

**CITY OF SPRINGFIELD
ORDINANCE 389**

**Adopted 2-19-2008 unless otherwise
noted**

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ORDINANCE 389
AN ORDINANCE REPEALING AND REPLACING SECTION 18 OF THE CITY CODE RELATING TO
LAND USE (ZONING) AND SUBDIVISION (PLATTING) OF PROPERTY

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 18.01 INTRODUCTORY PROVISIONS

Subd. 1 INTENT AND PURPOSE

This Ordinance is adopted for the following purposes:

- A. Protecting the public health, safety, morals, comfort, convenience and general welfare.
- B. Promoting orderly development of the residential, commercial, industrial, recreational and public areas.
- C. Providing adequate light, air and convenience of access of property.
- D. Providing for the compatibility of different land uses and the most appropriate use of land throughout the city.
- E. Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.
- F. In addition, these regulations are adopted to assist the with the following: Implementing its Comprehensive Plan; protecting and enhancing the natural environment and resources that currently exist within the City; ensuring orderly and quality development and redevelopment; protecting the quality and diversity of the City's tax base; protecting the quality of residential neighborhoods; providing opportunities for an affordable and diverse housing supply; managing traffic; ensuring compatibility between different land uses; and, regulating businesses that may have adverse secondary effects on the quality of life of residents.

Subd. 2 TITLE

This Ordinance shall be known, cited and referred to as the Springfield City Zoning/Subdivision Ordinance or the Zoning/Subdivision Ordinance or the Zoning Code except as referred to herein, where it shall be known as "this Ordinance" or "this Chapter".

Subd. 3 SCOPE

In interpreting and analyzing these zoning provisions, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. Whenever the provisions herein require greater standards that are required by any other statute, ordinance or regulations, the provisions of this chapter shall govern. Whenever the provisions of any other statute, ordinance or regulations require greater standards than are required by the provisions herein, the provisions of such statute, ordinance or regulations shall govern. The geographic jurisdiction of this chapter shall be the entire area within the corporate limits of the City of Springfield, Brown County, Minnesota, as exists now and as may be altered from time to time.

Subd. 4 AUTHORITY

This Chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.363, as may be amended.

Subd. 5 RULES OF WORD CONSTRUCTION

A. For the purpose of these regulations, the following terms, phrases, words and their definitions shall have the meaning given in this Subd. Words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural shall include the singular.

B. The following words shall include:

1. "Building" includes the word "structure".
2. "Dwelling" includes "residence".
3. "Person" includes an owner or representative of a 'firm', 'corporation', 'partnership', 'company', 'organization', 'trust', 'association', as well as 'individual'.
4. "Shall" and "must" are mandatory and not directory; "may" is permissive.

C. All measured distances expressed in feet shall be to the nearest tenth of a foot.

D. When calculating parking stall requirements, any fraction of a number shall constitute an additional parking space.

E. If not specifically defined or exempted within the text of this Chapter, the size or area limitations imposed by this Chapter on a specific use or activity refer to the maximum gross area devoted to such use or activity in any individual building or structure.

F. When the meaning of a word or term is not specifically defined in this Ordinance/Chapter the meaning giving to the word or term elsewhere in the City Code shall be interpreted as the definition of the word/term under this Chapter. In the event the word or term is not defined elsewhere in the City Code the word/term shall have the meaning as defined by the Webster's Dictionary.

Subd. 6 DEFINITIONS

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

"Abutting" shall mean making contact with or separated only by public thoroughfare, railroad or public right-of-way.

"Accessory Building" shall mean a subordinate building or structure fixed to the earth on the same lot or attached to the principal structure exclusively occupied by or devoted to a use incidental to the main use.

"Accessory Use" shall mean a use subordinate to the principal use on the same lot and customarily incidental to the main use.

"Addition" is an extension or increase in floor area or height of a building or structure.

"Adjacent" shall mean in close proximity to or neighboring, not necessarily abutting.

"Agricultural Building" shall mean a structure constructed on a minimum of ten (10) acres of agricultural land and designed to house farm implements (not a parking garage), livestock (which does include horses and the commercial boarding of horses) and/or "agricultural products". Agricultural buildings shall not be used for human habitation, retail sales, mini-storage, riding lessons, livestock shows, etc however the building can serve as a place of employment for persons working with the agricultural products and those engaged in their pickup or delivery.

"Alley" shall mean a public right of way which affords a secondary means of access to abutting property.

"Amusement Center" shall mean a business at one location devoted primarily to the operation of amusement machines (i.e. video games, pinball and the like) and open for public use and participation; or locations with five (5) or more amusements machines and open for public use and participation. Adult oriented uses are specifically prohibited from being defined as 'amusement centers'.

"Animals" "Domestic" shall be defined as house pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a permit from the City. In addition, it includes birds and rabbits normally sheltered outside the home.

"Animals" "Farm" shall be defined as cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.

"Antenna" shall mean any structure or device used to collect or transmit RF waves, including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas. Specific definitions related to antenna follow:

Personal Wireless Service. A device consisting of a metal, carbon fiber, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of wireless communication radio waves including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services and including the support structure thereof.

Public Utility Microwave. A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the supporting structure thereof.

Radio and Television, Broadcast Transmitting. A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio or television programming, and including the support structure thereof.

Radio and Television Receiving. A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the supporting structure thereof.

Satellite Dish. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses and including the support structure thereof. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television receive only) and satellite microwave antennas.

Short-Wave Radio Transmitting and Receiving. A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the supporting structure thereof.

Support Structure. Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Temporary Mobile. Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, also commonly referred to as a Cellular on Wheels (COW).

Tower. A self-supporting lattice, guyed or monopole structure constructed from grade which supports personal wireless service antennas. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.

"Apartment" shall mean a multi-family building containing dwelling units in a stacked configuration having common walls and floors/ceilings.

"Applicant" shall mean the owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Chapter are being considered for or reviewed.

"Assisted and Congregate Care Housing" shall mean a multiple dwelling which typically provides at least one meal per day for each of its residents and may include other supportive services including housekeeping, home health care, and transportation.

"Automobile Repair, Major" shall mean general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding and major painting service.

"Automobile Repair, Minor" shall mean the: replacement of any part or repair of any part which does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstery service. Above stated is applied to passenger and other types of vehicles but does not include engine repair to buses, commercial vehicles (semi tractors, trailers, non-tandem axel vehicles), commercial equipment and the like.

"Awning" shall mean an architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

"Balcony" means a floor projecting from and supported by a structure without additional independent supports.

"Basement" shall mean that portion of a building that is partly or completely below grade. A basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is: more than six feet above grade plane, more that six feet above the finished ground level for more than fifty percent of the total building perimeter or more than twelve feet above the finished ground level at any point.

"Bed and Breakfast" shall mean an owner occupied single family residence that provides overnight accommodations to a limited number of visitors for a charge, not to exceed a stay of seven consecutive nights.

"Boundary Lines" shall mean any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the Zoning Map.

"Buffer" shall mean a strip of land intended to create a physical and/or visual separation between potentially incompatible uses of land.

"Buildable Area" shall mean that part of the lot remaining after required yards have been provided but not including environmentally sensitive areas, environmentally significant areas, floodways, wetlands, public rights-of-way, surface waters, bluffs and/or areas deeded to the public.

"Building Coverage" shall mean the area of the lot covered by building(s), also referred to as 'building footprint'.

"Building Height" shall mean the vertical distance from grade plane (a reference plane representing the average of finished ground level adjoining the building at exterior walls; where the finished ground level slopes

away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than six feet from the building between the building and a point six feet from the building) to the average height of the highest roof surface.

"Building, Principal" shall mean a building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

"Building Setback Line" shall mean the front line of the building or the legally established line which determines the location of the building with respect to the minimum measured distance from the public right-of-way. Said line shall be measured from the public right-of-way on which the structure fronts.

"Building" shall mean any structure used or intended for supporting or sheltering any use or occupancy.

"Business" shall mean any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

"Caliper" shall mean the length in inches of a parallel line measured through the trunk of a tree at a height of thirty (30) inches above the ground.

"Camping Trailers" shall mean any of the following:

'Camping Trailer'. A folded structure, mounted on wheels and designed for travel, recreation and vacation uses.

'Motor Home'. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed on an integral part of a self-propelled vehicle.

'Pickup Coach'. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

'Travel Trailer'. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.

"Canopy" shall mean an accessory roof-like structure, which is either attached to or detached from an allowable primary building; which is open on all sides, other than where attached; and, which is located over and designed to provide cover for entrances, exits, walkways, and approved off-street vehicle service areas.

"Cellar" shall mean a space with less than one-half (1/2) 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 (6.5) feet.

"Cemetery" shall mean a parcel or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, mausoleums and mortuaries when operated within the boundaries of such cemetery.

"Church" shall mean a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which buildings and uses are maintained and controlled by a religious body organized to sustain regular public worship.

"Clear-Cutting" shall mean the removal of essentially an entire stand of trees and shrubs (i.e. over 60%) in an area except for the removal of nuisance vegetation or removal of trees/shrubs in a non-shoreland area of greater than 50 lineal feet.

"Club, Lodge" shall mean a nonprofit association of persons who are bona fide members paying annual dues,

use of premises being restricted to members and their guests.

"Club, Private" shall mean a place of assembly and activity where membership is required and directed toward and limited to people with specific interests or of a specific group.

"Club, Public" shall mean a place of assembly and activity where membership typically is required and is directed toward the general public, and where the sponsoring organization is non-profit.

"Club, Sports and Fitness" shall mean a place of assembly and activity where membership may be required and is directed toward the general public with the commercial promotion of sports and physical fitness.

"Commercial Equipment" shall mean any equipment, including trailers, used for the alteration, demolition, construction, maintenance, or excavation of a building, structure or property

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle: has a gross vehicle weight of more than 26,000 pounds; has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds; is a bus; is of any size and is used in the transportation of hazardous materials, except for those vehicles having a gross vehicle weight of 26,000 pounds or less and carrying in bulk tanks a total of not more than 200 gallons of liquid fertilizer and petroleum products; or is outwardly equipped and identified as a school bus, except for school buses defined in Mn. Rules, Section 169.01, Subd. 6(5) as may be amended.

"Commercial Recreation Indoor" shall mean uses such as a bowling alley, cart track, jump center, pool hall, dance hall, skating, trampoline, theatre, firearms range, amusement rides, bingo halls, live music and dancing and similar uses all of which are operated within an enclosed structure. Adult uses are specifically excluded from this definition.

"Commercial Recreation Outdoor" shall mean a cart track, golf, vehicle racing or amusement, boat rental, amusement rides, campgrounds, RV park, live music and dancing, and similar uses which are operated within or outside of an enclosed structure. Adult uses are specifically excluded from this definition.

"Common Open Space" shall mean any privately owned open space including private parks, nature areas, playgrounds, and trails, including accessory recreational buildings and structures which are an integral part of a development.

"Community Center" shall mean a building or room or group of rooms within a building designed specifically as a gathering place for the general public or for a specific segment of the general public and operated on a nonprofit basis.

"Commercial Use" shall mean any use occurring and permitted within a business or commercial zone. "Comprehensive Plan" shall mean the Comprehensive Plan of the City of Springfield.

"Conditional Use" shall mean occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning district, which for the respective conduct or performance in such designated districts may require reasonable, but special, unusual or extraordinary limitations peculiar to the use for the protection, promotion and preservation of the general public welfare, health and safety, and the integrity of the City Comprehensive Plan and for which a conditional use permit is required.

"Conditional Use Permit" shall mean a permit specially and individually issued by the City Council in accordance with procedures specified in this Code and following review and recommendation by the Planning Commission, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

"Condominium, Housing or Business" shall mean the legal arrangement in which single residential or business units are individually owned but in which the common areas are owned, controlled and maintained through an organization consisting of all the individual owners. Condominium ownership provides design flexibility and the sharing of responsibility through the use of common open spaces that are in addition to private open spaces. "Construction Materials, Manufactured" shall mean a material which is created from constituent parts which are reduced, pulverized, chemically treated or otherwise altered and then combined in a manufacturing process to form a new material. Examples of such materials include but are not limited to chipboard, plywood, hardboard sheets, vinyl sheets, aluminum or steel sheets, stucco, brick, concrete, concrete block and pre-cast panels.

"Construction Materials, Natural" shall mean a non-manufactured material existing in nature which is prepared for use only by cutting, forming or machining. Examples of such materials include but are not limited to wood planks, timbers and stone.

"Contractor Operation" shall mean an area and/or building devoted to use by a person who contracts to supply certain materials or to do certain work in the field of building trades.

"Convenience Commercial Centers" shall refer to a limited commercial office, retail, service outlet, which deals directly with the customer for whom the goods or services are furnished. The centers are to provide services or goods for the surrounding neighborhoods and are not intended to draw customers from the entire community.

"Convenience Food Establishment" shall mean an establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

"Cooperative (Housing)" shall mean a multiple family dwelling owned and maintained by the residents and subject to and as defined by Mn. Statutes. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

"Court/Courtyard" shall mean an unoccupied open space which is bounded on two (2) sides by the walls of the buildings.

"Crawl Space" shall have the definition given in the building code.

"Day Care Home, Group" shall mean any residence or portion of a residence licensed by the Department of Human Services under chapter 9502 as may be amended for no more than 14 children at any one time, and must meet Group R, Division 3 occupancy requirements.

"Day Care, Group facility" shall mean a public or private establishment, which for financial gain or other purpose regularly provides persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home for persons of school age or older.

"Day Care, Home Family" means a residence or portion of a residence licensed by the Department of Human Services under chapter 9502 as may be amended for no more than ten children at one time of which no more than six are under school age, and must meet Group R, Division 3 occupancy requirements.

"Deck" shall mean an exterior floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

"Decorative block" shall mean a building block of cast concrete and aggregate rock that has a split-rock, brick-like, burnished, or ribbed texture on the side to be exposed, and is available in a variety of colors.

"Delicatessen" shall mean a shop where ready to serve cold food, such as cooked meats, smoked fish, salads, relishes, etc. which are prepared in advance, is sold typically for consumption off the premises.

"Development Plan" shall mean a plan guiding the development of the property to the ultimate land use. The plan shall include but is not limited to: site analysis information, staging plan, grading plan, drainage plan and end use plan.

"Display, Outside or Outdoor" shall mean a class of storage outside the principal building where merchandise is visible and may involve active sales as well as passive sales (where items can be taken inside for actual purchase). Outside display of merchandise may be temporary or permanent depending upon the conditions of the permit issued pursuant to this Chapter.

"Distribution Center" shall mean a use where large volumes of commodities are received and organized for transport prior to final dispersal to the consumer. For the purpose of this definition a use shall be considered to be that area utilized for the distribution-related activities, not including office, laboratory or production space, of an individual occupant, owner or tenant of one or more structures or a portion thereof located on a single lot.

"District" shall mean a section of the City for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, the intensity of use are uniform for each class of use therein.

"Dog Kennel, Commercial" shall mean any place where three or more dogs over six months of age are boarded, bred and/or offered for sale, except a veterinary clinic. Commercial dog kennels shall be permitted only in areas specifically zoned for such uses.

"Dog Kennel, Residential" shall mean any premises where no more than two (2) dogs over six (6) months of age are kept.

"Draining" shall mean the removal of surface water or ground water from land.

"Dredging" shall mean to enlarge or clean out a waterbody, watercourse, or wetland.

"Drive-in or Drive-thru Facility" shall mean an establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed on or off of the site.

"Duplex" see 'Dwelling Unit, Two-Family'.

"Dwelling Unit, Apartment" shall mean a building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but sharing hallways and main entrances and exits.

"Dwelling Unit, Efficiency Apartment" shall mean a one (1) room dwelling unit consisting of one (1) principal room having cooking facilities and used for combined living, dining and sleeping purposes.

"Dwelling Unit, Elderly (Senior Citizen)" shall mean a multiple family dwelling designed for and occupied primarily by persons over 55 years of age, and which may include on-site recreational, social or health care services for the benefit of the residents.

"Dwelling Unit, Single-Family" shall mean a dwelling unit designed exclusively for occupancy by one (1) family. A single-family dwelling unit may be of one of two types:

"Dwelling, Single family, Attached" shall mean a dwelling which is joined to another at one or more sides by a common vertical wall and so designed as to supply each unit separate ingress/egress. Attached units may be of row or town house types as opposed to multiple dwelling apartment structures. Attached units and/or lots may be owned or rented.

"Dwelling, Single family, Detached" shall mean a dwelling unit not attached to another.

"Dwelling Unit, Townhome" shall mean a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

"Dwelling Unit, Triplex" shall mean a multiple-family dwelling designed exclusively for occupancy by three (3) families/households living independently but sharing common ingress/egress, hallways, stairs and other common areas.

"Dwelling Unit, Two-Family" shall mean a dwelling designed exclusively for occupancy by two (2) families living independently of each other but sharing common ingress/egress such as a double bungalow (a two-family dwelling with two (2) units side-by-side) or a duplex (a two-family dwelling with one (1) unit above the other).

"Dwelling Unit" shall mean any building or portion thereof which is designed or used exclusively for residential purposes including permanent provisions for living, sleeping, eating, cooking and sanitation. This term is inclusive of one-family, two-family and multiple family dwellings, but shall not include hotels, motels, boarding houses or recreation campers/vehicles/trailers.

"Dwelling Unit, Quadraplex or Quadruplex" shall mean an attached multiple-family dwelling designed exclusively for occupancy by four (4) families/household units living independently of each other but sharing common ingress/egress, stairs, hallways and other common areas.

"Dwelling, Zero Lot Line" shall mean single-family dwellings attached by a common wall in such a manner that the common/party wall is located on the common lot line (e.g. twin home).

"Earth Berm (House Construction)" shall mean an earth covering on the above grade portions of the building walls.

"Earth sheltered building" shall mean a building constructed so that more than 50 percent of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth and the building code standards are satisfied. Earth covering is measured from the lowest level of the livable space in residential units and of usable space in non-residential buildings. An earth sheltered building is a complete structure that does not serve just as a foundation or sub-structure for above grade construction. Partially completed buildings shall not be considered earth sheltered.

"Easement" shall mean a temporary or permanent grant by a property owner for the use of a strip or area of land, from the ground to the sky, for purposes including but not limited to the constructing and maintaining of utilities, sanitary sewer, water mains, electric lines, telephone lines, storm sewer or storm water drainageway, and gas lines.

"Efficiency Apartment" shall mean a dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.

"Engineer" shall mean an electrical, mechanical, civil, or other professional engineer licensed by the State of Minnesota.

"Entertainment, Live" shall mean a show or presentation involving an actual in person appearance or performance, rather than one which has been filmed or recorded.

"Erosion" shall mean the wearing away of land surface by the action of natural elements.

"Essential Services" shall mean the erection, construction, alteration or maintenance of underground and overhead gas, electrical, steam or water distribution systems; collector, communication, supply or disposal

systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories in conjunction therewith by public utilities, municipalities or other governmental agencies.

"Essential Service Structures" shall mean structures and buildings necessary for the operation of essential services, including but not limited to: telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, lift stations. Essential service structures shall not include transmission/reception antennas.

"Excavation" shall mean the removal, filling with, or storage of rock, sand, dirt, gravel, clay or other like materials.

"Exterior Storage" shall mean the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

"Exterior wall finish" shall mean a material or assembly of materials applied on the exterior side of exterior walls for the purpose of providing a weather resisting barrier, insulation or for aesthetics, including veneers, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, fascias, gutters and leaders.

"Extractive Use" shall mean the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, peat and/or similar materials.

"Face brick" shall mean a masonry building block or clay baked in a kiln until hard.

"Family Care Home" shall mean a residential structure typical of those in the neighborhood having a maximum of six residents needing the adult care and supervision of a "supervised residential program" or "social rehabilitation program," plus a minimum of two or more adults who operate the dwelling unit as a family home. The family care home typically may be a single-family detached dwelling, attached townhouse, rental or owned apartment, or similar unit to those of the immediate neighborhood where it is located. The unit must be acceptable to the licensing requirements of the state, federal government or other governmental licensing agency and the Minnesota Uniform Building Code.

