. An exit.

ELECTROMAGNETIC RADIATION. Any radiation made up of electromagnetic waves; a general term for hertzian waves, gamma rays, X-rays, light, ultra-violet, infra-red (heat) and radio waves. For the purpose of this chapter, this shall include radar and microwaves.

ERECTED. Assembled, raised, built, constructed, reconstructed, moved upon or any physical operation on the premises required for a building, excavation, fall, drainage and the like.

ESSENTIAL SERVICES. Services and utilities needed for the health, safety and general welfare of the community, such as underground, surface or overhead electrical, gas, telephone, steam, water, sewerage, communications and including generating switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves and other utilities and the equipment, buildings, structures and appurtenances necessary for the systems to furnish an adequate level of service for the area in which it is located including cable television.

EXTENDED CARE FACILITY. A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

FAMILY. Any number of persons inhabiting a dwelling unit comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees.

FARM. A parcel of land which is used for agricultural activities including cropping, pasture and raising of livestock or fowl for commercial purposes.

FLOOR AREA, GROUND. The area within the exterior walls of the principal building as measured from the outside walls at the ground floor level, not including garages or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.

FRONTAGE. The side of a lot abutting on a street; the front lot line.

GARAGE, MUNICIPAL. A structure owned or operated by a municipality and used primarily for the parking and storing of vehicles owned by the general public.

GARAGE, PRIVATE RESIDENTIAL. A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

GARAGE, PUBLIC. A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

GARAGE, REPAIR. Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GRADE.

(a) The average elevation of the land around a building; and

(b) The percent of rise or descent of a sloping surface.

GREENBELT. An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

HEIGHT. The vertical distance of a structure which, for the purpose of this chapter, will be measured from the lowest elevation of the finished grade surrounding the structure to the highest point of the structure.

HISTORIC SITE. A structure or place of outstanding historical and cultural significance and designated as such by state or federal government or agency.

HOME BUSINESS. A home occupation or profession conducted within the dwelling unit or an existing accessory structure, solely by the owner and/or residents of the dwelling, which is detectable from off of the premises and is usually characterized by activity not normally present within a residential parcel or neighborhood. A **HOME BUSINESS** shall require a conditional use permit. (Example: **HOME BUSINESSES** may involve the storage of trade inventory

incidental to the service; equipment; repair or assembly service requiring equipment other than customarily found in a dwelling or accessory structure.)

HOME OCCUPATION. Any activity carried out for gain in a residents dwelling unit, solely by the owner and/or residents of that unit, that is confined to the interior of that unit so as to be undetectable from what is normally present within a residential dwelling unit and does not qualify as a home business.

HOSPITAL. An institution providing primary health services and medical surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

HOTEL. A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

IMPOUNDING WATER. The activity of gathering and enclosing water or creating areas of open water.

INCIDENTAL. Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

INFRASTRUCTURE. Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

INGRESS. Access or entry.

INTERMEDIATE CARE FACILITY. A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require the assistance, but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

JUNK. Any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition.

JUNKYARD. Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of junk.

LANDSCAPE.

(a) An expanse of natural scenery; and

(b) Lawns, trees, plants and other natural materials, such as rock and wood chips, and decorative features, including, sculpture, patterned walks, fountains and pools.

LONG-TERM CARE FACILITY. An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood or adoption.

LOT. A piece or parcel of land occupied or to be occupied by building, or use, or by other activity permitted thereon and including the open spaces required under this chapter. A **LOT** need not be a lot of existing record.

LOT AREA. The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT, CORNER. A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE. The portion of the lot that is covered by impervious surfaces.

LOT DEPTH. The average distance measured from the front lot line to the rear lot line.

LOT, DOUBLE FRONTAGE. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

LOT FRONTAGE. The length of the front lot line measured at the street right-of-way line.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT. The lot line separating a lot from a street right-of-way.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT OF RECORD. A lot that exists as shown or described on a plat or deed in the records of the local Registry of Deeds.

LOT, SUBSTANDARD. A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MANUFACTURED HOUSING. Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

MANUFACTURING. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquors.

MAUSOLEUM. A tomb or a building with vaults for the entombment of a number of bodies.

MOTEL. An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

NONCONFORMING LOT. A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this chapter, but that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING SIGN. Any sign lawfully existing prior to the effective date of this chapter, or amendment thereto, that does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE OR BUILDING. A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to this chapter, but that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USE. A use or activity that was lawful prior to the adoption, revision or amendment of this chapter, but that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

NUISANCE. An interference with the enjoyment and use of property.

NURSERY. Land or greenhouses used to raise flowers, shrubs and plants for sale.

NURSING HOME. See **INTERMEDIATE CARE FACILITY**, **EXTENDED CARE FACILITY** and **LONG-TERM CARE FACILITY**.

OFFICE. A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

OFFICE BUILDING. A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, and may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand and child care facilities.

OFFICIAL MAP. An ordinance in map form adopted by the governing body that conclusively shows the location and width of proposed streets, public facilities, public areas and drainage rights-of-way.

OFF-SITE PARKING. Parking provided for a specific use, but located on a site other than the one on which the specific use is located.

OFF-STREET PARKING SPACE. A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

ON-STREET PARKING. A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

OPEN SALES LOT. Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of some prior to sale.

OPEN SPACE. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring the open space.

OUTDOOR STORAGE. The keeping, in an unenclosed area, of any goods, junk, material, merchandise or vehicles, in the same place for more than 24 hours.

OVERLAY ZONE. A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

PARCEL. A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

PARKING AREA. Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING LOT. A temporary storage area for motor vehicles, not located in an R-1 or R-2 zone.

PARKING, SHARED. Joint use of a parking area for more than one use.

PARKING SPACE. A space for the parking of a motor vehicle within a public or private parking area.

PARTY WALL. A common shared wall between two separate structures, buildings or dwelling units.

PERFORMANCE STANDARDS. A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

PERMIT. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without the authorization.

PERMITTED USE. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON. A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state and all political subdivisions of a state or any agency or instrumentality thereof.

PLANNED UNIT DEVELOPMENT. An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas.

PLANNING AND ZONING COMMISSION. The Planning and Zoning Commission of Kasson, appointed by the City Council and established under M.S. § 394.30, as may be amended from time to time.

PLAT.

(a) A map representing a tract of land showing the boundaries and location of individual properties and streets; and

(b) A map of a subdivision or site plan.

PLAT, FINAL. A map of all or a portion of a subdivision or site plan that is presented to the approving authority for final approval.

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval.

PLAT, SKETCH. A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

PORCH. A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

PRELIMINARY APPROVAL. The conferral of certain rights, prior to final approval, after specific elements of a development have been approved by the approving authority and agreed to by the applicant.

PRINCIPAL BUILDING. The primary building in which the main principal permitted use of the lot is conducted or accomplished.

PRINCIPAL USE. The primary or predominant use of any lot or parcel.

PROFESSIONAL OFFICE. The office of a member of a recognized profession maintained for the conduct of that profession.

PROHIBITED USE. A use that is not permitted in a zone district.

PUBLIC HEARING. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC NOTICE. The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place and nature of the public hearing and where the application and pertinent documents may be inspected.

PUBLIC UTILITY. A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

PUBLIC UTILITY FACILITIES. See **ESSENTIAL SERVICES.**

QUORUM. A majority of the full authorized membership of a board or agency.

RECREATION FACILITY. A place designed and equipped for the conduct of sports and leisure-time activities.

RECREATIONAL VEHICLE. A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

RESIDENTIAL HEALTH CARE FACILITY. Residences usually occupied by the frail elderly that provide rooms, meals, personal care and health monitoring services under the supervision of a professional nurse and that may provide other services, such as recreational, social and cultural activities, financial services and transportation.

RESTAURANT. An establishment where food and drink are prepared, served and consumed primarily within the principal building.

RETAIL SALES. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods.

RETAIL SERVICES. Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

REZONE. To change the zoning classification of particular lots or parcels of land.

RIGHT-OF-WAY.

(a) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses: and

(b) Generally, the right of one to pass over the property of another.

ROOF. The outside top covering of a building.

ROOF, FLAT. A roof that is not pitched and the surface of which is generally parallel to the ground.

ROOF, GABLE. A ridged roof forming a gable at both ends of the building.