"Family" shall mean an individual or two or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one housekeeping unit using one kitchen and providing meals or lodging to not more than five unrelated persons living together as one housekeeping unit using one kitchen.

"Farming" shall mean the cultivating or pasturing of a parcel of land and the raising of domestic livestock or fowl for commercial purposes. It can include retail sale of goods produced on the premises - for example plant nurseries and vegetable stands could qualify but not if they sell shipped in goods.

"Farmers Market" shall mean an area used for the sale of produce grown by local and regional producers.

"Fence" shall mean any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.

"Filling" shall mean the act of depositing any rock, soil, gravel, sand or other material so as to fill a waterbody, watercourse or wetland.

"Fitness Center" shall mean a place of assembly and activity where membership may be required and is directed toward the general public with the commercial promotion of sports and physical fitness.

"Floor Area, Gross" shall mean the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building or portion thereof not provided

with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

"Floor Area, Net" shall mean the actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

"Frontage" see "Lot, Front".

"Garage, Commercial" shall mean any premises, except those described as a private or storage garage, used for the storage or care of power driven vehicles or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

"Garage, Private" shall mean a garage with a capacity of not more than four (4) power driven vehicles for storage only, and which is erected as an accessory to a dwelling.

"Garbage" shall mean animal and vegetable wastes and other wastes or putrescent matter including but not limited to grease, wrappings, shells, grounds, bones, entrails, and similar materials resulting from the handling, preparation, cooking, service and consumption of food, and other animal wastes.

"Garden Center" shall mean a place of business where retail and wholesale products and produce are sold to the retail customer. These centers, which may include a nursery and/or greenhouses, import the majority of the items sold. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hose, rakes, shovels, and other garden and farm tools and utensils.

"Garden/utility building/shed" shall mean a structure on the same lot as the principal building and used for storage of miscellaneous articles specifically excluding automobiles. A utility building shall contain not more than one-hundred and twenty (120) square feet inside area.

"Gazebo" shall mean a freestanding accessory structure or pavilion. Such structures are characterized by partly open construction, design symmetry, and the use of ornamental architectural features.

"General Plan" shall mean a map (drawn to scale) and supportive text depicting the general location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, etc. as related to a proposed development.

"Grade Plane" shall mean a reference plan representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than six (6) feet from the building between the building and a point six feet from the building.

"Grading" shall mean changing the natural or existing topography of land.

"Greenhouse" shall mean an enclosed building, permanent or portable, which is used for the growing of small plants.

"Grocery, Convenience Market" shall mean a retail establishment having a gross floor area of less than seven thousand five hundred (7,500) square feet which offers for sale pre-packaged food products, household items and other goods associated with the same. Convenience markets are intended to draw customers from surrounding neighborhoods and not the entire community.

"Grocery, Supermarket" shall mean a retail establishment having a gross floor area greater than seven thousand five hundred (7,500) square feet and less than fifty-five thousand (55,000) square feet which offers for sale food products, household items and other goods associated with the same. In many cases, supermarkets

include pharmacies, delicatessens and snack bars. Supermarkets are intended to draw customers on a community, but not regional scale.

"Grocery, Superstore" shall mean a retail establishment having a gross floor area greater than fifty-five thousand (55,000) square feet which offers for sale food products, household items and other goods associated with the same. In many cases, food superstores offer bulk purchasing opportunities and include pharmacies, delicatessens, and snack bars. Food superstores are intended to draw customers on a regional scale. "Guest Room" shall mean a room or rooms used, or intended to be used, by a guest for sleeping purposes.

"Hardship" as used in connection with the granting of a variance shall mean: the property in question cannot be put to a reasonable use if used under conditions allowed by this Ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

"Health Club, Sports and Fitness" shall mean a place of assembly and activity where membership may be required and is directed toward the general public with the commercial promotion of sports and physical fitness.

"Height, Building" see definition for "Building, Height".

"Height, Sign" shall mean the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Home Occupation. An occupation or profession normally and customarily carried on in a dwelling unit primarily by members of the family residing in the dwelling unit. The home occupation shall be clearly incidental to the use of the structure as a dwelling. A maximum two (2) square foot sign stating the name and address of the home occupation shall be the only indication that the structure is used for other than residential use. Home occupations shall be operated in accordance with regulations specified within this Ordinance.

"Home Office" shall mean a home occupation consisting of a room or group of rooms used for conducting affairs of a recognized business, profession or service solely by the occupant of the dwelling and which does not involve the on-site sale of products or client/patron site visitations.

"Hotel" shall mean a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boarding house or lodging house. This shall include hotel/suite.

"House Pet Animal Enclosure" shall mean any accessory building or portion thereof, accessory structure or area of any kind, including, without limitation, pens, runs, kennels and pet houses, that is principally used or designed for use as a place for keeping house pets. An electronic pet containment system is not considered a house pet enclosure.

"Hydric Soils" shall mean soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

"Impervious Surface" shall mean an artificial or natural surface through which water, air, or roots cannot penetrate.

"Industrial Solid" shall mean non-hazardous, nontoxic waste material resulting from an industrial operation. It shall not include garbage, refuse and other discarded materials, animal waste, fertilizer or solid or dissolved material from domestic sewage.

"Industrial Storage and Disposal Facility" shall mean a facility permitted by the Minnesota Pollution Control

Agency or its regulatory successor for the disposal of non-hazardous and nontoxic industrial solid waste.

"Institution" shall mean a building occupied by a non-profit corporation or a non-profit establishment for public use.

"Intensive Vegetation Clearing" shall mean the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

"Interlock" shall mean the painted line or barrier in a parking lot that separates two facing rows of parking from one another.

"Junk Yard" shall mean an area where used, waste, discarded or salvaged material is disassembled, including but not limited to scrap iron and other metal, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area of building shall not be included.

"Land Disturbing Activity" shall mean any change of the land surface including removing vegetative cover, excavating filling, grading and the construction of any structure.

"Land Reclamation" shall mean the process of the re-establishment of acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

"Land Surveyor" shall mean such persons licensed by the State of Minnesota as a land surveyor.

"Landfill" shall mean a type of operation in which earth is deposited in alternate layers of specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

"Landscaping" shall mean plantings such as trees, flowers, grass and shrubs and improvements directly related thereto.

"Landscape Materials" shall mean trees, shrubs and vines, sod, grass seed and other similar entities. "Licensed

Residential Facility" shall mean a facility as defined under Minnesota Statutes 245A.02, as amended.

"Lighting, Cutoff" shall mean the point at which all light rays emitted by a lamp, light source or luminaire is completely eliminated (cutoff) at a specific angle above the ground.

"Lighting, Cutoff Angle" shall mean the maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source.

"Lighting, Foot Candle" shall mean a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one-candle.

"Lighting, Full Cutoff Luminaires" shall mean a luminaire constructed or shielded to direct all light at a cutoff angle of less than 90 degrees. Also, referred to as a horizon limited luminaire.

"Lighting, Glare" shall mean direct light emitted from a light source which causes eye discomfort.

"Light Pollution" shall mean the shining of light produced by a luminaire above the height of the luminaire and into the sky.

"Light Trespass" shall mean the shining of light produced by a luminaire beyond the boundaries of the property

on which it is located.

"Lighting, Luminary" shall mean a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

"Livable space" shall mean an area that is habitable for the entire year.

"Loading Berth/Dock" shall mean an unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials and merchandise.

"Loading Space" shall mean a space, accessible from a street, alley, railroad or way, in a building or on a lot, for the use of trucks while loading and unloading merchandise or materials.

"Lodge" shall mean a building operated by a fraternal or veteran's organization that is qualified as tax exempt under the Internal Revenue Code, operated for the use of members and guests while in the company of a member.

"Lot" shall mean a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, separated from other parcels or portions by said description for the purpose of sale, lease, or separation, and occupied or used or intended for occupancy or use by an individual principal permitted use in this Code abutting on a public street, equipped with sanitary facilities and with sufficient size to provide the yards required by this Code.

"Lot area" shall mean the total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.

"Lot area, average" shall mean an alternative means of calculating required lot area when neighboring properties do not conform to a required lot area prescribed within the applicable zoning classification. When neighboring properties are non-conforming with lot area requirements the average lot area shall be determined by the Zoning Administrator. When determining the average lot area, the Zoning Administrator shall calculate the average area of the four existing lots that are closest to the subject property on the same side of the block. If there are fewer than four lots on the same side of the block the average of the two closest lots on the same side of the block shall be used for this calculation. When only one adjacent lot exists on the same side of the block the minimum lot area shall be the average of the required lot area and the actual area of the adjacent lot. The minimum lot area shall be the lesser of either the area prescribed within the zoning classification or the average lot area as calculated by the Zoning Administrator

"Lot, Buildable Area" shall mean that part of the lot remaining after required yards have been provided but not including floodways, wetlands, public rights-of-way, surface waters, bluffs and/or areas deeded to the public.

"Lot, corner" shall mean a lot abutting on two or more streets other than an alley at their intersection.

"Lot, Coverage" shall mean the part or percentage of the lot occupied by buildings, structures and/or impervious surfaces, including accessory building/structures, parking lots, driveways, tennis courts etc.

"Lot Depth" shall mean the shortest horizontal distance between the front lot line and the rear lot line measured from the street right-of-way within the lot boundaries.

"Lot, Double Frontage (Through Lot)" shall mean a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

"Lot Frontage" shall for purposes of complying with this Ordinance, be that boundary abutting a public right-of-way having the least width.

"Lot, Interior" shall mean a lot, other than corner lot, including double frontage lots.

"Lot, Line - Front" shall mean that boundary of a lot which abuts an existing or dedicated public street.

"Lot, Line - Rear" shall mean that boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot connecting the side lot lines and parallel to the front lot line.

"Lot, Line - Side" shall mean any boundary of a lot which is not a front lot line or a rear lot line or a lot line along a public street.

"Lot line" shall mean the property line bounding a lot.

"Lot of Record also known as a Base Lot" shall mean a part of a subdivision approved by the city, the plat of which has been duly recorded in the office of the Register of Deeds or Registrar of Titles, prior to the adoption of this Ordinance which meets the minimum requirements of state law and all city ordinances in effect upon the date of the recording.

"Lot, Standard" shall mean a lot which meets the minimum lot area and lot width requirements as specified by the applicable zoning use district(s).

"Lot, Unit" shall mean lots created from the subdivision of a twin home, townhouse or quadraminium having different minimum lot size requirements than the conventional base lots within the zoning district.

"Lot Width" shall mean the distance measured between lot lines, parallel to the front lot line at the minimum required front yard setback.

"Manor Home" see townhome.

"Manufactured Home Park" shall mean any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

"Manufactured Home" shall mean a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the structure's plumbing, heating, air conditioning and electrical systems. The term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this Code and which meets the Manufacture Home Builders Code as defined in Minnesota Statutes 327.32, subdivision 3, as amended.

"Manufacturing" shall mean combining machinery, tools, power and labor to bring material closer to a final state.

"Manufacturing, Heavy" shall mean the manufacture, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable, hazardous and/or offensive influences; including but not limited to: odors, material/byproduct discharges, dust, glare, ash, smoke, vibration and noise beyond the lot on which the use is located.

"Manufacturing, Light" shall mean uses which include the manufacture, compounding, processing, packaging, treatment or assembly of products and materials provided such use will not generate objectionable and/or

offensive influences; including but not limited to: odors, material/byproduct discharges, dust, glare, ash, smoke, vibration and noise beyond the lot on which the use is located.

"Marquee" shall mean a permanent canopy and roof structure which is attached to and supported by a primary building; which is constructed of durable material compatible with the primary structure; and which projects over the entrance to the building.

"Massage Therapy (Therapeutic)" shall mean the process by which a practitioner applies massage therapy techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well being of the client. The rubbing, stroking, kneading, tapping, positioning, causing movement, and applying touch and pressure to the body. Adjunctive therapies may include (1) application of heat, cold, water, mild abrasives, heliotherapy, topical preparations not classified as prescription drugs, (2) the use of mechanical devices and tools which mimic or enhance manual actions, (3) and instructed self-care and stress management. Massage therapy shall not include techniques traditionally practiced by chiropractors.

"Medical and Dental Clinic" shall mean a structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

"Metes and Bounds Description" shall mean a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

"Minerals" shall mean soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.

"Model Home" shall mean a single-family dwelling unit built and used by a builder to demonstrate quality of construction, floor plans, styles, and amenities that are to be available in other homes available for sale by the builder within a subdivision, following subdivision build-out, a model home shall be placed on the market and sold as residence.

"Modular Home" shall mean a non-manufactured housing unit that is fabricated at a central factory and transported to a building site where final installations are made permanently affixing the module to the site.

"Motel" shall mean two (2) or more attached, detached or semidetached buildings containing guestrooms or apartments, designed, intended or used for the accommodation of automobile travelers; including auto cabins, motor lodges, motor courts, automobile courts and similar designations.

"Motor Freight Terminal (Truck Terminal)" shall mean a building in which freight brought by motor truck is assembled and sorted for routing in intra-state and inter-state shipment.

"Motor Fuel Station" shall mean any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils or lubricants. When the use is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

"Motor vehicle sales, Class I" shall mean the sales of new motor vehicles obtained directly from the manufacturer.

"Motor vehicle sales, Class II" shall mean the sale of used motor vehicles displayed on the premises and taken in trade as part of the sale of a new or used motor vehicle or purchased or recovered from another dealer, leasing or rental business or private individual and where the primary purpose of the business is the sale of such used motor vehicles.

"Motor vehicle sales, Class III" shall mean the sale of used motor vehicles which are stored and displayed on

the premises of a business whose primary activity is other than the acquisition of such vehicles for sale, resale, rental or leasing and in a location on the property which does not occupy parking spaces otherwise required to meet the requirements of this Code.

"Motor Vehicle Wrecking, Junkyard, or Recycling Centers", see 'Automobile Reduction Yard'.

"Multiple Family Residential" shall mean any dwelling which is jointed to another dwelling typically at two or more sides by a common wall(s) and featuring a shared ingress/egress facility(ies), hallways and other common areas.

"Municipality" shall mean the governmental unit or area described in and governed by this Ordinance. The term shall include unincorporated as well as incorporated areas.

"Natural Drainage Area; Course" shall mean all land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.

"Non-conforming Structure" shall mean any lawfully established structure which on the effective date of this Ordinance does not conform to the applicable conditions if the structure was to be erected under the guidance of this Ordinance.

"Non-Conforming Use" shall mean a use lawfully in existence on the effective date of this Ordinance but not conforming to the regulations for the district in which it is situated except as modified elsewhere in this Ordinance.

"Noxious Matter or Material" shall mean material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well being of individuals.

"Nursing Home (Rest Home)" shall mean a building having accommodations where care is provided for two (2) or more invalids, infirmed, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.

"Nursery, Landscape" shall mean an enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items directly related to their care and maintenance. The accessory items normally sold include clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels and the like, but do not include power equipment such as gas or electric lawnmowers and farm implements.

"Occupancy" shall mean the purpose for which a building is used or designed. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

"Office Building" shall mean a building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling.

"Offices, Professional or Commercial" shall mean a building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

"Off-Sale Liquor" shall mean an establishment that sells intoxicating alcoholic beverages for consumption off the premises.

"Off-Street Loading" shall mean a space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials.

"On-Sale Liquor" shall mean an establishment that serves intoxicating alcoholic and/or non-intoxicating beverages for consumption on the premises.

"Open Sales Lot" shall mean land devoted to the display of goods for sale, rent, lease, advertising or trade, where the goods are not enclosed within a building.

"Open Space" shall mean any open area not covered by structures, including but not limited to the following uses: required or established yard areas, sidewalks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, ground water recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.

"Open Space, Private" shall mean any open space owned by a person or persons. "Open Space, Public" shall mean any open space publicly owned.

"Ordinary High Water Level" shall mean the elevation of the boundary of public waters, watercourses and wetlands delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominately terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

"Outlot" shall mean a parcel of land, included in a plat, which is smaller than the minimum size permitted for lots and which is thereby declared unbuildable until combined through platting with additional land; or, a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting prior to development; or a parcel of land which is included in a plat and which is designated for public or private open space, right-of-way, utilities or other similar purposes.

"Out Patient Care Facility" shall mean medical examination or service available to the public provided without overnight care.

"Owner" shall mean a person recorded as such on official records. The owner of property on which a Sign is located is presumed to be the owner of the Sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the City Clerk/Treasurer, e.g., a Sign leased from a sign company.

"Parcel" shall mean a lot, piece or portion of land designed by metes and bounds, registered land survey, auditor's plat or other means separated from other parcels and portions by said description for the purpose of separation thereof.

"Park, Private" shall mean a tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.

"Park, Public" shall mean a tract of land publicly owned and used by the public for active and/or passive recreational purposes.

"Parking Lot" shall mean three or more parking spaces, along with the driveway connecting the parking spaces to the street or alley and permitting satisfactory ingress and egress of an automobile and the driving lane between or servicing the parking spaces.

"Parking Space" shall mean an area of not less than one hundred eighty (180) square feet net, exclusive of access or maneuvering area, to be used exclusively as a temporary storage space for one private motor vehicle.

"Patio" shall mean a level, surfaced area directly adjacent to a principal building at or within three (3) feet of the finished grade, without a permanent roof which is intended for outdoor lounging, dining and the like.

"Performance Standard" shall mean criteria established to control height, bulk, setback, land coverage and

density of buildings as well as noise, odor, toxic or noxious matter, vibration, fire, explosive hazards or glare or heat generated by or inherent in uses of land or buildings.

"Permitted Use" shall mean a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

"Person" shall mean any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it shall include partners, associates, or members of a corporation, who are responsible for the violation.

Planned Unit Development. A residential development where dwelling units are grouped into clusters, allowing an appreciable amount of land for open space in accordance with a prearranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowners association.

"Planning Commission" shall mean the Springfield Planning Commission.

"Plat" shall mean a drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by Brown County for purposes of recording.

"Play and Recreational Facilities" shall mean facilities customary and incidental to the principal use of the site intended for the enjoyment and convenience of the residents of the principal use and their occasional guests. Such facilities include swing sets, play sculptures, sand boxes, picnic tables, basketball standards, tennis courts, swimming pools, barbecue grills, patios and accessory furniture, and the like.

"Precast Panel or Precast Tip-up or Tilt Up Panel" shall mean a building wall section of concrete poured into a form at the manufacture facility and shipped to the construction site for installation.

"Premises" shall mean a lot or plot with the required front, side and rear yards for a dwelling or other use as allowed under this Ordinance.

"Principal Building" shall mean the primary building on a lot.

"Principal Use" shall mean the main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted, interim, or conditional.

"Processing" shall mean the crushing, washing, compounding or treating of rock, sand, gravel, minerals, organic materials, organic compounds, artificially created materials or materials similar in nature.

"Property Owner" see 'Owner'.

"Protective Covenants" shall mean contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of property value and economic integrity of any given area.

"Public Hearing" unless otherwise specifically redefined, a public hearing shall be pursuant to a notice published once in the official newspaper of the city at least ten days prior to the date of the hearing, which notice shall specify the general purpose, time and location of the hearing. Any hearing, after publication, may be continued, recessed or adjourned, from time to time, without further publication or notice thereof.

"Public Use" shall mean uses owned or operated by municipal, school districts, county, state, or other governmental units.

"Public Utility" shall mean any person, firm, corporation, municipal department or board fully authorized and furnishing under municipal regulation to the public electricity, gas, steam, communication services, cable television, telegraph services, transportation, water or the like.

"Publication" shall mean a notice placed in the official city newspaper stating time, location and date of meeting and description of topic.