ROOF, GAMBREL. A gabled roof with two slopes on each side, the lower steeper than the upper.

ROOF, HIP. A roof with sloping ends and sides.

ROOF, MANSARD. A roof with two slopes on each of four sides, the lower steeper than the upper.

ROOF, SHED. A roof with one slope.

SALVAGE YARD. Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, waste, reclaimable material or debris.

SCREENING. See **BUFFERYARD.**

SETBACK. The distance between the building and any lot line.

SETBACK LINE. The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

SIGN. A publicly displayed message using words, letters, symbols or pictures, bearing information, warning, advertising or other.

SIGN, A-FRAME OR SANDWICH BOARD. An advertising sign that is normally in the shape of an "A" or some derivation thereof, located on the ground, easily movable, not permanently attached and two sided.

SIGN, ANIMATED/FLASHING. A sign that features simulated motion, either illuminated or not illuminated. If illuminated, a sign that has a light source not constant in intensity or color at all times, which creates the illusion of motion through graphic animation, and other motion such as flashing, blinking, revolving or rotating light. Electronic message signs are specifically exempt.

SIGN, AREA IDENTIFICATION. A freestanding sign which identifies the name of a neighborhood, a residential subdivision, a multiple-residential complex consisting of three or more structures or ten or more units, a shopping center consisting of three or more separate structures, an industrial area consisting of three or more structures or any combination of the above.

SIGN, BANNER. Any sign of fabric or similar material that is mounted to a pole, fence, building or similar structure at one or more edges. National, state or municipal flags shall not be considered a **BANNER**.

SIGN, BILLBOARD TYPE. A freestanding sign advertising or containing information which may or may not pertain to the business on the property where the sign is located.

SIGN, CONSTRUCTION/PROJECT. A temporary sign erected on the premises prior to or during the period of construction. These signs typically indicate the names of the architects, engineers, landscape architects, contractors or similar artisans, and/or owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project, and rental, sale or lease information.

SIGN, ELECTRONIC MESSAGE. Any sign that by electronic means conveys a text message or series of messages, including, but not limited to, time and temperature.

SIGN, FINDER. Temporary signs used to direct the reader to a temporary event such as an open house or garage sale, the signs shall not exceed eight square feet and shall only be displayed for up to seven days, during the events.

SIGN, FREESTANDING. A self-supporting sign resting on or supported by means of poles, standards of any other type of base anchored to the ground.

SIGN, GRAPHICS. A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.

SIGN, MARQUEE. A structure attached to and projecting from a wall of building, located above an entrance, which is designed to identify a business or use located on the premises or to advertise present or scheduled events on the premises.

SIGN, OFFICIAL. A sign placed by an authorized government body including, but not limited to, street, traffic and highway signs, posted legal notices, parking signs.

SIGN, PORTABLE. Any sign temporary in nature, not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; balloons used as signs; umbrellas used for advertising, except that advertising umbrellas may be used in conjunction with the operation of a restaurant; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used for normal day-to-day operations of a business. Specifically excluded are A-frame and sandwich board signs.

SIGN, PROJECTING. A sign, other than a wall sign, which attaches to and projects from a structure or building facade.

SIGN, ROOF. A sign mounted on the roof of a building or which depends upon a parapet wall for support.

SIGN, WALL. A sign mounted parallel to a building facade or other vertical building surface (which should not be mounted more than 18 inches from the wall surface they are attached to).

SIMILAR USE. A use that has the same characteristics and the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs and clientele.

SITE PLAN. The development plan for one or more lots on which is showing the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers and screening devices; surrounding development; and any other information that may be required in order that an informed decision can be made by the approving authority.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

STREET. Any vehicular way that:

- (a) Is an existing state, county or municipal roadway;

(b) Is shown upon a plat approved pursuant to law;
(c) Is approved by other official action; or
(d) Is shown on a plat duly filed and recorded in the office of the County Recorder prior to the appointment of a government body with the power to review plats; includes the land between the street lines, whether improved or unimproved.

STRUCTURE. A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

SUBDIVIDER. Any person having an interest in land that is the subject of an application for subdivision.

SUBDIVISION. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools; hot tubs; portable and nonportable spas; and fixed-in-place wading pools.