"Recreation, Commercial" shall mean a business entirely enclosed within a structure that is directed toward the general public, which may or may not require membership, that offers recreational entertainment or recreational facilities such as amusement centers, bowling alleys, billiard halls, health clubs, fitness centers, miniature golf, movie theaters, ballrooms, roller rinks and the like.

"Recreational Equipment" shall mean a non-vehicular materials used primarily for recreation and leisure time activities and purposes, including but not limited to ice fishing houses and sports equipment.

"Recreational Field, Structure or Building" shall mean an area of land, water, or any building where amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, or gymnasium is a recreation field or building for the purpose of this Chapter.

"Recreational Vehicle; Recreational Sport Vehicle" shall mean a vehicular or portable structure used for amusement, vacation or recreational activities, including but not limited to travel trailers, motor homes, camping trailers, boats, jet skis, ATV's and snowmobiles.

"Residential Care Facility" shall mean a residential dwelling typical of those in the neighborhood having from 7 to 16 residents needing the adult care and supervision of a supervised residential program or social rehabilitation program plus a minimum of one adult supervisor for every four residents.

"Residential District" shall mean a zoning classification primarily providing for dwelling units.

"Residential Facility, State Licensed" shall mean any program, defined by Minnesota Statutes Section 245A.10, Subd. 14, that provides twenty-four (24) hour a day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside a person's own home, including a nursing home or hospital that receives public funds, administered by the Commissioner of the Department of Human Services to provide services for five (5) or more persons whose primary diagnosis is mental retardation or a related condition or mental illness and who do not have a significant physical or medical problem that necessitates nursing home care; a program in an intermediate care facility for four (4) or more persons with mental retardation or a related condition; a nursing home or hospital that was licensed by the Commissioner of the Department of Human Services on July 1, 1987, to provide a program for persons with a physical handicap that is not the result of the normal aging process and considered to be a chronic condition; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under Minnesota Statutes 254B. Residential programs include home and community-based services for persons with mental retardation or a related condition that are provided in or outside of a person's own home

"Residential Shelter" shall mean a facility providing short-term housing, food, and protection for individuals, not including State licensed residential care facilities, community correctional facilities, day care facilities, hotels, motels, or nursing homes.

"Rest Home", "Nursing Home" and "Boarding Care Home" shall all mean an institutional building used to provide care for the aged or infirm persons requiring or receiving personal care or custodial care according to the State Board of Health regulations.

"Restaurant" shall mean an establishment that serves food.

"Restaurant, Cafeteria" shall mean a traditional restaurant, as defined below, except that food is selected by a customer while going through a serving line and taken to a table for consumption. Cafeterias for the purposes of this Ordinance are classified as Class I restaurant facilities.

"Restaurant, Carry Out and Delivery" shall mean a food service facility where food is prepared for consumption off the premises only. Carry Out and Delivery Restaurants, for the purposes of this Ordinance, shall be classified as Class II restaurants.

"Restaurant, Casual Dining" shall mean an eating facility where some table service may be provided by wait staff, food is prepared after an order is placed by a customer, reusable dinnerware such as utensils, plates and cups are used. Bussing of the tables is done by restaurant staff. No drive-thru service is provided. Casual dining restaurants for the purposes of this Ordinance are classified as Class I restaurant facilities.

"Right-Of-Way" shall mean land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses.

"Roof Line" shall mean that line at which an exterior wall surface of a building departs from the vertical plane and, typically, where the horizontal plane of the roof commences. Mansard-like roof treatments may be considered as extensions of a building wall surface when the mansard-like treatment is considered as part of the roof.

"Root Zone (Tree)" shall mean an area within the drip line of a tree canopy.

"Rubbish" shall mean waste products which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, refuse, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain or vegetables; offal, animal excreta, or the carcass of animals; tree or shrub trimmings, or grass clippings; brick, plaster, wood, metal, roofing materials, pipe or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, used containers, boxes and packing materials, junk vehicles, ashes, tires, junk, Christmas trees, rocks, sod, dirt, glass, jars, bottles, auto parts, cement brick, leaves, burn barrels, household appliances, furniture, toys, floor coverings, fabric, drain oil, solvents and fluids, or other such substances which may become a nuisance.

"Satellite Dish Antenna" shall mean a parabolic shaped Antenna (including all supporting apparatus) located on the exterior of, or outside of, any building or structure and is used for receiving telecommunications, television or radio signals.

"School" shall mean a building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota, and not providing residential accommodations.

"School, Private" shall mean any building or group of buildings, not operated by a public agency or unit of government, the use of which meets compulsory education laws of the State of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education and which use does not secure the major part of its funding directly from any governmental source.

"School, Public" shall mean any building or group of buildings, the use of which meets compulsory education laws of the State of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education and which secures all or the major part of its funding from governmental sources and is operated by a public agency or governmental unit

"Screening" shall mean an artificial barrier, vegetation, or topography which makes any structure on any property visually inconspicuous.

"Secondary Use" shall mean a use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.

"Semi-Public (Semi-governmental) Use" shall mean the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization such as churches, private schools, etc.

"Setback" shall mean the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, the top of a bluff, road, highway, property line, or other facility. Distances are to be measured from the most outwardly extended portion of the structure at ground level.

"Setback, average" shall mean an alternative means of calculating a required setback when neighboring properties do not conform to a required setback prescribed within the applicable zoning classification. When neighboring properties are non-conforming with a setback the minimum setback shall be the average setback of the adjacent structures. The average setback shall be determined by the Zoning Administrator based on the setbacks of each principal structure that is built within the required setback as prescribed by the applicable zoning classification. When determining the average setback, the Zoning Administrator shall calculate the average of the existing setbacks of the four structures that are closest to the subject property on the same side of the block. If there are fewer than four structures on the same side of the block the average of the two closest structures on the same side of the block shall be used for this calculation. When only one adjacent structure exists on the same side of the block the minimum setback shall be the average of the required setback and the setback of the adjacent structure. The minimum setback shall be the lesser of either the setback prescribed within the zoning classification or the average front yard setback as calculated by the Zoning Administrator.

"Sewage Treatment Facility (Independent or Cluster)" shall mean a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minnesota Pollution Control Agency's document titled "Individual Sewage Treatment Systems Standards, Chapter 7080."

"Sewer System (Municipal, Public, Urban)" shall mean pipes or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

"Shopping Center" shall mean a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

"Showroom" shall mean any business wherein a family of related products and/or services are housed, enclosed, sold and exhibited directly to the customer or to other businesses.

"Sign, Abandoned" shall mean a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity and/or for which no legal owner can be found.

"Sign, Area Identification" shall mean a freestanding sign or pylon which identifies the name of a neighborhood, a residential subdivision, a multiple-residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns or an industrial area consisting of three (3) or more structures.

"Sign, Banner" shall mean a sign made of fabric, or any nonrigid material with no enclosing framework.

"Sign, Business" shall mean a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered on the premises on which the Sign is located or to which it

is affixed.

"Sign, Campaign" see 'Sign, Political'.

"Sign, Construction" shall mean a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

"Sign, Directional/Informational" shall mean an on-premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. The sign may contain a logo if the logo does not compromise more than thirty percent (30%) of the total sign area.

"Sign, Directional" shall mean a sign erected on public or private property which bears the address and/or name of a business, institution, church or other use or activity plus directional arrows or information on location.

"Sign, Electrical" shall mean a sign or sign structure in which electrical wiring, connections, or fixtures are used.

"Sign, Flashing" shall mean any illuminated sign on which such illumination is not kept stationary or constant in intensity or in color at all times when such sign is in use.

"Sign, Freestanding" shall mean a sign supported permanently upon the ground by poles or braces and not attached to any building.

"Sign, Government" shall mean any temporary or permanent sign erected and maintained by the City, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property or facility.

"Sign, Identification" shall mean any sign which states the name or address or both of the business or occupant of the lot or building where the sign is placed and may be a directory listing the names, addresses, and businesses of occupants.

"Sign, Illegal" shall mean a sign which does not meet the Code's requirements and which has not received legal nonconforming status.

"Sign, Illuminated" shall mean a sign with an artificial light source incorporated internally or externally which has characters, letters, figures, designs or outlines.

"Sign, Institutional" shall mean a sign or bulletin board which identifies the name and other characteristics of a public or private institution on the site where the sign is located.

"Sign, Maintenance" shall mean the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the sign's basic copy, design, or structure.

"Sign, Off-Premises" shall mean a sign which does not pertain to the use of the premises and/or property on which it is located.

"Sign, Political" shall mean a temporary sign used in connection with a local, State, or national election or referendum.

"Sign, Portable" shall mean any sign designed to be moved easily and not permanently affixed to the ground, a structure or a building.

"Sign, Projecting" shall mean a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

"Sign, Pylon" shall mean a ground sign erected upon a single post or posts or shafts that converge at a common base with the posts not more than fifteen feet (15') apart with the display portion mounted on top thereof at least twelve feet (12') above the surface of the street adjacent to the property on which the sign is located.

"Sign, Real Estate" shall mean a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

"Sign, Subdivision Identification" shall mean a freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

"Sign, Surface Area" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display.

"Sign, Temporary" shall mean a sign not constructed or intended for long-term use.

"Sign, Wall" shall mean a sign attached essentially parallel to and extending not more than twenty four inches (24") from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

"Sign" shall mean any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.

"Site Plan" also known as plot plan shall mean a map drawn to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, easements, utilities, landscaping, and walkways, as related to a proposed development.

"Sketch Plan" shall mean a rough sketch map and supportive text depicting the location, general purpose, general type of land use and circulation pattern, primary relationships between site elements and between the proposed development and surrounding development, proposed general schedule of development, and information on the proposed developer.

"Slope" shall mean the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

"Slope, Steep" shall mean slopes exceeding eighteen (18) percent in grade as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

"Stand, Roadside" shall mean a structure used only for the display and sale of products with no space for customers within the structure.

"Storage, Outside (Exterior)" shall mean an exterior depository, stockpiling, or safekeeping of materials, products, vehicles, trailers and the like. Outside storage may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outside storage; or outside storage may involve fencing or screening without a roof in which case fencing or screening shall be deemed outside storage. Parking lots do not qualify for outside storage. Outside storage does not involve any product representation or signage except for those emergency or safety related signs specifically approved by the City. Vending machines accessory to allowable uses do not constitute outside storage. The parking or storage of vehicles, equipment, and merchandise for a period of less than ninety-six (96) hours does not constitute outside storage.

"Story" shall mean the vertical distance from top to top of two successive finished floor surfaces; and, for the

topmost story, from the top of the floor finish to the top of the ceiling joists or, were there is not a ceiling, to the top of the roof rafters.

"Street" shall mean all property dedicated or intended for public street, highway, freeway or roadway purposes and subject to public easements theretofore.

"Street, Arterial" shall mean the functional classification of streets that places the highest emphasis on mobility as opposed to land access.

"Street, Collector" shall mean the functional classification of streets that places moderate emphasis on mobility and moderate emphasis on land access.

"Street, Local" shall mean the functional classification of streets that places low emphasis on mobility and high emphasis on land access.

"Strip Mall/Shopping Center" shall mean a group of commercial establishments joined, planned, developed and managed as a unit related in location, size and type of shops that the unit serves. Each establishment will have a separate entrance at street level.

"Structure" shall mean something constructed or built, or a piece of work artificially built up or composed of parts joined together in some definite manner.

Structural alteration. A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

"Subdivision" shall mean the division of land into smaller parcels through the use of a plat, registered land survey or metes and bounds description.

"Swimming Pool" shall mean that which is built or constructed to contain water over 1½ feet in depth or with a capacity of over 1,000 gallons.

"Synthetic stucco" shall mean a nonbearing exterior wall cladding system providing both insulating value and finished exterior surface.

"Tower" shall mean any free-standing ground or roof-mounted pole, spire, structure or a combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, not wholly contained within a building or other structure, intended primarily for the mounting an antenna, meteorologic device, or similar apparatus above grade.

"Townhome, Townhouse" see 'Dwelling Unit, Townhome'.

"Transient Merchant" shall mean any person, individual, co-partnership, incorporation, both as principal and agent, who is engaged in, does, or transacts any temporary and transient business selling goods, wares, and merchandise; and, who for the purpose of carrying on such business, has complied with the licensing requirements of the City Code, and hires, leases, occupies, or uses a building, structure, vacant lot, motor vehicles, trailer, or railroad car in a zoning district where it is allowed by this Chapter.

"Transient Produce Merchant" shall mean any person who engages in or transacts in a temporary and transient business within the city, selling the products of the farm or garden occupied and cultivated by that person; and, who for the purposes of carrying on such business, hires, leases, occupies, or uses, a building, structure, vacant lot, motor vehicle trailer, or railroad car, on a site other than the property on which the produce is grown and cultivated in a zoning district where it is allowed by this Chapter.

"Tree Canopy" shall mean the horizontal extension of a tree's branches in all directions from it's trunk.

"Tree, Significant" shall mean trees which are healthy and measure a minimum of ten (10) inches in diameter at a distance of five feet above ground for deciduous varieties or a minimum of eight (8) inches in diameter at a distance of five feet above the ground for conifers.

"Twin Home" see 'Dwelling Unit, Zero Lot Line'.

"Truck Stop or Travel Plaza" shall mean a roadside business/business center which caters to professional drivers and long distance travelers offering a combination of facilities such as fueling, restaurants, parking facilities intended for longer term parking (i.e. over one hour), sleeping and showering rooms, travel/convenience stores, internet access, lounges, game rooms, phone banks, laundry facilities, etc.

"Use" shall mean the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

"Use, Accessory" shall mean a use incidental or accessory to the principal use of the lot or a building located on the same lot with a building but detached therefrom.

"Use, Conditional" shall mean a use which because of unique characteristics cannot be properly classified as a permitted use in a particular district. After due consideration each case, a public hearing, an examination of the impact of such use upon a neighboring land and conditional use standards according to this Ordinance, the City Council may approve such use and/or attach conditions to the use. Conditional uses are itemized in individual zoning classes.

"Use, Industrial" shall mean the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

"Use, Principal" shall mean the main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

"Use, Principal" shall mean the main use of land or buildings as distinguished from subordinate or accessory uses. A 'principal use' shall either be a permitted or a conditional or a use requiring an administrative permit within the applicable zoning classification. There shall be only one principal use per lot.

"Utility/garden building/shed" shall mean a structure on the same lot as the principal building and used for storage of miscellaneous articles specifically excluding automobiles. A utility building shall contain not more than one-hundred and twenty (120) square feet inside area.

"Utilities, Municipal" shall mean City facilities such as sanitary sewer, water and storm sewer designed and constructed to City standards owned and operated by the City for the public use

"Vacation" shall mean the act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

"Variance" shall mean a modification of the literal provisions of this Ordinance granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. "Undue hardship" as used in connection with the granting of a variance shall mean: the property in question cannot be put to a reasonable use if used under conditions allowed by this Ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. District boundary lines, zoning, property use or nonconforming use restrictions shall not be revised or amended by granting a request for variances.

"Vegetation" shall mean the sum total of plant life in some area; or a plant community with distinguishable characteristics.

"Vegetation, Native" shall mean the pre-settlement group of plant species native to the North American continent that were not introduced as a result of European settlement.

"Veneered wall" shall mean a wall having a facing of masonry or other weather-resistant noncombustible material that is securely attached to the backing, but not so bonded as to exert common action under load.

"Warehousing" shall mean the storage of goods, material, or equipment within an enclosed building as a principal use (30% or more of the gross floor area).

"Waste Facility" shall mean all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing, disposal, transfer and/or storage of hazardous and/or solid wastes, except property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer and storage stations, processing facilities, and disposal sites and facilities. Waste facility does not include drop off centers which are accessory to allowable uses and which are operated by a governmental unit, civic organization or similar non-profit group expressly for the collection of recyclable waste including paper, clean glass and metal containers, yard waste for composting, and other eligible household wastes from individuals.

"Waste, Hazardous" shall mean any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives.

"Waste, Solid" shall mean any garbage, refuse, rubbish, and other discarded solid materials, except animal waste used for fertilizer, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities. Solid waste does not include earthen fill, boulders, rock, and other materials normally handled in construction operations, solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

"Waterbody" shall mean a body of water (lake, pond) in a depression of land or expanded part of a river or an enclosed basin that holds water and is surrounded by land.

"Watercourse" shall mean a channel or depression through which water flows, such as rivers, streams or creeks and may flow year around or intermittently.

"Watershed" shall mean the area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

"Wetland" shall mean an area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation, and which may have the following characteristics: a) Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrub land, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 6, 7, and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S. 1971"). (Ref. Ord. 915, 12/13/94) b) Mineral soils with grey horizons or organic soils belonging to the Histosol order (peat and muck). c) Soil which is water logged or covered with water at least three (3) months of the year. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and such property, may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

"Wholesaling" shall mean the selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building or other structure. A parcel can have more than one front yard according to the definitions herein.

Yard, rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building or other structure.

Yard, side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.

"Zoning Administrator" shall mean the person or persons designated by the City Council to be the Zoning Administrator for the City of Springfield.

"Zoning District" shall mean an area or areas within the limits of the city for which the regulations and requirements governing use, lot and size of building and premises are uniform.

"Zoning District Overlay" shall mean a zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.

"Zoning District Underlying (Base)" shall mean all zoning districts except overlay zoning districts.

"Zoning Map" shall mean the map or maps incorporated into this Chapter as part thereof, designating the zoning districts.

SECTION 18.02 GENERAL PROVISIONS

Subd. 1 INTERPRETATION OF ZONING/SUBDIVISION ORDINANCE

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

Subd. 2 COMPATIBILITY WITH OTHER REGULATIONS

Where the conditions of this Ordinance are incompatible with conditions imposed by any other federal, state or county law, ordinance, statute or regulation, the regulations which are more restrictive shall prevail.

Subd. 3 CONFORMANCE TO ORDINANCE

No building or structure shall be erected, converted, enlarged, demolished, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.

Subd. 4 MAINTENANCE OF MINIMUM REQUIREMENTS

No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use.

Subd. 5 RELATION TO COMPREHENSIVE MUNICIPAL PLAN

It is the policy of the City that the enforcement, amendment and administration of this Chapter be accomplished consistent with the recommendations contained in the City Comprehensive Plan, as developed and amended from time to time by the Planning Commission and City Council. The Council recognizes the City Comprehensive Plan as the official policy for the regulation of land use and development in accordance with the policies and purpose herein set forth. In accordance with Minnesota Statutes Chapter 473, the City will not approve any rezoning or other changes in these regulations that are inconsistent with the City Comprehensive Plan.

Subd. 6. BUILDING COMPLIANCE

Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no zoning permit shall be granted that does not conform to the requirements of this Chapter.

Subd. 7. USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. The City Council, Planning Commission or property owner, may, if appropriate, initiate an amendment to the Zoning/Subdivision Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the City.

SECTION 18.03

ESTABLISHMENT OF ZONES

Subd. 1 CLASSIFICATION OF ZONES

The land areas of the city have been divided into zoning districts that vary in their regulation of land uses. Land use activities must conform to the specific zone regulations of the zoning district as well as the pertinent overall regulations found in other portions of this ordinance.

For the purpose of this Ordinance the following zones are hereby established:

R1 – Single-Family Residential District
R2 - Multi-family Residential District
C1 - Central Business District
C2 - Highway Commercial District
I - Industrial District
A - Agricultural District

Subd. 2 LOCATION OF ZONES

The boundaries for the zones listed in this Ordinance are indicated on the Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Subd. 3 ZONING MAP

The zoning map or zoning map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the Zoning Administrator.

Subd. 4 ZONE BOUNDARIES

- A. The exact location of a zoning district boundary line shall be determined by the Zoning Administrator.
- B. Unless otherwise specified, zone boundaries are Subd. lines; subdivision lines; lot lines; center line of streets or railroad rights-of-way; or such lines extended.
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.
- D. Boundaries indicated, as approximately following the City limits, shall be construed as following such City limits.
- E. Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot may be determined by the Zoning Administrator upon request of the owner.
- F. Appeals to this section shall be heard by the Board of Appeals/Adjustments as set forth under Section 18.14 of this Chapter.