UTILITY EASEMENT. The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables and towers.

VARIANCE. Permission to depart from the literal requirements of a zoning ordinance.

WAREHOUSE. A building used primarily for the storage of goods and materials.

WHOLESALE TRADE (WHOLESALE ESTABLISHMENT). Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, individuals or companies.

YARD. An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward; except, as may be specifically provided in this chapter.

YARD AREA. The total square footage of the property.

YARD DEPTH. The shortest distance between a lot line and a yard line.

YARD, FRONT. A space extending the full width of a lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

YARD, REAR. A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

YARD, REQUIRED. The open space between a lot line and the yard line within which no structure shall be located except as provided in this chapter.

YARD, SIDE. A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

ZERO LOT LINE. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONE. A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing and size of land and buildings.

ZONING. The delineation of districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

ZONING CERTIFICATE. A document signed by the Zoning Administrator, as required in this chapter, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that the use, structure or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

ZONING DISTRICT. A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

ZONING MAP. The map or maps that are a part of the zoning ordinance and delineate the boundaries of zone districts.

Administration and Enforcement

§ 154.030 VARIANCES.

(A) Criteria for granting a variance.

(1) The City Council, consistent with the authority granted by law, may grant a property owner a variance from compliance with the literal provisions of the zoning code in an instance where strict enforcement would cause practical difficulties to the individual property owner, and when it can be demonstrated that such action will be in keeping with the spirit and intent of the code.

(2) The term **PRACTICAL DIFFICULTIES** means that the:

(a) Property owner proposes to use the property in a reasonable manner that is not otherwise not permitted; and

(b) The plight of the property owner is due to circumstances unique to the property, not created by the property owner; and

(c) The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute **PRACTICAL DIFFICULTIES**. For the purposes of this section, **PRACTICAL DIFFICULTIES** also means and includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

General Regulations

§ 154.063 REFUSE.

In all districts, all waste material, debris, refuse or garbage shall be kept in an enclosed building or property contained in a closed container designed for such purposes, with the exception of crop residue. The owner of vacant land shall be responsible for keeping the land free of refuse. Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding 14 days; ***INOOPERATIVE*** shall mean incapable of movement under their own power and in need of repairs. All exterior storage material not included as a permitted use, accessory use or conditional use, or otherwise permitted by provisions of this chapter, may be considered as refuse.

(Prior Code, § 24-42) (Ord. 728, passed - -)

General Regulations

§ 154.080 OFF-STREET PARKING.

(C) *All districts.*

(4) For the purpose of this section, ***FLOOR AREA***, in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.

General Regulations

§ 154.098 EXTRACTION OF MATERIALS AND MINERALS, OPEN PITS AND IMPOUNDING OF WATER.

(B) *Definition. EXCAVATIONS*, as used in this section, shall mean any artificial excavation of the earth, dug, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavating ancillary to other construction of any installation erected or to be erected, built or placed thereon contemporaneously with or immediately following the excavation and covering or to cover the excavation when completed are excepted, if a permit has been issued for the construction or installation. Excavation not exceeding 50 square feet of surface area or two feet in depth and excavation including impounding of water for agricultural purposes are exempted.

Wireless Communications Facilities

§ 154.381 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTENNA. Any device or equipment used for the transmission or reception of electromagnetic waves, which may include omni-directional antenna, directional antenna or parabolic antenna.

CO-LOCATION. The location of more than one antenna or set of antennas on the same wireless communication tower or structure.

ENGINEER. Any person practicing as a professional engineer shall be duly licensed and certified under the guidelines stipulated in M.S. Ch. 326, as may be amended from time to time, for their particular field.

FAA. Federal Aviation Administration.

FCC. Federal Communication Commission.

HEIGHT. The distance measured from the ground level at the base of the tower or structure to the highest point on a tower or structure.

TOWER. Any structure that is deigned and constructed primarily for the purpose of supporting one or more antennas, (e.g., monopoles and similar structures).

TOWER ACCESSORY STRUCTURE. Any structure located at the base of a tower for housing receiving or transmitting equipment.

WIRELESS COMMUNICATION. Any personal wireless services as defined in the Federal Communications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), paging and similar services that currently exist or may be developed.