Subd. 5 ANNEXED TERRITORY

All territory which may hereafter be annexed to the city shall be zoned in accordance with the land use plan. Consideration of zoning other than in accordance with the land use plan should not be done without amending the land use plan.

Subd. 6 GENERAL DISTRICT REGULATIONS

- A. The regulations of this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, and particularly except as hereinafter provided.
- B. No buildings, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- C. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy greater percentage of lot area, to have narrower or smaller rear yard, front yard, side yard, or other open space, than herein required, or in any other manner contrary to the provision of this Ordinance.
- D. No yard or parcel existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or parcels created after the effective date of this chapter shall meet at least the minimum requirements established by this Ordinance.

SECTION 18.04 R-1 – SINGLE & TWO FAMILY RESIDENTIAL DISTRICT

Subd. 1 PURPOSE

This district is intended to provide for areas of low-density residential uses or to allow for continuation of single family residential development and infill of lots in areas of the City platted prior to the effective date of this Ordinance with available municipal sanitary sewer and water services at a relatively dense urban scale. A full range of public services and facilities shall be available to all R-1 areas.

Subd. 2 PERMITTED USES

- A. One and two family dwellings, attached or detached.
- B. State licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons; licensed day care facility serving twelve (12) or fewer persons; group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted.
- C. Public parks and playgrounds.
- D. Use of a single-family dwelling for non-owner occupied rental purposes provided:
 - 1. The property must satisfy off-street parking requirements contained in this Ordinance.
 - 2. The proposed rental unit must meet the minimum standards of City Ordinance 375, relating to building occupancy as may be amended.
 - 3. Have a ceiling height of at least seven (7) feet.
 - 4. Contain adequate ventilation and fire escapes as determined by the Zoning Administrator.
 - 5. Meet all applicable fire code.
 - 6. The single-family unit shall be utilized as a single household or one single family household plus one separate housing units.
- E. Medical clinics, medical and health related services, businesses customarily associated with medical services and facilities, health and fitness facilities, existing hospitals, and low traffic professional services. (Ord. 404, adopted 4-21-15)
- F. Childcare facilities (Ord. 413, adopted 10-18-16)

Subd. 3 CONDITIONAL USES

- A. Church/worship facility, cemetery, crematory, mausoleum, government, public utilities and public service uses, hospitals, sanitariums, homes for the aged, institutions of an educational, philanthropic or charitable nature and related facilities when required for the public health, safety or welfare, including elementary and secondary schools (public and private), libraries, museums, community centers and child nurseries provided that:

1. The requirements of Section 18.14, Subd. 4 relating to Conditional Uses of this Ordinance are considered and satisfied.
 2. *This section reserved for future use.*
 3. The parking requirements of this ordinance applicable to the contemplated use are achieved.
- B. State licensed residential facility serving from 7 through 16 persons or licensed day care facility serving from 13 through 16 persons subject to the following requirements, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted.
1. The requirements of Section 18.14, Subd. 4 relating to Conditional Uses of this Ordinance are considered and satisfied.
 2. *This section reserved for future use.*
 3. The parking requirements of this ordinance applicable to the contemplated use are achieved.
- C. Manufactured home parks that are properly licensed with the Minnesota Department of Health and/or Brown County and providing the standards of Section 18.10 of this Ordinance are met.
- D. Uses deemed by the City Council to be similar to permitted or conditional uses listed under Section 18.04, Subd. 2 or 18.04, Subd. 3 of this Ordinance provided the City Council considers possible adverse effects of the proposed events or activity. The City Council's decision shall be based upon (but not limited to) the following factors:
1. Consistency with the Comprehensive Plan.
 2. Compliance with applicable facility plans.
 3. That the establishment, maintenance or operation of the proposed use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
 4. The proposed use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 5. The proposed use, event or activity shall conform to the applicable regulations of the district in which it is located and all other applicable provisions of the City Code.

Subd. 4 ACCESSORY USES

- A. The following accessory uses are allowed in the R-1, Single Family Residential District.
1. Accessory uses incidental and customary to the uses allowed as permitted, conditional use permit or administrative permit in this section on the same zoning lot as the principal use. For example, swimming pools, fallout shelters, conservatories, tennis courts, and additional private and private-club recreational use, all noncommercial.
 2. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
 3. Home occupations, provided standards of Section 18.11, Subd. 12 are met.

4. Day care facilities serving twelve (12) or fewer persons within a single family detached dwelling.
5. Private garages and off-street parking and off-street loading as regulated by this Ordinance.
6. Fences as regulated by this Ordinance.
7. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
8. Outdoor storage as provided for in this Ordinance.
9. Personal satellite dishes/antennas as provided for in this Ordinance.
10. Signs as regulated by this Ordinance.
11. Up to two tool houses, sheds and other such structures for the storage of domestic supplies and equipment not exceeding 120 sq. ft. in area, subject to the standards contained in Section 18.11, Subd. 3 of this Ordinance relating to accessory buildings as may be amended.
12. Other accessory structures for personal use subject to the standards contained in Section 18.11, Subd. 3 of this Ordinance relating to accessory buildings as may be amended.

Subd. 5 R-1 PERFORMANCE STANDARDS

- A. Lot area. The lot area in a residential district shall be a minimum of 12,000 square feet plus 2000 more square feet for each additional dwelling unit in excess of two dwelling units, or the average lot area of adjacent parcels as defined in this Ordinance, whichever is less.
- B. Lot width. The minimum lot width in a residential district shall be 85 feet; or the average lot width of adjacent parcels, whichever is less. The method used to determine the average lot area above will be used to determine the average lot width as well.
- C. Lot depth. The minimum lot depth in a residential district shall be 140 feet or the average lot depth of adjacent parcels, whichever is less. The method used to determine the average lot area above will be used to determine the average lot depth as well.
- D. Front setback. The minimum front setback shall be thirty (30) feet or the average front setback of adjacent parcels, whichever is less. The method used to determine the average setback shall be as defined by this Ordinance. No building or structure shall be constructed, erected or placed within the required setback.
- E. Corner lots. Corner lots shall have two front yard setbacks as per Section 18.04, Subd. 5(D) above.
- F. Side setback. There shall be minimum side yard setback of six feet. No building or structure shall be constructed, erected or placed within the required setback.
- G. Rear setback. There shall be a minimum rear yard setback of ten (10) feet or the average rear setback of adjacent parcels, whichever is less. The method used to determine the average setback shall be as defined by this Ordinance. No building or structure shall be constructed, erected or placed within the required setback.
- H. Building height. The maximum building height shall be 35 feet.

- I. Minimum ground floor area/width. The minimum ground floor area of a structure within this District shall be eight hundred sixty square feet (860) or the average ground floor area of the principal structures on adjacent lots, whichever is less. The minimum width of a dwelling shall be 20 feet.
- J. Street frontage - there shall be a minimum street frontage of 25 feet, exclusive of frontage on any alley.

SECTION 18.05

R-2 – MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Subd. 1 PURPOSE

The purpose of this district is to establish an area of medium density residential uses, to expand life cycle housing options by allowing for a variety of detached and attached dwelling unit types and to promote efficient use of land and public utilities. A full range of public services and facilities shall be available to R-2 areas.

Subd. 2 PERMITTED USES

- A. Single-family attached and detached dwelling units.
- B. Two-family dwellings.
- C. Triplex and/or four-plex dwelling.
- D. Multi-family dwellings, not more than eight units.
- E. Residential condominiums or cooperative housing (processed as residential Planned Unit Development and/or a Common Interest Community).
- F. State licensed residential facility or a housing with services establishment registered under chapter 144D serving six (6) or fewer persons; licensed day care facility serving twelve (12) or fewer persons; group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted.

Subd. 3 CONDITIONAL USES

- B. Multi-family housing over 8 units, professional offices and low intensity service operations, recreation facilities (public and private). Churches/worship facility, cemetery, crematory, mausoleum, government public utilities and public service uses, hospitals, sanitariums, homes for the aged, institutions of an educational, philanthropic or charitable nature and related facilities when required for the public health, safety or welfare, including elementary and secondary schools (public and private), libraries, museums, community centers and child nurseries provided that:
 - 1. The requirements of Section 18.14, Subd. 4 relating to Conditional Uses of this Ordinance are considered and satisfied.
 - 2. *This section reserved for future use.*
 - 3. The parking requirements of this ordinance applicable to the contemplated use are achieved.
- C. Planned unit developments as provided for in Section 18.13 of this Ordinance.
- D. State licensed residential facility serving from seven (7) through sixteen (16) persons or a licensed day care facility serving from thirteen (13) through sixteen (16) persons, providing the following standards are met, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted:

1. The requirements of Section 18.14, Subd. 4 relating to Conditional Uses of this Ordinance are considered and satisfied.
2. *This section reserved for future use.*
3. The parking requirements of this ordinance applicable to the contemplated use are achieved.

E. This section reserved for future use.

F. Manufactured home parks that are properly licensed with the Minnesota Department of Health and/or Brown County and providing the standards of Section 18.10 of this Ordinance are met.

G. Uses deemed by the City Council to be similar to permitted or conditional uses listed under Section 18.05, Subd. 2 or 18.05, Subd. 3 of this Ordinance provided the City Council considers possible adverse effects of the proposed events or activity. The City Council's decision shall be based upon (but not limited to) the following factors:

1. Consistency with the Comprehensive Plan.
2. Compliance with applicable facility plans.
3. That the establishment, maintenance or operation of the proposed use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
4. The proposed use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
5. The proposed use, event or activity shall conform to the applicable regulations of the district in which it is located and all other applicable provisions of the City Code.

Subd. 4 ACCESSORY USES

Accessory uses within the R-2 Two-family and multiple-family residential district shall be the same as those under Section 18.04, Subd. 4 of this Ordinance (accessory uses within the R-1 District).

Subd. 5 PERFORMANCE STANDARDS

- A. Lot area. The lot area in a residential district shall be a minimum of 12,000 square feet plus 2000 more square feet for each additional dwelling unit in excess of two dwelling units, or the average lot area of adjacent parcels as defined in this Ordinance, whichever is less.
- B. Lot width. The minimum lot width in a residential district shall be 85 feet; or the average lot width of adjacent parcels, whichever is less. The method used to determine the average lot area above will be used to determine the average lot width as well.
- C. Lot depth. The minimum lot depth in a residential district shall be 140 feet or the average lot depth of adjacent parcels, whichever is less. The method used to determine the average lot area above will be used to determine the average lot depth as well.
- D. Front setback. The minimum front setback shall be thirty (30) feet or the average front setback of adjacent parcels, whichever is less. The method used to determine the average setback shall be as defined by this Ordinance. No building or structure shall be constructed, erected or placed within the

required setback.

- E. Corner lots. Corner lots shall have two front yard setbacks as per Section 18.05, Subd. 5(D) above.
- F. Side setback. There shall be a minimum side yard setback of ten feet or the average side yard setback of adjacent parcels, whichever is less. The method used to determine the average setback shall be as defined by this Ordinance. Except that multiple family units with greater than three (3) units which abut an R-1 Single Family Residential District shall be required to have a minimum side yard setback of thirty (30) feet. No building or structure shall be constructed, erected or placed within the required setback.
- G. Rear setback. There shall be a minimum rear yard setback of ten (10) feet or the average rear setback of adjacent parcels, whichever is less. The method used to determine the average setback shall be as defined by this Ordinance. No building or structure shall be constructed, erected or placed within the required setback.
- H. Building height. The maximum building height shall be 35 feet. The maximum building height may be increased provided a conditional use permit under Section 18.14, Subd. 4 of this Ordinance is issued and the required setbacks are increased an additional one-half foot for each foot of height over 35 feet.
- I. Minimum ground floor area/width. The minimum ground floor area of a structure within this District shall be eight hundred sixty square feet (860) or the average ground floor area of the principal structures on adjacent lots, whichever is less. The minimum width of a dwelling shall be 20 feet.
- J. Street frontage - there shall be a minimum street frontage of 25 feet, exclusive of frontage on any alley.

SECTION 18.06

C-1 CENTRAL BUSINESS DISTRICT

Subd. 1 PURPOSE

The purpose of the C-1 Central Business District to provide for the establishment of commercial and service activities which draw and serve customers from the community and its surrounding areas within the 'downtown' core area. The C-1 Central Business District is intended to provide areas appropriate for pedestrian oriented retail uses, professional office uses, professional services uses, single family uses, multiple family uses and mixed commercial/residential uses particularly in transitional situations between zones of varying intensities. This zone may also be appropriate for future proposed mixed use development adjacent to intersections of collector/arterial roadways in predominantly residential areas. This Zone is not intended for areas adjacent to T.H. 14.

Subd. 2 PERMITTED USES:

- A. Grocery store and market with fuel pumps.
- B. Retail businesses- stores and shops not exceeding 20,000 square feet per establishment.
- C. Pharmacies and drug stores
- D. Administrative/Business Offices.
- E. Repair and maintenance services and sales for small consumer electronics, household goods, bicycles and apparel.
- F. Automotive repair services.
- G. Skilled trade related businesses such as electrical, plumbing, and carpentry.
- H. Professional offices and professional services, including financial institutions, accounting and attorney firms, real estate firms, and chiropractic clinics.
- I. Medical, optical and dental services.
- J. Drive thru facilities used in conjunction with financial institutions and/or medical facilities such as clinics/pharmacies, and eating establishments provided adequate protection for pedestrians is provided (e.g.-site distance, sidewalks, etc.) and stacking space is provided.
- K. Coffee shops, cafes, and delicatessens.
- L. Eating and drinking facilities.
- M. Boutiques.
- N. Fitness and wellness centers.
- O. Childcare facilities.
- P. Postal facilities.

- Q. Bus garages and transportation services.
- R. Religious Assembly.
- S. Movie theatres, performing arts facilities.
- T. Bowling alleys, pool halls, video game arcades, and other indoor entertainment centers.
- U. Laundromat/Laundry Services.
- V. Vehicle washing facilities.
- W. Club or lodge.
- X. Government/Public Services, City owned utility structures.
- Y. Existing single and multi-family dwelling units at the time of ordinance adoption.
- Z. Pet services.
- Z1. Museums and cultural services.
- Z2. Agricultural related businesses and grain elevators.
- Z3. Housing above the first floor, providing the lower level commercial use(s) are compatible with residential uses above and the housing above meets the standards of Ordinance 375 relating to building occupancy, as may be amended.

Subd. 3 *CONDITIONAL USES*

- A. Lumber yards and lumber warehouses
- B. Convenience store with or without fuel services, provided that:
 1. The sale of food items is in compliance with state and county standards and subject to the approval of a health inspector who shall provide specific written sanitary requirements for each proposed sale location.
 2. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
 3. Motor fuel facilities are installed in accordance with state standards including but not limited to those relating to fuel distributor registration and underground storage tank licensing.
 4. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
 5. Fuel pumps shall be installed on appropriately designed islands.
 6. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
 7. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.

- C. Veterinary Services
- D. Hotel/Motel
- E. Business or Trade School
- F. Automotive sales
- G. Implement sales and services
- H. Non-city owned utility structures
- I. Uses deemed by the City Council to be similar to permitted or conditional uses listed under Section 18.06 Subd. 2 or 18.06, Subd. 3 of this Ordinance provided the City Council considers possible adverse effects of the proposed events or activity. The City Council's decision shall be based upon (but not limited to) the following factors:
 - 1. Consistency with the Comprehensive Plan.
 - 2. Compliance with applicable facility plans.
 - 3. That the establishment, maintenance or operation of the proposed use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
 - 4. The proposed use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - 5. The proposed use, event or activity shall conform to the applicable regulations of the district in which it is located and all other applicable provisions of the City Code. (Ordinance 413, Adopted 10-18-16)

Subd. 4 USES UNDER ADMINISTRATIVE PERMIT

- A. The following uses require an Administrative Permit within the C-1 Central Business District when occurring for more than seven consecutive days and/or when reoccurring more than five times per year.
 - 1. Temporary uses such as holiday tree lots, newsstands, sidewalk display sales, produce markets, produce stands and the like.
 - 2. Temporary buildings for construction purposes, for a period not to exceed construction.
 - 3. Outdoor storage.
 - 4. Outdoor dining.

Subd. 5 ACCESSORY USES

- A. Landscaping and decorative features.
- B. Signs as provided under Section 18.12, Subd. 8 of this Ordinance.
- C. Parking as provided under Section 18.12, Subd. 11 of this Ordinance.

- D. Fences as provided under Section 18.12, Subd. 9 of this Ordinance.
- E. Personal or accessory antenna as provided under Section 18.12, Subd. 10 of this Ordinance.
- F. Accessory uses incidental and customary to uses allowed as permitted, conditional and administrative uses within this Section.

Subd. 6 PERFORMANCE STANDARDS

- A. Minimum Lot Area. None.
- B. Minimum Lot Width. None.
- C. Minimum Lot Depth. None.
- D. Minimum Front Setback. None.
- E. *This section reserved for future use.*
- F. *This section reserved for future use.*
- G. Building height. The maximum building height shall be 35 feet. The maximum building height may be increased provided a conditional use permit under Section 18.14, Subd. 4 of this Ordinance is issued and the required setbacks are increased an additional one-half foot for each foot of height over 35 feet.
- H. Street frontage - there shall be a minimum street frontage of 15 feet, exclusive of frontage on any alley.
- I. Development/site plan review under Section 18.14, Subd. 3 of this Ordinance is required.
- J. Other Building Guidelines.
 - 1. Rehabilitation and Renovation of Existing Structures and/or infill development within the C -1 Central District adjacent to Central Street or Marshall Avenue.
 - a. The historic character of each property should be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property should be avoided.
 - b. Most properties change over time; those changes that have acquired historic significance in their own right should be retained and preserved.
 - c. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property should be preserved.
 - d. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials.
 - e. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used. The surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.

- f. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be compatible with the massing, size, scale, and architectural features of the existing structure so as to protect the historic integrity of the property and its environment.
- g. New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- h. Clapboards should be repaired or replaced with wood siding with the same profile (smooth surface /horizontal placement) and style. Alternate clapboard siding material may be considered, provided the original profile and style match the original. Painting should match the original. Clapboard or other wood siding should be used with horizontal placement. Decorative wood detail should be maintained and repaired, and if needed replaced; such repairs/replacement should copy the original in material, style, size and configuration.
- i. Paint colors should be from an "historic color" selection and should complement the age and style of the structure. Property owners should consider color patterns/palettes employed along Main Street and surrounding buildings for ideas and consider the impact of color choices on the streetscape. Property owners should use a limited number of colors on a single structure. Loud or highly contrasting colors are discouraged, colors with low reflectance that are subtle, neutral or earth tone are preferred.
- j. If masonry (brick) has deteriorated and/or re-pointing or replacement required all work and replacement should match the existing as closely as possible in style, color, type, bond pattern and size. When re-pointing a mortar appropriate for the brick type should be used. When cleaning the gentlest method possible should be used since sandblasting or chemical cleaning may damage exterior brick and lead to penetration of dirt and moisture. Masonry should not be painted or covered with false facades.
- k. Sign design, layout, placement, material and color should be historic suitability. Most historic commercial structures have a natural location for signage (horizontal lintel over store entrance is one example), so this space should be utilized if possible. Color and style should complement the structure, design, and function of the building. Lighting the sign should be done with exterior lights or spotlights.
- l. Awnings should be historically appropriate. Design, material, logo, style, configuration, location, and color should be consistent with those originally exhibited on historic structures. Material should consist of fabric, canvas, or alternative compatible with the original structure. Hard or shed roof awnings with solid roofing material such as shingles or metal are discouraged.
- m. When possible repairing and maintaining existing roof material is encouraged. Property owners should consider using professional architects and contractors with roofing experience to determine the extent of the repair. When replacement is required, the material should complement the structure's age, style, and protection requirements. The material and color of roofs should be in harmony with the rest of the structure.
- n. Property owners should avoid the following:
 - i. Pursuing changes to structures which create a false sense of historical development, such as adding features or architectural elements from other buildings.
 - ii. Creating a false historical appearance.
 - iii. Introducing a new building or site feature that is out of scale or of an otherwise inappropriate design.

- iv. Introducing a new landscape feature, including plant material, that is visually incompatible with the site, or that alters or destroys the historic site patterns or vistas.
- v. Locating any new construction on the building site where important landscape features will be damaged or destroyed, for example, removing a lawn and walkway and installing a parking lot.
- vi. Placing parking facilities directly adjacent to historic buildings where automobiles may cause damage to the buildings or to important landscape features.
- vii. Introducing new construction onto the building site that is visually incompatible in terms of size, scale, design, materials, color, and texture; which destroys historic relationships on the site; or which damages or destroys important landscape features.
- viii. Removing or radically changing features of the setting that are important in defining the historic character. The setting is the area or environment in which a historic property is found. Elements of setting include the relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways and street trees.

2. New Construction within the C-1 District not adjacent to Central Street or Marshall Avenue.

- a. A high level of design and architectural detail are required for structures. Building designs should balance the need to serve their purpose and while being oriented to the outside, striving to create a coordinated 'sense of place' which adds to the quality of life. Architectural features such as windows, doorways, balconies and cornices help ensure buildings and the uses they showcase relate to people. Uniform or complimentary window shapes, cornice lines, doorways and façade materials and colors are desired. For structures not abutting Central Street or Marshall Avenue, at least twenty-five (25) percent of the net area of all facades (i.e. not including windows and doors) of new construction shall be comprised of granite, brick, stone, decorative concrete block or architectural tilt-up/tip-up panels. Said granite, brick, stone and/or concrete masonry may be used as structural components or applied as a veneer. Projects renovating or rehabilitating existing structures shall provide as much adornment as possible to existing facades facing public rights-of-way. Tile, glass, copper, metal and wood may be used for accent materials.
- b. Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal surface. Facades facing public rights-of-way with more than forty (40) feet in continuous width or height shall feature breaks/divisions in materials, separate entrances/entrance treatments, variations in roof lines and/or variations in building setbacks.
- c. Common areas and places for people to congregate are highly encouraged. Such common areas such as courtyards, squares, fountains, gardens and the like should offer a variety of activities for persons to sit outside, walk, meet friends, enjoy a meal, etc. All common areas shall be maintained by the property owner or other method, development agreement, homeowners assoc. etc.
- d. On-site circulation systems should encourage safe, efficient passageways for cars, pedestrians and other transportation options. New off-street parking lots along Main Street must be located to the rear of the building. New parking lots may be located in side yards in areas other than those abutting Main Street, however, rear yard parking is preferred. Parking lots with landscaped amenities are highly recommended.

- e. Landscaping treatments along walkways, in courtyards, in areas complementary to the building design and within parking areas which enhance pedestrian's experience and which are complimentary to the area are highly encouraged.
- f. Building and signage lighting shall be indirect with light source(s) hidden from direct pedestrian and motorist view. Uniform or complimentary lighting styles are preferred and encouraged.
- g. When a redevelopment project disturbs the existing streetscape, proposed replacement streetscape elements shall be reviewed by the Zoning Administrator.

SECTION 18.07

C-2 HIGHWAY COMMERCIAL DISTRICT

Subd. 1 PURPOSE

The purpose of the C-2 Highway Commercial District is to provide space for concentrated general business and commercial activities dependent upon high volumes of vehicular traffic. The intent of this section is to provide locations where the vehicular-oriented activities can be maximized with minimal infringement on residential neighborhoods and with minimal conflicts with uses allowed in the Central Business District.

Subd. 2 PERMITTED USES

A. Individual retail establishments (sales of goods to individual consumers, usually in small quantities and not to be placed in inventory for resale) and individual wholesale establishments (sale of goods to retailers or jobbers, rather than the sale of goods to individual consumers, usually in large quantities to be placed in inventory for resale to the individual consumer) involved in the trade of goods such as automobile parts/accessories, building materials, consumer electronics, furniture and flooring, paint/wallpaper, hardware, household appliance sales/service, clothing/apparel, garden supplies, new passenger automobiles, used passenger automobiles, farm equipment/implement and marine, motor sport and boating equipment.

B. Grocery stores and markets greater than 20,000 square feet in size.

C. Casual dining and eat in/carry out restaurants and drinking establishments.

D. Gas stations and convenience stores, provided:

1. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.
2. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
3. Motor fuel facilities are installed in accordance with state standards.
4. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
5. Wherever fuel pumps are to be installed, pump islands shall be installed.
6. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
7. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.

E. New and used automobile sales and service providing a principal structure is erected as the principal use and is greater than 30 percent of the area used for outdoor display.

F. Freestanding day care facilities.

- G. On/off sale liquor establishments.
- H. Cabinet and carpentry shops, electrical service, heating, plumbing, soft water service.
- I. Business and professional lease space.
- J. Personal services, including but not limited to: barber/beauty shops, salons, manicurists, cosmetology services, photography studio and similar uses.
- K. Private non-profit clubs and lodges.
- L. Recreational services contained within an enclosed structure including theaters and bowling lanes.
- M. Grouped (multiple tenant) professional office/service establishments.
- N. Churches, worship facilities.

Subd. 3 *CONDITIONAL USES*

- A. Armory, exhibition hall, auction hall.
- B. Carwash.
- C. Existing Single Family Dwellings which may be expanded and/or remodeled
- D. Fast food and drive-in establishments.
- E. Freestanding multiple family dwellings
- F. Grouped Retail/Wholesale Trade (processed as PUD). A combination of two or more individual retail and/or wholesale trade establishments (i.e. a multiple tenant commercial/shopping center) of goods such as automobile parts/accessories, building materials, consumer electronics, furniture and flooring, paint/wallpaper, hardware, household appliance sales/service, clothing/apparel, garden supplies, new passenger automobiles, used passenger automobiles, farm equipment and marine, motor sport and boating equipment.
- G. Lumber yards and warehousing.
- H. Motels/hotels.
- I. Rental of equipment or tools (storage areas must be screened from public view).
- J. Uses deemed by the City Council to be similar to permitted or conditional uses listed under Section 18.07 Subd. 2 or 18.07, Subd. 3 of this Ordinance provided the City Council considers possible adverse effects of the proposed events or activity. The City Council's decision shall be based upon (but not limited to) the following factors:
 - 1. Consistency with the Comprehensive Plan.
 - 2. Compliance with applicable facility plans.

3. That the establishment, maintenance or operation of the proposed use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
4. The proposed use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
5. The proposed use, event or activity shall conform to the applicable regulations of the district in which it is located and all other applicable provisions of the City Code.

Subd. 4 USES UNDER ADMINISTRATIVE PERMIT

- A. The following uses require an Administrative Permit within the C-2 Highway Commercial District when occurring for more than seven consecutive days and/or when reoccurring more than five times per year.
 1. Temporary uses such as holiday tree lots, newsstands, sidewalk display sales, produce markets, produce stands and the like.
 2. Temporary buildings for construction purposes, for a period not to exceed construction.
 3. Outdoor storage.
 4. Outdoor dining.

Subd. 5 ACCESSORY USES

- A. Landscaping and decorative features.
- B. Signs as provided under Section 18.12, Subd. 8 of this Ordinance.
- C. Parking as provided under Section 18.12, Subd. 11 of this Ordinance.
- D. Fences as provided under Section 18.12, Subd. 9 of this Ordinance.
- E. Personal or accessory antenna as provided under Section 18.12, Subd. 10 of this Ordinance.
- F. Accessory uses incidental and customary to uses allowed as permitted, conditional and administrative uses within this Section.
- G. Apartment or living quarters provided it is not the primary use of the structure and meets the standards of Ordinance 375 relating to building occupancy, as may be amended. (Ord 403, Adopted 2-21-15)

Subd. 6 PERFORMANCE STANDARDS

- A. Minimum Lot Area. 15,000 square feet.
- B. Minimum Lot Width. 100 feet.
- C. Minimum Front Setback. 30 feet.

- D. Minimum Side Setback. Ten (10) feet, unless commercial uses or multiple-family uses (not single family residential) abut a residential zoning district, then a minimum side yard of twenty (20) feet shall be required. The required setback shall be landscaped as required by the Zoning Administrator so as to buffer the commercial or freestanding multiple family use from the adjacent residential use.
- E. Minimum Rear Setback. Same as side yard setback.
- F. Building height. The maximum building height shall be 35 feet. The maximum building height may be increased provided a conditional use permit under Section 18.14, Subd. 4 of this Ordinance is issued and the required setbacks are increased an additional one-half foot for each foot of height over 35 feet.
- G. Street frontage - there shall be a minimum street frontage of 25 feet, exclusive of frontage on any alley.
- H. **Building Requirements.**
 - 1. A high level of design and architectural detail are preferred for structures in the C-2 Highway Commercial District. Complimentary architectural quality, façade materials and colors are desired in comparison to adjacent facilities.
 - 2. Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface. There shall be no more than two structures in a row without a break in the horizontal and/or vertical elevations. Facades facing a public right of way with more than forty (40) feet in width or height shall feature breaks/divisions in materials, separate entrances/entrance treatments, variations in roof lines and/or variations in building setbacks.
 - 3. At least fifty (50) percent of the area of all facades of new construction and/or reconstructed facades facing public rights-of-way shall be comprised of brick, stone, stucco, decorative concrete block or architectural tilt-up/tip-up panels and/or windows doors. Projects renovating or rehabilitating existing structures shall provide as much adornment as possible to existing facades facing public rights-of-way.
 - 4. Provision for handling all freight shall be on those sides of any buildings which do not face on any street or proposed street. In the event loading docks must face a public street the dock shall be fully screened from the view the roadway.
 - 5. Common Areas. All common areas shall be maintained by the property owner.
- I. Development/site plan review under Section 18.14, Subd. 3 of this Ordinance is required.

SECTION 18.08 I - INDUSTRIAL ZONE

Subd. 1 PURPOSE

The purpose of the I- Industrial District is to provide space for light and heavy manufacturing activities as defined in the Section 18.01 of this Ordinance and involving a minimum degree of refuse byproducts and air or noise pollution, and requiring a relatively low level of on-premise processing. These activities may include secondary commercial functions which are conducted on site.

Subd. 2 PERMITTED USES

- A. Assembly plants, bottling establishments, cabinet/woodworking establishments, call centers, contractor (electrical, plumbing, heating/ventilation, etc) facilities, contractor's supply yard, storage yards for lumber, coal, brick and stone, provided such use is entirely enclosed within a substantial opaque fence not less than six feet in height, electric appliances assembly, industrial research laboratories, lumberyards, mail order facilities.
- B. Manufacturing, assembly, compounding, treatment, packaging or repackaging of: musical instruments, toys, novelties, rubber or metal stamps; small electrical parts, or signs; articles or merchandise from the following previously prepared materials: cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, paper, plastic, precious or semi-precious metals and stones, shell, textiles, tobacco, wood excluding planning mill, yarn, and paint not requiring a boiling process; food products such as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries. Uses contemplated under this section must have a low potential for noise, odor, waste or pollution problems and low transportation and other service requirements.
- C. Minor and major automotive repair.
- D. Offices/showroom/retail space as a portion of the principal industrial use provided they do not exceed a combined twenty-five (25) percent of the total square footage of the principal use.
- E. Printing/binding establishments.
- F. Storage facilities: wholesale and mini-storage.
- G. Utility structures.
- H. Warehousing and wholesale merchandising.
- I. Any uses permitted in C-1 and C-2 Districts. (Ord 403, Adopted 2-21-15)

Subd. 3 CONDITIONAL USES

- A. Freight truck terminals, provided access and circulation do not cause conflict with general traffic movement on the adjacent roadway(s).
- B. Planned unit industrial developments.
- C. Heavy manufacturing (potential for noise, odor, waste or pollution problems or high transportation and other service requirement needs).
- D. *This section reserved for future use.*
- E. Uses deemed by the City Council to be similar to permitted or conditional uses listed under Section 18.08 Subd. 2 or 18.08, Subd. 3 of this Ordinance provided the City Council considers possible adverse effects of the proposed events or activity. The City Council's decision shall be based upon (but not limited to) the

following factors:

1. Consistency with the Comprehensive Plan.
2. Compliance with applicable facility plans.
3. That the establishment, maintenance or operation of the proposed use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
4. The proposed use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
5. The proposed use, event or activity shall conform to the applicable regulations of the district in which it is located and all other applicable provisions of the City Code.

Subd. 4 *USES UNDER ADMINISTRATIVE PERMIT*

A. The following uses require an Administrative Permit within the Industrial District when occurring for more than seven consecutive days and/or when reoccurring more than five times per year.

1. Temporary buildings for construction purposes, for a period not to exceed construction.
2. Outdoor storage.
3. Temporary events/sales such as holiday tree lots, newsstands, sidewalk display sales, produce markets, produce stands and the like.

Subd. 5 *ACCESSORY USES*

- A. Landscaping and decorative features.
- B. Signs as provided under Section 18.12, Subd. 8 of this Ordinance.
- C. Parking as provided under Section 18.12, Subd. 11 of this Ordinance.
- D. Fences as provided under Section 18.14, Subd. 9 of this Ordinance.
- E. Restaurants, lunch counters, confectioneries to serve the employees of the district.
- F. Personal or accessory antenna as provided under Section 18.12, Subd. 10 of this Ordinance.
- G. Accessory uses incidental and customary to uses allowed as permitted, conditional and administrative uses within this Section.
- H. Apartment or living quarters provided it is not the primary use of the structure and meets the standards of Ordinance 375 relating to building occupancy, as may be amended." (Ord 403, adopted 2-21-15)

Subd. 6 *PERFORMANCE STANDARDS*

- A. Minimum Lot Area. 32,670 (three fourths of an acre) square feet.

- B. Minimum Lot Width. 100 feet.
- C. Minimum Front Setback. 30 feet.
- D. Minimum Side Setback. Ten (10) feet, unless abutting a residential zoning district, then a minimum side yard of one-hundred (100) feet shall be required. The required setback shall be landscaped as required by the Zoning Administrator so as to buffer the adjacent residential use. If/when separated by a public right-of-way the width of the right-of-way may be applied when calculating this standard.
- E. Minimum Rear Setback. Same as side yard setback.
- F. Building height. The maximum building height shall be 35 feet. The maximum building height may be increased provided a conditional use permit under Section 18.14, Subd. 4 of this Ordinance is issued and the required setbacks are increased an additional one-half foot for each foot of height over 35 feet.
- G. Street frontage - there shall be a minimum street frontage of 25 feet, exclusive of frontage on any alley.
- H. Building Requirements.
 1. Every applicant for a permit to develop or expand any industrial property in the municipality shall be required to submit a complete and accurate statement concerning the specific nature of the use to which the property is to be put. It shall be required by the Council that any use established in an industrial district shall be so operated that the entire community and surrounding communities shall be protected from an nuisance brought about by an excess of smoke, noise, odors, vibrations or any other activity that might be termed detrimental to the public health, safety or general welfare of surrounding inhabitants. In order to assure compliance with the performance standards set forth above, the Planning Commission may require the owner or operator of any permitted use or conditional use to make such investigations and tests as may be required to show adherence to the performance standards.
 2. The Council may require any additional information, corrections, or control, deemed necessary for the protection of the public. The council shall have the right to hire expert consultants, at the permittee's expense, to assist in establishing and/or enforcing performance standards for any industrial use.
 3. Any lights used for exterior illuminations shall be directed away from adjacent properties
 4. Every operation shall be carried on in accordance with local fire and safety codes
 5. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be reviewed by the Zoning Administrator
- I. Development/site plan review under Section 18.14, Subd. 3 of this Ordinance is required.

SECTION 18.09

A - AGRICULTURAL ZONE

Subd. 1 PURPOSE

This district is intended to provide for the conversion of agricultural land to urban use in the future, to preserve agricultural land from premature conversion to non-agricultural land uses or to provide for areas where extension of urban facilities is not feasible due to development constraints.

Subd. 2 PERMITTED USES

- A. Crop farming.
- B. Dwellings associated with farm operations with sewage system meeting MNPCA standards.
- C. Accessory uses, including agricultural buildings and equipment.
- D. Home occupations, including seed sales and agricultural equipment repair.
- E. Community and governmental buildings, Utility structures, Golf Courses and Public or Private Parks.

Subd. 3 CONDITIONAL USES

- A. Dwellings.
- B. Utility structures.
- C. *This section reserved for future use.*
- D. *This section reserved for future use.*
- E. Uses deemed by the City Council to be similar to permitted or conditional uses listed under Section 18.09 Subd. 2 or 18.09, Subd. 3 of this Ordinance provided the City Council considers possible adverse effects of the proposed events or activity. The City Council's decision shall be based upon (but not limited to) the following factors:
 - 1. Consistency with the Comprehensive Plan.
 - 2. Compliance with applicable facility plans.
 - 3. That the establishment, maintenance or operation of the proposed use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
 - 4. The proposed use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - 5. The proposed use, event or activity shall conform to the applicable regulations of the district in which it is located and all other applicable provisions of the City Code.

Subd. 4 PERFORMANCE STANDARDS

- A. Front, side and rear yards - minimum of 30 feet.
- B. Minimum lot size: five (5) acres.

SECTION 18.10

MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

Subd. 1 **PURPOSE**

This Subd. is intended to promote health, safety, order convenience and general welfare, by enforcing minimum standards for manufactured home parks, the location and use of manufactured homes and the design, construction, alteration and arrangement of homes on the lots, authorizing the inspection of manufactured home parks (by licensing of operators) and fixing penalties for violations.

Subd. 2 **PERMITS AND CODES**

- A. Site.** No manufactured homes for residential purposes shall be permitted on any site within the City unless said site is part of an approved manufactured home court, or unless it is located on land purchased by the manufactured home owner serviced by utilities as required by State Law and the land has been, prior to passage of this Subd., specially developed and formally platted for the placement of manufactured homes. Manufactured homes will be used only as residences; no commercial use is permitted except for the manufactured home sales office.
- B. Permit.** It is unlawful for any person to construct, alter, or extend any manufactured home park or structures within the park that are permanent in nature within the limits of the City, unless the person holds a valid permit issued by the Zoning Administrator in the name of the person for the specific construction, alteration or extension proposed. "Permanent" means structures that are not on wheels or manufactured.
- C. Permit Application.** Applications to establish a manufactured home park shall follow the procedure set forth in Subd. All applications for permits shall contain the following:
1. Name and address of applicant.
 2. Location and Legal Description of the Manufactured Home Development.
 3. Complete engineering plans and specifications of the proposed Development showing, but not limited to, the following:
 - a. The area and dimensions of the tract of land.
 - b. The number, location, and size of all manufactured home lots.
 - c. The location and width of roadways and walkways.
 - d. The location of water and sewer lines and riser pipes.
 - e. Plans and specifications of the water supply and refuse and sewage disposal facilities.
 - f. Plans and specifications of all buildings constructed or to be constructed within the Manufactured Home Development.
 - g. The location and details of lighting and electrical systems.
 4. A performance bond covering 125% of the anticipated development cost shall be posted in favor of the City for a two year period, effective from the date construction of developments begin.

- D. Manufactured Home Standards.** All manufactured homes shall be subject to and meet the construction, plumbing, electrical and mechanical standards as prescribed by the City, the State of Minnesota, whichever is the most restrictive, and shall be certified to these standards by manufacturers seal or by the Zoning Administrator. A manufactured home shall mean a manufactured, transportable, single family dwelling unit at least 12 feet wide and 50 feet in length, suitable for year-round occupancy and containing water supply, waste disposal and electrical conveniences designed for attachment of outside systems.
- E. Fee For Permit Applications.** All applications for a permit shall be accompanied by a fee which shall be based on total valuation of the work to be done. Such fees shall be in accordance with the established zoning permit fees required in the City and by the State.
- F. Review Of Permit Applications.** The Planning and Zoning Commission shall review all applications for permit which have been forwarded to them by the Zoning Administrator under the provisions of the Subd. The applicant shall be granted a hearing before the Planning Commission. The results of Planning Commission findings shall be forwarded to the Council.
- G. Hearing.** Any person whose application for permit under this Subd. has been denied may request and shall be granted a hearing on this matter before the Council.

Subd. 3 INSPECTION OF MANUFACTURED HOME PARKS

- A. Inspection Authorization.** The Zoning Administrator is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Subdivision.
- B. Inspection And Investigation Of Property.** The Zoning Administrator shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Subdivision.
- C. Inspection Of Register.** The Zoning Administrator shall have the power to inspect the register containing a record of all residents of the manufactured home park.
- D. Park Management Duty.** It shall be the duty of the park management to give the Zoning Administrator free access to all lots at reasonable times for the purpose of inspection.
- E. Owner Access.** It shall be the duty of every occupant of a manufactured home park to give the owner of the park or the owner's agent or employee access to any part of the manufactured home park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Subd.

Subd. 4 NOTICES, HEARINGS AND ORDERS

- A. Notice Of Violations.** Whenever the Zoning Administrator determines that there are reasonable grounds to believe that there has been a violation of any provision of this Subd., the Zoning Administrator shall give notice of the alleged violation to the person to whom the permit is issued. The notice shall:
 1. Be in writing;
 2. Include a statement of the reasons for its issuance;
 3. Allow thirty days time for the performance of any act it requires (if work cannot be completed in the 30-day period, extensions may be granted if reasons for hardship exist and can be verified);

4. Be served upon the owner or the owner's agent as the case may require. The notice or order shall be deemed to have been properly served upon the owner or agent when a copy of the notice has been sent by registered mail to the last known address, or when the owner or agent has been served with such notice by any method authorized or required by the laws of this State.
- B. **Hearing.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Subd., may request and shall be granted a hearing of the same before the Council.
- C. **Emergency.** Whenever the Zoning Administrator finds that an emergency exists which requires immediate action to protect the public health, the Zoning Administrator may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that action be taken as deemed necessary to meet the emergency. Action may include the suspension of the permit. Notwithstanding any other provisions of this Subd., the order shall be effective immediately. Any person to whom such an order is directed shall comply with it immediately. Upon petition to the Zoning Administrator, the applicant shall be afforded a hearing as soon as possible. The provisions of this Subd. shall be applicable to the hearing and the order issued after the hearing.

Subd. 5 MANUFACTURED HOME PARK REQUIREMENTS

A. Minimum Density And Area Requirements. Lot areas and density as hereby established shall be considered the minimum requirements within a manufactured home park.

1. Minimum area requirements for a manufactured home park shall be five (5) acres and shall not be less than one hundred fifty (150) feet in width.
2. A minimum of 10% of the total manufactured home park area shall be provided for definable play areas and open space within the manufactured home park. The areas of open space and/or play areas shall not be areas included within any setback. Nor shall they include any areas of less than twenty (20) feet in length or width.
3. Minimum lot area per unit shall be five thousand (5000) square feet, excluding private drives, parking spaces and street rights-of-way.

B. Lot Coverage And Setback Requirements.

1. Maximum lot coverage for manufactured home parks shall be twenty-five percent (25%).
2. Minimum distance between units shall be not less than twenty (20) feet, or the sum of the heights of the two units, whichever is greater. The point of measurement for this distance is a straight line between the closest point of the units being measured.
3. When a manufactured home park abuts a single-family residential use area, there shall be a minimum setback on that side of thirty-five (35) feet between the street right-of-way line and any manufactured home park use. The setback area shall act as a buffer zone and shall be landscaped according to a landscape plan. The landscape plan must be submitted at the time of application. The plan shall show the type of planting material, size and planting schedule.
4. Street access shall not be permitted into or upon minor single-family residential area streets.
5. No twin or double units shall be permitted in the park without prior approval of the Council.

C. General Internal Park Development Requirements.

1. There shall be a minimum front yard setback from the manufactured home unit to the street line of fifteen (15) feet.
2. The manufactured home stand shall be at an elevation, distance and angle relative to the street and driveway that placement and removal of the manufactured home with a car, tow truck, or other customary moving equipment is practical. The manufactured home stand shall have a longitudinal grade of less than four percent (4%) and transverse crown or grade to provide adequate surface drainage. The stand shall be compacted and surfaced with a material which will prevent the growth of vegetation while supporting the maximum anticipated loads during all seasons.
3. The entire manufactured home park shall be landscaped (excluding hard surfaced areas). Additionally, there shall be planted, or otherwise located, two shade trees with a minimum diameter of two (2) inches placed and maintained near each unit pad.
4. All utilities supplied by the manufactured home park shall be underground. This shall include sanitary sewer, municipal water and electricity. When piped fuel and/or gas is provided by the manufactured home park to each manufactured home stand, such service shall also be located underground. The water and sanitary waste disposal shall be attached to the municipal systems. A valve set in a manhole shall be provided where water is connected to the municipal system. A manhole shall also be provided where sanitary sewer is connected to the municipal system. The water supply shall be metered by a single meter approved by the Water Department.
5. Street Lighting shall be similar to the community street lighting system and separately metered.
6. Any addition to a manufactured home will require a zoning permit. Additions will be of the same material as the original structure.
7. Adequate fire hydrants must be provided for area fire protection.

D. Parking and Street Requirements.

1. Parking: Off-street parking areas shall be surfaced in accordance with the street surface standards in this Subdivision:
 - a. All required off-street parking space shall be located not further than two hundred (200) feet from the unit or units for which they are designated.
 - b. A minimum of two and one-fourth (2-1/4) parking spaces must be provided for each manufactured home unit space provided with the park. The one unit space for occupant use must be within the required distance from the unit. The remaining spaces equivalent to one and one-fourth (1-1/4) spaces must be in group compounds at an appropriate location within the park.
2. Streets:
 - a. Streets shall be of sufficient width so as to permit ease of access to the manufactured home parking stands and the placement and removal of manufactured homes without causing damage to, or otherwise jeopardizing, the safety of any occupants or manufactured homes in the park.

- b. Streets shall have a minimum width of thirty (30) feet and shall include curb and gutter.
 - c. Public access to a manufactured home park shall be designed so as to permit a minimum number of ingress and egress points to control traffic movement, and to keep undesirable traffic out of the park.
 - d. Streets shall be graded to their full width to provide proper grades for pavements and sidewalks to have adequate surface drainage to the storm sewer system. The improvements shall extend continuously from existing improved streets to provide access to each lot and to provide connections to existing or future streets at the boundaries of the manufactured home park.
 - e. Streets and parking areas shall be surfaced for all weather travel as designated by the City Engineer.
- E. Storage.** Enclosed storage lockers when provided shall be located either adjacent to the manufactured home in a manufactured home park or at such other place in the park, as to be convenient to the unit for which it is provided. Storage of large items such as boats, boat trailers, etc., shall not be permitted at the site of the manufactured home unit. Storage of these large items shall be provided in a separate screened area of the park.
- F. Maintenance.** The operator of any manufactured home park, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the manufactured home park, its facilities and equipment, in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable with the operator for the violation of any provisions of these regulations and other regulations of the city to which the operator is subject.

Subd. 6 SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES

- A. General.** The requirements of this Subd. shall apply to service buildings, recreation buildings, and other community service facilities, such as:
- 1. Management offices, repair shops, and storage areas;
 - 2. Sanitary facilities;
 - 3. Laundry facilities;
 - 4. Indoor recreation areas.
- B. Structural Requirements for Buildings.** Portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of materials, and so constructed and protected, as to prevent entrance or penetration of moisture and weather.
- C. Barbecue Pits, Fireplaces, Stoves and Incinerators.** Cooking shelters, pits, and woodburning stoves shall be located, constructed, maintained and used so as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Subd. 7 MISCELLANEOUS REQUIREMENTS

- A. **Compliance with Code.** The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with this Subd. and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. **Notification of Occupants.** The park management shall notify park occupants of all applicable provisions of this Subd. and inform them of their duties and responsibilities under this Subd.
- C. **Registration.** It is the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the following information:
 - 1. The name and address of each manufactured home occupant;
 - 2. The name and address of the owner of each manufactured home and motor vehicle by which it is towed;
 - 3. The make, model, year and license number of each manufactured home and motor vehicle;
 - 4. The state, territory or country issuing each license;
 - 5. The date of arrival and departure of each manufactured home;
 - 6. Whether or not each manufactured home is a dependent or independent manufactured home.
- D. **Registration of Occupants, Availability.** The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duty necessitates acquisition of the information contained in the register. The register record for each registered occupant shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
- E. **Fence.** All manufactured home parks shall be enclosed by a fence or screen planting so as to provide privacy for the occupants of the park. Regulations on height, size and type of enclosure shall be determined as part of the conditional use request.
- F. **Skirting.** Each manufactured home shall be completely enclosed with skirting as prescribed by the City Inspector.
- G. **Snow Removal and Garbage.** The manager is responsible for snow removal and for the arrangements of garbage pickup.
- H. **Office and Parking.** There must be a Park Manager's office including parking space for customers and guests.
- I. **Public Address System.** No public address system shall be allowed.
- J. **Travel Trailers.** There shall be a seven (7) day limit on travel trailers within the park.
- K. **Placement of Other Buildings.** It is unlawful for any person to erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a structure other than a manufactured home in a manufactured home park without the recommendation of the Planning and Zoning Commission and the approval of the Council.
- L. **Zoning permit.** A zoning permit shall be obtained from the City before placing a manufactured home on a lot. A minimum permit fee will be charged. This fee will be set annually by the Council. A zoning

permit is also required for:

1. Additions to manufactured homes.
2. Ground penetration such as posts or digging to define and protect underground service lines.
3. Accessory buildings.

SECTION 18.11

GENERAL REQUIREMENTS

Subd. 1 RESERVED

Subd. 2 DWELLING UNIT RESTRICTIONS

- A. No cellar, basement, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently, except when allowed as an administrative use as set forth and regulated by this Chapter.
- B. Basements may be used as living quarters or rooms as a portion of residential dwellings. Rental unit(s) in basements shall be subject to provisions of the appropriate zoning district And related codes.
- C. Tents, play houses or similar structures may be used for play or recreational purposes, but shall not be independent living quarters.
- D. Existing cellars or basements used as an independent dwelling unit and not complying to this Chapter shall have the status of a non-conforming use, subject to the provisions of this Chapter.
- E. No dwelling shall hereafter be erected or altered unless it abuts a public street.

Subd. 3 ACCESSORY STRUCTURES

- A. The following shall be exempt from this section:
 - 1. Chimneys, church steeples, towers, aeriels, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.
 - 2. Terrace, steps, stoops or similar features, and handicapped/wheel chair ramps provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than ten (10) feet from any property line. (Ord. 403, approved 2-21-15)
 - 3. Window or similar bays and fire escapes.
 - 4. In rear yards: recreational and laundry drying equipment, arbors, and trellises, detached decks, gazebos, balconies, breezeways, and air conditioning or heating equipment, provided they are at a distance of ten (10) feet from the rear lot line.
 - 5. Utility and garden sheds not exceeding 120 square feet in area shall be exempt from these requirements provided:
 - a. They are not placed in the front yard,
 - b. They do not encroach upon drainage and/or utility easement,
 - c. They are at least five (5) feet from a side or rear lot lines.
 - d. The number of garden/utility sheds is limited to a maximum of two per lot and the total number of accessory structures including garden/utility sheds does not exceed three (3) structures.
 - e. Utility and garden sheds allowed under this Section are subject compliance reviews by the Zoning Administrator. Non-compliant utility and garden sheds

shall be brought into conformance with this Section if the aforementioned compliance review identifies non-conformities.

- B. **Setbacks.** An alternative means of calculating required lot area and setbacks when neighboring properties do not conform to a requirement are provided for as defined within Section 18.01 of this Ordinance (i.e. setback, average; lot area, average).
- C. An unenclosed landing or unenclosed deck may project into a front yard for a distance not to exceed eight feet and contain not more than 80 square feet projecting out into the front yard, but no part thereof may be located within eight feet of any property line. (Ordinance 416, approved 2-21-17)
- D. **Accessory Structure Standards.**
 - 1. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure. An accessory building, unless attached to and made a part of the principal structure shall not be closer than ten (10) feet to the principal structure.
 - 2. Accessory garages located in rear yards shall be setback a minimum of five (5) feet from the rear lot line, except that rear-loading garages shall be setback ten (10) feet from the rear lot line.
 - 3. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory.
 - 4. No detached accessory building shall be constructed in the required front yard.
 - 5. Within the R-1 and R-2 districts no detached accessory building or combination of detached accessory buildings shall exceed 1,200 square feet or ten percent of the total lot area, whichever is greater. Lots of greater than 43,560 sq. ft. (one acre) shall be exempt from this standard. (Ordinance 416, approved 2-21-17)
 - 6. No lot shall have more than two (2) non-exempt detached accessory buildings or any combination of three (3) exempt or non-exempt detached accessory buildings.
 - 7. The same or similar exterior building color shall be used on the accessory building and the principal building. Agricultural buildings shall not be allowed in the R-1, R-2, R-MH, C-1, C-2 or I-1 districts.
 - 8. Accessory building sidewall heights as measured from the finished interior floor to the point where the bottom rafters rest on the sidewall shall be limited to nine feet six (9.6) inches in height. The City Council may allow an accessory structure in excess of this height restriction provided a conditional use permit is issued as set forth in Section 18.14, Subd. 4 of this ordinance.
 - 9. Accessory buildings shall feature a roof pitch which is similar to that of the principal structure.
- E. Accessory buildings shall be accessible from a publicly improved street or alley way or thru the property owner's lot from a publicly improved street or alley way.

Subd. 4 BUILDING REQUIREMENTS.

A. Building Requirements.

1. Any person desiring to improve property shall submit to the Zoning Administrator information on the location and dimensions of existing and proposed buildings, location of easements crossing the property encroachments, and any other information which may be necessary to insure conformance to City Ordinances. The City may be asked to locate property boundaries to the best of its ability. If there is uncertainty as to actual location of property lines or if deemed necessary for the issuance of a zoning permit or zoning approval, the Zoning Administrator may require the applicant to provide a certificate of survey illustrating the property lines, existing buildings, proposed construction and the setbacks of both.
2. All buildings shall be so placed that they will not obstruct future streets or alleys that may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City. The apparent front of the building shall face the front of the lot, as determined by the Zoning Administrator.
3. Except in the case of Planned Unit Developments, not more than one (1) principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Planning Commission and City Council.
4. In all districts, all buildings and structures and remodeling of either existing or new buildings shall take into account compatibility related to architectural quality and mass of the structures to be constructed. Elements of compatibility include, but are not limited to: building form, mass, height and bulk; exterior materials and their appearance, color and durability; setbacks; landscaping; exterior lighting and site improvements.

B. Building Type and Construction.

1. All dwellings shall be placed on a complete, permanent perimeter foundation.
2. The minimum widths of all dwellings shall be at least twenty (20) feet, measured from the face of the exterior wall across the narrowest portion. This shall not include the projection of a porch, sunroom or similar room, which is constructed as a permanent part of the principal structure.
3. All dwellings shall be constructed of conventional exterior dwelling type material. No steel or metallic roofing is allowed on dwelling units, except in the agricultural zoning district.
4. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as corten steel, shall be permitted in any residential zoning district. Metal roofs are allowed provided architectural grade materials are used.

C. Building Height.

1. Applicants proposing structures constructed exclusively for or hosting telecommunications equipment shall provide written verification of approval from the Federal Communications Commission and the Federal Aviation Administration to the extent required by those agencies.
2. The City shall require an applicant who proposes the construction of any structure with a height equal to or greater than two hundred (200) feet above ground level; or the alteration of any structure to a height which is equal to or greater than two hundred (200) feet above ground level to submit evidence to the City verifying the Minnesota Department of

Transportation, Aeronautics and the Federal Aviation Administration have been duly notified of said proposed structure prior to City Council approval, if such notice is required.

3. Building height limits established for districts shall not apply to the following providing said structures do not exceed fifty (50) feet above ground level: cooling towers, elevator penthouses, flag poles, monuments, belfries, chimneys or flues, church spires, cupolas and domes which do not contain usable space, parapet walls extending not more than three (3) feet above the limiting height of the building, poles, towers, and other structures for essential services, necessary mechanical and electrical appurtenances and farming buildings.

Subd. 5 YARD REQUIREMENTS.

- A. No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.
- B. In all zoning districts, yards shall not be graded or fill installed to elevate the lot in a manner which will divert storm water to an adjacent property. Individual lot drainage shall be coordinated with the general drainage of the area.

Subd. 6 SCREENING AND LANDSCAPING.

- A. In all zoning districts, all usable open space as defined by this Ordinance shall be planted and maintained in grass, sodding, shrubs or other suitable vegetation or treatment as specified unless devoted to drives, sidewalks or patios, within six (6) months of the issuance of the certificate of occupancy.
- B. All screening required by the provisions of this Ordinance shall consist of either:
 1. A green belt planting strip consisting of vegetative cover of sufficient width and density to provide an effective screen; or
 2. A fence constructed of masonry, brick, wood or steel, which is compatible with surrounding structures and buildings.

Subd. 7 RESIDENTIAL POOLS AND SPAS.

A. Definitions.

1. Residential swimming pools shall be defined as any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by the owner's family and their guests and which is over twenty-four (24) inches in depth and has a surface area exceeding two hundred (200) square feet.
2. Spa shall be defined as a unit primarily designed for therapeutic use which is not drained, cleaned or refilled for each individual. It may be included but not limited to hydrojet circulation, hot water, cold water mineral baths, air induction bubbles or any combination thereof. Industry terminology for a spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, etc.

B. Requirements.

1. Utility Lines. Pools and spas shall not be located beneath utility lines or over underground utility lines of any type.

2. Fencing. All permanent outdoor pools hereafter constructed shall be completely enclosed by a fence or wall of the non-climbing type so as to be impenetrable by toddlers and shall be equipped with self-closing and self-latching devices.
3. Covers/Ladders. All outdoor spas and semi-permanent pools shall have either a fence as described in B(2), be drained of water and/or have a cover. The cover shall be attached so as to be impenetrable by toddlers. When not in use temporary ladders shall be removed from pools.

Subd. 8 *LIGHTING STANDARDS.*

- A. Purpose. The purpose of this section is to create standards for outdoor lighting which will provide for nighttime safety, security and utility while reducing light pollution, light trespass, and conserving energy. It is the intent of this Section to require appropriate lighting levels, efficient (watts to lumens) lighting sources, full cut-off lighting, and to minimize/discourage lighting glare, lighting pollution and lighting trespass.
- B. Exemptions. The following are exempt from the standards contained in this section.
 1. Decorative seasonal lighting.
 2. Lighting for one-and two family dwellings.
 3. Lighting utilized for the purpose of illuminating national, state or local flags on flagpoles; provided no more than two luminaries are employed, the light fixtures include a cutoff component and the light source is directed at the flag and arranged to minimize the amount of light pollution, trespass, or glare on to adjacent properties and public streets.
 4. Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaires.
 5. Hazard warning luminaires which are required by federal regulatory agencies.
 6. As part of the approval of public street or sidewalk projects, the City Council may vary from the requirements of this Section.
 7. Because of their unique requirement for nighttime visibility and their limited hours of operations, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section. Lighting for these outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto adjacent residential properties.
 8. Exterior lighting in existence on the effective date of this chapter shall be exempt from the standards of this chapter and shall be considered legally nonconforming. Such fixtures may be repaired and maintained. However, if any legal nonconforming luminaire is moved or damaged by any means to an extent that its total replacement is necessary, the luminaire, or replacement, shall comply with this subdivision.
- C. Lighting Standards. Following are general standards for lighting on private property.
 1. Lighting plans shall be submitted with site plan reviews as required within individual multiple-family, commercial and industrial developments.

2. No flashing lights, beacons, search lights, lights that change colors, lights that flash on and off, lights that change intensity and/or similar lights shall be permitted.
3. Street, parking lot, security, walkway and building lights shall be designed to function as full cutoff luminaires which focus the light emitted only on the area to be lit and not onto adjacent properties or toward the sky.
4. All luminaires located on commercial, industrial, or institutional property shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of adjacent lot lines, a transitional yard or at any location on residentially zoned property.
5. All luminaires located on private property shall be designed or positioned so that the maximum illumination at the property line shall not exceed one-half (1/2) foot candle.
6. As part of the approval of public street or sidewalk projects, the City Council may vary from the requirements of this Section.

Subd. 9 *OUTDOOR STORAGE AND REFUSE.*

A. Commercial/Industrial Uses.

1. Except as allowed by district use provisions, outside storage of equipment, materials and inventory for commercial and industrial uses shall require an administrative permit subject to the provisions of this Ordinance.
2. The City may require fencing/screening be installed at its discretion.
3. All non-residential outside storage shall conform to the following conditions:
 - a. The area occupied is not within a required front yard.
 - b. If abutting a Residential District or a residential use a landscaped buffer of no less than 15 feet in width is provided according to a plan approved by the Zoning Administrator.
 - c. The storage area is covered to control dust as approved by the Zoning Administrator and proper storm water drainage is maintained, except drive aisles and entries/exits shall be covered with asphalt and/or cement.
 - d. All lighting is directed away from the public right-of-way and from neighboring residences.

B. Refuse. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open, when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property values in the area.

C. Waste Materials. Waste materials are to be picked up and disposed of in accordance with any and all city standards applicable to refuse/waste materials. Excluded waste materials must be disposed of in a safe and appropriate manner in accordance with local, state, and federal law. Release of excluded waste materials to public or independent sewage treatment systems, the environment, or the solid waste stream is strictly prohibited. The Disposal Service shall, upon collection, immediately assume title to and liability for solid waste materials, recyclables, and demolition debris.

Subd. 10 TOPSOIL REMOVAL.

- A. No person shall strip, excavate or otherwise remove topsoil for sale or for use off premises except:
1. In connection with the construction or alteration of a building on the premises;
 2. In connection with agricultural crop operations within the Agricultural district;
 3. In connection with excavation or grading incidental to the work on the premises; or
 4. In compliance with this Ordinance.

Subd. 11 CONNECTION TO PUBLIC SANITARY SEWER AND WATER REQUIRED.

- A. All newly constructed principal structures must be connected to the City's public sewer and water services when:
1. Said sewer/water facilities are within 350 feet from the proposed development; and/or,
 2. The proposed development is located within a area guided toward future urban development within the Comprehensive Plan.
- B. Where municipal sewers are not available all sewage facilities must be connected to approved septic tanks and disposal fields.

Subd. 12 HOME OCCUPATIONS.

- A. A Home Occupation use shall comply with the following standards:
1. Home occupations are subject to review by the Zoning Administrator and the issuance of an administrative permit under Section 18.14, Subd. 10 of this Ordinance. The applicant or the Zoning Administrator may refer the request for home occupation permit to the Planning Commission and/or City Council for comment and approval.
 2. The home occupation shall be clearly incidental and subordinate to the residential use of the property.
 3. The home occupation shall be conducted only by persons residing on the premises and a maximum of one full-time equivalent employee.
 4. Operation of the home occupation shall be limited to the residential dwelling, an attached garage or an accessory structure.
 5. The home occupation shall not generate excessive employee, customer or client traffic that is detrimental to the character of the surrounding properties.
 6. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or behind the property line.
 7. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
 8. The home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

9. Signs shall meet the requirements of this Ordinance.
10. Parking shall meet the requirements of this Ordinance.
11. Outdoor display or storage of goods, equipment, vehicles, or other materials used for the home extended business shall be prohibited.

Subd. 13 CONVEYANCE AND TRANSFER.

No lot or parcel of land shall be transferred or conveyed and no zoning permit shall be issued for the construction of a new structure or the alteration or addition to an existing structure, unless the owner thereof shall first cause a physical survey of such lot or parcel of land to be made by a registered land surveyor, which survey shall establish the boundary lines of such lot or parcel of land by the placing of permanent monuments at the corners of such lot or parcel of land, in accordance with recognized land surveying principles.

A. The following transaction shall be exempt from the survey requirement of this Subd.:

1. Transfers or conveyances where the consideration therefore is \$500 or less.
2. Transfers or conveyances of any lot or parcel fronting on Central Street and located between Cass Avenue and O'Connell Avenue, or fronting on Marshall Avenue and located between Lincoln Street and Central Street.
3. An alteration or an addition to an existing structure which does not increase the horizontal dimensions of such structure.

B. Upon application by the property owner, the Planning and Zoning Board may, after investigation of the facts, exempt the following transactions from the survey requirement of this Subdivision:

1. Any transfer or conveyance of any lot or parcel or any construction on any lot or parcel where the owner is able to locate existing corner monuments as follows:
 - a. All but one of the corner markers can be located, and the parcel has more than 3 corners.
 - b. Where the parcel on two sides thereof abuts on streets, both of which have been improved with curb and gutter, and all corner markers not located on a street right-of-way line can be located.
2. Any transfer or conveyance of any parcel which has not been platted into lots; any parcel which is bounded by streets or alleys on all sides thereof; and of any parcel which is located in a commercial district where such lots and adjoining lots are improved with buildings that are built completely to the apparent property line.
3. Any construction on a lot or parcel where the property line can be established to a reasonable degree of certainty, and the proposed construction exceeds the applicable setback requirements by at least 5 feet.
4. Any construction on a lot or parcel where the property line can be established to a reasonable degree of certainty, the proposed construction exceeds the applicable set-back requirements by at least 2 feet, and the adjoining landowner has signed a written approval and waiver in a form established by the Planning and Zoning Board. In the case of a boundary line which abuts on a street or alley, the adjoining property owner shall be

considered to be the Superintendent of Streets.

5. Any construction on a lot or parcel where the Planning and Zoning Board determines that the survey requirement imposes an undue hardship. In making such determination, the Planning and Zoning Board shall consider the following factors:
 - a. The nature of the proposed construction in terms of size, cost and permanency.
 - b. The degree of uncertainty which exists with respect to the location of the relevant boundary lines.

SECTION 18.12

PERFORMANCE STANDARDS

Subd. 1 COMPLIANCE REQUIRED

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises. Any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are used to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements.

Subd. 2 FIRE HAZARDS

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved. No liquid propane tanks are allowed in or attached to residential structures.

Subd. 3 NOISE

Any use established shall be so operated that no undue or objectionable noise, as measured at any property line, shall exceed the minimum standards established by the State of Minnesota, Regulations NPC 1, 2 and 4. This shall not apply to incidental traffic, parking, loading, construction, or maintenance operations.

Subd. 4 VIBRATION

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property. The standard shall not apply to vibrations created during the process of construction.

Subd. 5 AIR POLLUTION

For the purpose of this ordinance the regulations and standards adopted by the Minnesota Pollution Control Agency shall apply.

Subd. 6 REFUSE

All waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

Subd. 7 RADIOACTIVITY OR ELECTRICAL DISTURBANCE

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment on any lot other than that of the creator of such disturbance.

Subd. 8 SIGNS

A. Findings. The City of Springfield finds:

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.

3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
4. The city's zoning regulations have historically included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

B. Purpose/Intent.

1. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building.
2. The purpose and intent of this ordinance is to:
 - a. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.
 - b. To establish standards which permit property owners the opportunity to identify and advertise themselves, goods, or services; to preserve and protect the value of land, buildings and landscapes and promote the attractiveness of the community; to ensure that signs in the City are not a safety hazard to lives and/or property; to eliminate confusion in locating goods, services and facilities, and to preserve order and to encourage business to erect permanent signs and discourage temporary and/or portable signs.
 - c. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
 - d. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.

C. Exemptions.

1. Changing the copy of signage is exempt from this Ordinance.
2. One (1) temporary sign not exceeding twenty-four (24) square feet in area is allowed per lot provided: the sign is located on private property, setback standards of the applicable zoning classification are observed, the sign is removed within one (1) week, and a temporary sign is not displayed more than four times per year. The City may allow additional temporary signage provided a conditional use permit is issued as provided for in Section 18.14, Subd. 4 of this Ordinance.
3. Political signs are allowed in any district on private property with the consent of the owner of the property. Such signs must be removed within ten (10) following the date of the election to which they applied.

D. Sign Regulations. All signs erected or maintained after June 1, 1996, except official, public traffic,

and street signs, shall conform with the provisions of this Subdivisions and other City Code provisions or regulations of the City. General Provisions for all Districts: The following regulations shall apply to all signs hereinafter permitted in all Districts:

1. Signs shall not be permitted within the public right-of-way or easements.
2. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.
3. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.
4. Upon notification by the Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of the sign or owner of the property where the sign is located shall remove or repair the sign. If the sign is not removed or repaired, the city shall remove the sign at the owners expense after notice to the owner of the sign and like notice to the owner of the property and hearing thereon.
5. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and shall clean and remove debris and rubbish from the lot on which a sign is located.

E. Administrative Permit Required. An Administrative Permit under Section 18.14, Subd. 10 of this Ordinance shall be obtained from the Zoning Administrator prior to installing signage.

F. **Signs in R-1 and R-2 Residential Districts.** No sign shall be erected in any R-1 or R-2 District, except:

1. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.
2. A sign pertaining to the lease or sale of the building or property, provided such sign does not exceed six (6) square feet in surface area. Such signs shall not be illuminated.
3. A temporary sign identifying an engineer, architect, contractor or product engaged in or used in the construction of a building. This sign may not exceed four (4) square feet in surface area and must be removed before occupancy of the building. Such sign shall not be illuminated.
4. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

G. **Signs in C-1 and C-2 Commercial Districts.** Signs may be erected in Commercial Districts subject to the following provisions:

1. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage or ten percent (10%) of the building frontage area, or seventy-five (75) square feet in area, whichever is greater. Signs may be illuminated.
2. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage.
3. Such advertising structure may not contain more than two (2) signs per facing, nor exceed fifty-

five (55) feet in total length.

4. No advertising sign may be erected within one hundred (100) feet of an adjoining Residential District.
5. For corner lots, the "frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.
6. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.
7. Signs painted on a building shall be governed by the square footage limitations specified in the Subdivisions. Such signs shall be maintained in good condition and shall be repainted, removed, or painted out when, in the opinion of the Council and/or Zoning Administrator, they are not so maintained.
8. Where a sign is illuminated, the source of light shall not be visible from any public right-of-way, and such light shall be directed away from any Residential District.
9. No signs shall project more than one (1) foot perpendicular to the building.
10. Rotating signs or flashing signs shall not be permitted.

H. Signs in Industrial District. Signs may be erected in the Industrial Districts subject to the following provisions:

1. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less, and to only one (1) for each additional one hundred (100) feet of additional lot frontage. Such structures shall not exceed fifty-five (55) feet in length. No advertising sign may be erected within one hundred (100) feet of a residential district. Such signs may be illuminated.
2. Sign lighting shall not be directed toward a public right-of-way or any residential district.
3. The total surface area of all business signs on a lot shall not exceed three square (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the building frontage area or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.

I. Awnings, Canopies and Marquises. This Subdivision shall apply to all C-1 and C-2 Districts.

1. Movable awnings of cloth supported on metal frames may project into streets when lowered for use. No such awnings shall be projected into any street more than six feet and the lowest part of the metal frame shall be at least seven feet above the level of the sidewalks and no part of the awning shall be less than six feet, six inches above the sidewalk.
2. No marquee or fixed awning shall hereafter be so erected as to project over the street line, until permission shall have first been secured by the City Council.
3. Every marquee or fixed awning shall have its framework constructed of metal and shall be so designed as to safely sustain a load of at least fifty (50) pounds per superficial foot of its upper surface. Whenever glass is used as the roof of a marquee or fixed awning, it shall be wire

glass and not less than three-eighths (3/8ths) of an inch in thickness.

4. No marquee or fixed awning now located on Central Avenue or hereafter erected in a business district should project to within less than 48 inches of the outer line of the curb of the street, and no other marquee or fixed awning shall project to within less than 20 inches of the outer line of the curb of the street. In case the roadway of any street is widened hereafter, all existing marquee or fixed awnings extending or projecting over such street adjacent to such widened roadway shall be at once either removed or brought into conformity with the above requirement of this subdivision for marquees or fixed awnings hereafter erected.
5. No marquee or fixed awning shall be, at any point, at a less height than eight (8) feet above the sidewalk. Each marquee or fixed awning shall be provided with proper gutters and rain water leaders to conduct water from the roof.
6. No marquees or fixed awning may be supported at its outer side or front by columns or posts that are located within the street, including the portion of the street where the curb or sidewalk is located.
7. A marquee or fixed awning may be supported by properly designed and properly anchored cantilever beams, extended into the building or by chains or steel rods properly fastened to its outer side or front and extending from thence, at an angle of at least forty (40) degrees with the horizontal plane, to the wall of the building, and securely anchored to said wall and to the floor or roof construction or the columns of such building. Where any marquee or fixed awning is supported by chains or steel rods, as above provided, the diameter of the metal of the links composing such chains, and of such rods, shall not be less than seven-eighths (7/8ths) of an inch. Supporting chains or rods shall not be less than two (2) in numbers and more shall be provided when required by the City Council.
8. Written permission for the construction of a marquee or canopy shall first be obtained from the City Council. Before such permission is granted, the location and construction of the awning or awnings must be approved in writing by the Planning Commission and the same must not be erected or constructed except in accordance with such written approval.

Subd. 9 FENCES

A. Permit Required.

It is unlawful for any person to construct or cause to be constructed or erected within the City, any fence without first making an application for and securing an administrative permit from the Zoning Administrator as provided under Section 18.14, Subd. 10 of this Ordinance.

B. Fencing Requirements.

1. Height: No fence in a front yard shall exceed three (3) feet in height. If the fence is constructed of chain link material and therefore see-through, it may be four (4) feet in height in the front yard. No fence in the side or rear yard shall exceed six (6) feet in height. The height of fences shall be measured from the average point between the highest and lowest grade.
2. Setback: No fence, screen or structure which obstructs view of traffic shall be located within thirty (30) feet of any front lot line, and twenty five (25) feet of any corner formed by the intersection of street or railroad right-of-ways as measured from the intersecting property lines. In all other cases, unless specified differently, fences shall be setback a minimum of four feet from the front lot line, four feet from an alley right of way, or two feet from a side/rear yard.

3. The City may allow setback encroachment provided the fence does not require maintenance and written, notarized authorization is provided by all adjacent property owners.

C. Construction and Maintenance.

1. All wood fences, other than those constructed out of redwood or cedar, shall be stained or painted upon completion of construction. Chain link fences shall be made out of a non-rust material.
2. The following materials are prohibited for fences:
 - a. Barbed wire and electrical fences, except in agricultural districts;
 - b. Creosote lumber;
 - c. Chicken wire;
 - d. Woven or welded wire, except in Industrial Districts;
 - e. Plastic webbing, except when used for police control at any time or control of snow drifting during snow season. This shall not prohibit the use of plastic materials intended to resemble wood products.
 - f. Makeshift, flimsy materials, or material such as paper, twine, rope, tin and the like, except when used for traffic control or police security.
3. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance. Any such fence which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof.
4. That side of the any fence considered to be its evident finished side or face (i.e. the finished side having no structural supports) shall front abutting property. If the fence is located in a commercial or industrial district and visible to the public from both sides, as determined by the Zoning Administrator, it shall contain finished surfaces on both the interior and exterior of the fence.
5. Fences shall not obstruct natural drainage.
6. Fences in agricultural areas are exempt from this section.

Subd. 10 TELECOMMUNICATION TOWERS AND ANTENNAE

A. Personal satellite dishes and personal antenna.

1. Any personal satellite dish and/or antenna hereafter erected shall conform to the provisions of this Section and any other Ordinance or regulation of the City.
2. General Requirements for personal satellite dishes, antennae, and amateur (ham) radio towers.
 - a. All dish antennas over one (1) meter (39.4 inches) in diameter shall be prohibited from roof tops unless it is determined by the Zoning Administrator that placement within a side or rear yards is impractical.

- b. Satellite dishes, other antennae or amateur radio towers shall not be located in front yards.
- c. No satellite dish or other antennae or amateur radio tower shall be located within ten (10) feet of any rear lot or side lot line in any residential district.
- d. The minimum setback from all property lines and public rights of way for amateur radio towers shall be equal to the tower height unless they are designed to collapse upon themselves.
- e. A limit of two (2) such structures shall exist at any one (1) time on any residential zoned and used lot or parcel except that satellite dishes exceeding one (1) meter in width and amateur radio towers shall be limited to one (1) per residential lot or parcel.

3. The applicant shall be responsible for any required license by any federal, state or local agency.

B. Commercial Towers and Antenna

1. Required Permits. Prior to any construction activities the City of Springfield must issue a conditional use permit under Section 18.14, Subd. 4 of this Ordinance.
2. Zoning District Use. Telecommunication towers and antennae will be allowed in any zoning district in the City upon the approval of the two permits required above. The Conditional use permit is required regardless of the underlying zoning district.
3. Area, Setback, and Height Restrictions.
 - a. Lot Area. The minimum lot area site is located and as determined by any additional area needed to meet all requirements are determined by the zoning district in which the tower development setback requirements of this ordinance.
 - b. Tower Setbacks. The minimum setback from all property lines and public rights of way for telecommunications towers shall be equal to its height, except for towers that are designed to collapse in upon themselves. For these later types of towers, the minimum setbacks are one half the tower height for all yard setbacks.
 - c. Height Restrictions. The maximum height for telecommunications towers, including antennae, is two hundred (200') feet.
4. Co-Location Requirements.
 - a. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless it can be documented by the applicant, by a qualified and licensed engineer, that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower, commercial building or public structure within one (1) mile radius of the proposed tower site. The applicant must demonstrate a good faith effort to co-locate equipment on existing towers or structures within the one (1) mile radius.

- b. Any proposed commercial wireless telecommunication service tower shall be designed to accommodate both the applicant's antennae and comparable antennae for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennae upon the tower and to accept antennae mounted at varying heights.
5. Tower Design Requirements. Proposed or modified towers and antennae shall meet the following design requirements:
- a. Towers and antennae shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.
 - b. Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment. Towers must be self-supporting without the use of wires, cables, beams, or other means.
6. Construction Requirements.
- a. All antennae, towers, and accessory structures shall comply with all applicable provisions of this ordinance.
 - b. A qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements shall certify towers.
 - c. No part of any antenna or tower nor any lines, cable, equipment, wires, or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
 - d. Towers and associated antennae shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
 - e. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.
 - f. A security fence to discourage climbing of the tower shall protect every tower affixed to the ground, unless waived by the City.
 - g. Tower locations should provide the maximum amount of screening possible for off-site views of the facility. Existing on-site vegetation shall be preserved to the maximum extent practicable. The area around the base of the tower and any accessory structures shall be landscaped and/or screened.
7. Lights and Other Attachments.
- No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency (FAA) or the Federal Communications Commission (FCC), nor shall any tower have constructed on, or attached to, in any way, any platform, catwalk, crow's

nest, or like structure, except during periods of construction or repair. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

8. **Accessory Utility Buildings.**

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning district in which the tower site is located. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

9. **Antennae Mounted on Roofs, Walls, and Existing Towers.**

The placement of wireless telecommunication antennae on roofs, walls, and existing towers may be approved by the City Council, provided the antennae meet the requirements of this ordinance.

Subd. 11 OFF-STREET PARKING

A. **Purpose.** The purpose of this Section is to assist in alleviating or preventing congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking of motor vehicles in accordance with the intensity of utilization of the various parcels of land or structures.

B. **Intent.** The intent of this Section of the Zoning/Subdivision Ordinance is to establish general standards for off-street parking. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise

C. Scope/Application.

1. In all zoning districts, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

2. For the purposes of this Section, the off-street parking provisions of this section shall apply to all motorized vehicles including, but not limited to, passenger automobiles, trucks, vans, and motorcycles, unless otherwise specified herein.

D. Permit Required.

1. No person shall construct, enlarge or change the dimensions of a parking area or driveway, unless and until an administrative permit is secured from the City, except that a separate driveway permit shall not be required if the proposed driveway is constructed as shown on the approved residential subdivision grading plan. The permit application shall be accompanied by information showing the location of the off-street parking area proposed, existing buildings/structures and any other information requested by the Zoning Administrator.

2. Proposed parking shall be included in the development review application for a multiple family, institutional, commercial and industrial buildings.

E. Rules for Determining Parking Spaces Required.

1. **Rounding Up.** When the determination of the number of required parking spaces results in a fractional space that fraction, if one-half (1/2) space or greater, shall be rounded up to equal

one (1) space. The rounding up shall occur after the aggregate number of parking stalls required is calculated.

2. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten (10) percent, except as may be hereinafter modified.
3. Except for shopping centers, should a structure contain two (2) or more types of uses, the gross floor area of each use shall be calculated and a ten (10%) percent reduction shall be made for non-productive space. The resulting net useable floor space figure shall be utilized to determine the off-street parking requirement.
4. The City Council may consider a reduction in the amount of parking space required for joint or mixed uses (other than purely residential) where it is sufficiently demonstrated and documented that a specific timing element (e.g. differing hours of operation are perpetually maintained; mixed storefront and multiple family residential uses in a single structure) or the nature of the use (e.g. senior housing; proximity to transit terminals/stations, etc.), will demonstrably affect the demand for parking.
5. All business uses located within the C-1 Zoning District are exempt from the following off-street parking requirements of this Section.
6. Where a use is not specifically mentioned, off-street parking requirements are the same as for similar uses as determined by the Zoning Administrator.
7. On-street parking is not to be counted when calculating the off-street parking requirements in this Section.
8. Garage spaces may be counted as parking spaces.

F. **Number of Parking Spaces Required.** A reduction to the number of required parking stall may be granted provided through the issuance of a conditional use permit under Section 18.14, Subd. 4 of this Ordinance.

1. Single family, two family and townhouse units. Two (2) spaces per Dwelling Unit.
2. Boarding house. At least two (2) parking spaces for each three (3) persons for whom accommodations are provided for sleeping.
3. Multiple family dwellings. One and a half (1.5) spaces per bedroom and/or one and a half (1.5) spaces per efficiency unit.
4. Motels, motor hotels, hotels. One (1) space per each rental unit. Plus which of the following is greater: one (1) additional space for each ten (10) units or one (1) space for each employee on the largest shift.
5. Church, theater, auditorium. At least one (1) parking space for each eight (8) seats based on the design capacity of the main assembly hall.
6. Hospitals. Two (2) spaces per bed.

7. Medical, dental or hospital out-patient clinics. Three spaces plus one for each 350 sf of floor area.
8. Rest home, nursing home or day nurseries. Four (4) spaces plus one (1) additional space for every three (3) beds for which accommodations are offered.
9. Elderly (senior citizen) housing. One and a half (1.5) spaces per unit.
10. Drive-in establishment and fast food. One space for every three seats based on design capacity.
11. Elementary and middle schools. One space for every seven students based on design capacity.
12. High school, post-secondary school. One space per three (3) students based on design capacity plus one (1) space per classroom.
13. Office buildings, professional offices, banks and public administration. One (1) space for each 350 sf of floor area).
14. Bowling alley. Four (4) spaces per lane plus what's required for ancillary uses.
15. Motor fuel station, auto service facility, minor auto repair facility. At least two (2) off-street parking spaces plus an additional one (1) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts and/or service will be required to provide additional parking in compliance with other applicable sections of this Ordinance. Auxiliary uses to a motor fuel station such as a fast-food restaurant and/or convenience store must comply with the requirements of this ordinance relative to that type of use.
16. Retail store (including convenience stores) and service establishment. At least one (1) off-street parking space for each two hundred (200) square feet of area devoted to display/sale of goods/products.
17. Retail sales and service business with fifty percent (50%) percent of gross floor area devoted to storage, warehouses and/or industry. One (1) space for each three hundred (300) square feet devoted to public sales and/or service plus one (1) space for each one thousand (1000) square feet of storage area or one (1) space for each employee on the maximum shift which is appropriate.
18. Restaurants, cafes, private clubs serving food and/or drinks bars, taverns, nightclubs. At least one (1) space for each one hundred (100) square feet of gross floor area. Restaurants with drive thru windows shall submit a vehicular and pedestrian circulation sketch and allow adequate stacking space for drive thru customers.
19. Funeral Homes. At least twenty (20) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral vehicle maintained on the premises. Aisle space may also be provided off the street for making up a funeral procession.
20. Auto repair, bus terminal, boats and marine sales and repair, bottling company, shop for a trade employing six (6) or less people, garden supply store, building material sales in structure. Eight (8) off-street parking spaces, plus one (1) additional space for each 800 sf of space over 1,000 sf.

21. Auto sales. One space per five-hundred (500) sf over one-thousand (1,000) sf of floor area.
22. Manufacturing, fabricating or processing of a product or material; warehouse, storage, handling of bulk goods, post offices. One space per 350 sf of floor area up to 7,000 sf then one space per 1,000 sf thereafter; plus one space per company vehicle not stored within the principal structure.
23. Shopping center, multiple tenant retail facility. One (1) space per two-hundred fifty (250) square feet of floor area.
24. Car wash. (In addition to required magazine or stacking space): Automatic drive through, serviced. Four (4) spaces for stacking plus one additional space per bay. Self-service. One space per wash bay. Motor fuel station car wash. Zero (0) in addition to that required for the station.

G. Parking Requirements. In all districts where off-street parking is permitted or required, the off-street parking area shall be constructed and maintained subject to the following regulations:

1. Approval Required. Prior to starting construction on any off-street parking lot the plans must be approved by the Zoning Administrator who may refer the matter to the Planning Commission and/or City Council for further review.
2. Off-street parking spaces, parking lots and loading spaces shall not be reduced in number or size unless said number or size of existing facilities exceeds the requirements set forth within this Section for a similar use.
3. Dwelling Off-street Parking. Off-street parking facilities for residential dwellings must be provided and located on the same lot or parcel of land as the building they are intended to serve.
4. Within urban areas (those with a City utility service available), off-street parking facilities accessory to residential uses shall comply with setback requirements as listed in the appropriate zoning classification, unless part of the central business district (parking designed to be in rear of lot, access from alley) in which case the parking area may be within five (5) feet of the alley right-of-way.
5. Parking facilities shall feature a dust controlled surface (i.e. gravel, crushed rock, cement, asphalt and the like) and be utilized solely for the parking of licensed and operable passenger automobiles.
6. Parking facilities accessory to residential structures used for the storage of commercial vehicles or equipment such as semi trucks/trailers and/or excavation equipment may be allowed provided an administrative permit is issued.
7. Shared Parking Areas. Nothing in this Section should be construed to prevent shared off-street parking facilities for two (2) or more buildings; however, the total spaces must be equal to or greater than the sum of the requirements for the various individual uses. In addition, an assignable notarized parking agreement executed by the fee owners of each property shall be included in the permit application, be recorded at the County Recorders Office and remain on file with the Zoning Administrator.
8. Building Expansions of Greater than Ten Percent (10%) of the Principal Structure Require Compliance with Parking Requirements. If a use requiring off-street parking is increased by greater than ten percent (10%) in the area of the principal structure, and the use is located in a

building existing on or before this Ordinance's effective date, additional parking space for the additional floor area must be provided as required by this Section. The ten percent (10%) exclusion is a one-time exemption.

9. **Building Expansions Into Parking Areas.** Nothing in this Section is intended to prevent the extension of or an addition to a building or structure into an existing parking area when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area or is replaced by an additional area.
10. Off-site parking for residential dwellings shall be located within 500 hundred (500) feet (excluding public rights-of-way) from any normally used entrance of the principal use.

H. Design Standards

1. The City Council may issue a conditional use permit relating to parking stall, surfacing and curbing requirements under Section 18.14, Subd. 4 of this Ordinance.
2. **Adequate Ingress and Egress.** All off-street parking areas must provide adequate ingress/egress to at least one public street.
3. **Dust-Controlled Surface Required.** In urban areas (with municipal water and/or sewer service available) off-street parking areas, including parking lots and driveways, must be constructed of a dust-controlled surface such as gravel, crushed granite, concrete or blacktop, except, all ingress/egress and drive isles shall be asphalt or concrete so as to control tracking and promote proper separation and circulation. The City may In addition, parking surfaces must be designed to properly drain surface water and prevent water drainage onto adjacent properties or walkways.
4. **Setback From Adjoining Residential Uses.** Whenever the boundary of an off-street parking area containing more than five (5) parking spaces adjoins property guided for residential use within the Comprehensive Plan a landscaped buffer a minimum of ten (10) feet in width is required. The landscaped buffer may be included in the required setback. In addition, parking lot driveways shall be setback a minimum of 15 feet from any residential lot line. Parking lots with more than five spaces which cast headlights onto residential uses and/or with a drive or access aisle which faces a residential lot must provide treatment to minimize light trespass onto residential lots. Such treatment shall be to a height of three and one-half (3¹/₂) feet above the parking grade and may be accomplished through the employment of berming/grading, landscaped walls, screening and/or plant materials as directed/approved by the City.
5. Curbs or other protections against damage to adjoining properties, streets and sidewalks must be provided and maintained as directed by the City Engineer. Surmountable curb is acceptable if approved by the City Engineer.
6. Where not specified by state/federal law (i.e. Americans with Disabilities Act) parking spaces must contain an area of at least two hundred (200) square feet and must be at least 10 x 18 square feet. Special designs will be considered for unique situations, and are subject to approval of the City Engineer. Handicap stalls shall be provided in accordance with current ADA requirements.
7. **Industrial District - Front Yard Parking.** Parking lots for automobiles and other motor vehicles are permitted in the front and side yards in Industrial Districts if screened by landscaping of at least ten (10) feet in width. Industrial Districts adjoining property guided for residential use within the Comprehensive Plan must provide a landscaped buffer of a minimum of ten (10) feet in width. The landscaped buffer may be included in the required setback. In addition,

parking lot driveways shall be setback a minimum of 15 feet from any residential lot line. Parking lots with more than five spaces which cast headlights onto residential uses and/or with a drive or access aisle which faces a residential lot must provide treatment to minimize light trespass onto residential lots. Such treatment shall be to a height of three and one-half (3¹/₂) feet above the parking grade and may be accomplished through the employment of berming/grading, landscaped walls, screening and/or plant materials as directed/approved by the City.

8. No sign shall be so located as to restrict the sight, orderly operation and traffic movement within any parking area. Only signs necessary for the orderly operation of traffic movement or parking regulation shall be permitted in any parking area (e.g. visitor parking, deliveries, handicap parking). Such signs shall not be considered part of the permitted advertising space and but shall be subject to signage regulations.
9. Except in the case of single-family, two-family, and townhouse developments, parking areas and driveways shall be designed to prevent the backing out onto a right-of-way, however, all lots having direct driveway access onto collector or arterial roads, regardless of use shall provide turn around facilities on the lot to eliminate vehicles backing onto the collector or arterial roads.
10. Shared driveways with adjacent lots where practical or required by the City, County or State, shall be installed as a means of minimizing the number of access points along collector or arterial road.
11. No curb cut access shall be located less than twenty (20) feet from the intersection of two (2) or more street right-of-ways for residential uses, and thirty (30) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines. Within intersections of highways this standard shall yield to requirements of Brown County or the Minnesota Department of Transportation. All other curb cut openings and/or driveway accesses shall be a minimum of five (5) feet from the side property line.
12. Any off-street parking area containing five (5) or more parking spaces shall be striped (painted) and/or treated so as to illustrate the organizational pattern of parking.
13. All parking areas must be maintained in good condition without holes and free of all dust, trash and other debris.

I. Loading Areas.

1. On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trades, laundry, dry-cleaning establishments or other buildings which do not rely primarily on railroad transfer and where large amounts of goods are received or shipped, erected in any district after the City adopts this Ordinance, loading and unloading space shall be as follows. Reductions to loading space quantity requirements may be granted by the Zoning Administrator through the issuance of an administrative permit following determination of facility need.
2. Highway Commercial Districts. In highway commercial districts at least one (1) off-street loading and unloading space shall be provided for each store unit having a gross area of ten thousand (10,000) square feet or more.
3. Central Business Districts. Off-street unloading facilities are subject to approval by the Zoning Administrator.

4. Industrial Districts. In industrial districts, the use of any building requiring loading or unloading of materials to or from trucks shall require one (1) off-street loading spaces for the first ten thousand (10,000) square feet of floor space and an additional space for each additional fifteen thousand (15,000) square feet of floor space.
5. Off-street loading spaces adjacent to collector or arterial streets and/or areas guided toward residential use within the Comprehensive Plan shall be screened from the view from the adjacent roadway.
6. For new construction occurring after the date of the adoption of this Ordinance, truck loading and receiving areas may not be on the front side of a building facing the street (this does not include drive-in entrances).

SECTION 18.13

PLANNED UNIT DEVELOPMENT

Subd. 1. PURPOSE AND INTENT.

- A. The purpose of this section is to provide for the development as an integrated, coordinated unit as opposed to traditional parcel-by-parcel, approach to development. This Section is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. It is further intended that Planned Unit Developments (PUD's) are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses.
- B. Public Benefit. Specifically, it is intended to encourage the efficient use of land and resources, to promote greater efficiency in public utility services and encourage innovation in the planning and building of all types of development. Public benefits to be derived as a result of the PUD include but are not limited to:
 - 1. Innovations in residential development to the end that the demands for housing of all economic levels may be met by greater variety in tenure, type, design, and siting of dwellings and by the conservation and more efficient use of land in such developments.
 - 2. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 - 3. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban areas.
 - 4. An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering housing costs and public investments.
 - 5. Developments and a development pattern in harmony and consistent with the objectives of the City's Comprehensive Plan.
 - 6. A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City.

Subd. 2. GENERAL REQUIREMENTS AND STANDARDS.

- A. Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approval of the final plat shall be binding on all owners. In absence of an ownership application, the project developer may submit with the development application the written consent of all property owners within the proposed PUD. The financial commitments incurred through any portion of the development shall be the responsibility of the ownership.
- B. Consistency with Comprehensive Plan. The proposed PUD shall be generally consistent with the adopted Comprehensive Plan.
- C. Permitted Uses. All permitted, permitted accessory, or conditional uses contained in the other similar zoning districts (i.e. residential, commercial or industrial) shall be treated as allowable uses in a PUD district. Mixed use PUDs are permitted provided they meet the intent and purpose for which a PUD is permitted. Uses not listed as permitted or conditional in a specific district shall not be allowed in a PUD

unless it is found that the use is complimentary to the functionality of the development and the other uses found therein.

- D. Rezoning. Applicants seeking PUD approval shall be required to rezone to "PUD".
- E. Density. Increased density shall be permitted to encourage the preservation of natural topography and geological features, however the provisions of this Chapter shall not require the City to provide concessions in setbacks, density or lot size to protect waterways or waterbodies, steep slopes or other areas which would normally not be developable.
- F. Standards. Every PUD shall conform to the standards prescribed in this section.
 - 1. Relationship of PUD Site to Adjacent Areas. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD.
 - 2. Minimum Development Size. A Planned Unit Development for any parcel or track of land, except those within the C-1 Central Business District, shall have a minimum net site area of five (5) acres.
 - 3. Minimum Lot Size. The minimum lot size requirements of other Sections of this ordinance do not apply to a PUD except that the minimum lot size requirements of the underlying zone shall serve as a guideline to determine the maximum dwelling unit density of a total development.
 - 4. Set-Back and Side Yard Requirements. Notwithstanding other provisions of this Section, every lot in a PUD abutting the perimeter of the PUD shall conform to yard requirements for the underlying district. Side yards between buildings in a PUD shall be not less than ten (10) feet but such buildings may be built without reference to the property lines of the individual lots on which they are built. Buildings shall be spaced no less than ten (10) feet apart to allow emergency vehicles freedom to maneuver between buildings.
 - 5. Access to Public Public Right-of-way. The site of a PUD shall abut, and the major internal street or streets serving the PUD shall be connected to, at least one (1) collector street.
 - 6. Open Space. Common open space shall be either held in common ownership by all owners in the PUD or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.

Subd. 3. OPERATING AND MAINTENANCE REQUIREMENTS FOR PUD COMMON OPEN SPACE AND SERVICE FACILITIES.

- A. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.
- B. Common open space and service facilities within a PUD shall be placed under the ownership of one or more of the following or may include a method deemed most appropriate by the City Council.
 - 1. Landlord control, where only use by tenants is anticipated.

2. Property owners association, provided all of the following conditions are met:
 - a. Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document as specified in Minnesota Statutes Section 515B, as may be amended from time to time, shall be filed with the Zoning Administrator prior to the filings of the declaration of documents or floor plans with the Brown County Recorder's Office.
 - b. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
 - c. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation may be formed and if such an association or corporation is formed property owners must be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.
 - d. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City, or fails to pay taxes or assessments on properties as they become due, and in the event the City incurs any expenses not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.
 - e. Membership in the association must be mandatory for each owner and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it.
 - f. The open space restrictions must be permanent and not for a given period of years.
 - g. Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.
 - h. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.

Subd. 4. PUD STANDARDS.

- A. Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.
- B. Parking. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required in the underlying zoning district.
- C. Street Width. Requirements outlined in the subdivision ordinance for street widths may be relaxed depending on the number of off-street parking locations and the anticipated density in the planned unit development. The Planning Commission, City Engineer and City's Emergency Services (Fire, Ambulance and Police) shall review each planned unit development to determine street width requirements.
- D. Landscaping. In any PUD, the developer shall prepare and submit a landscaping plan as a part of the Final Plan, which shall include a detailed planting list with sizes and species indicated to be approved by the City Council. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.
- E. Public services. The proposed project shall be served by the City water and sewer system and fire hydrants shall be installed at such locations as required by the City Engineer or the Fire Chief to provide fire protection.
- F. Building height. Height limitations shall be the same as imposed in the respective zoning districts.
- G. Site improvement agreement. Prior to the issuance of a permit as part of the PUD, the permit applicant, builder, or developer shall execute and deliver to the City Council a Development Agreement.

Subd. 5. PROCEDURE FOR PROCESSING.

- A. Informational Meeting. Upon filing of an application for a PUD, the applicant of the proposed PUD shall arrange for and attend an informational meeting with City staff. At such conference, the applicant shall be prepared to generally describe their proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this code before incurring substantial expense in the preparation of detailed plans, surveys, and other data.
- B. General concept plan.
 - 1. Purpose. The general concept plan provides an opportunity for the applicant to submit a plan to the City showing their basic intent and the general nature of the entire development without incurring substantial cost. This concept plan serves as the basis for the informational meeting so that the proposal may be considered at an early stage. The following elements of the proposed general concept plan represent the immediate significant elements which the City shall review and for which a decision shall be rendered:
 - a. Overall maximum PUD density range.
 - b. General location of major streets and pedestrian walkways.

- c. General location and extent of public and/or common open space.
 - d. General location of residential and non-residential land uses with approximate intensities of development.
 - e. Staging and timetable of development.
 - f. Other special criteria for development.
2. Process. The process for the filing and review of a PUD shall mirror the process for the filing of a sketch plan, preliminary and final plat, as outlined in the City's Subdivision Ordinance. A public hearing shall not be required for the General Concept Plan or the Final Plan. A hearing shall be conducted by the Planning Commission during the Development Stage Plan review, as outlined in this section.
 3. Optional submission of development stage plan. In cases of a single stage PUD or where the applicant wishes to begin the first stage of a multiple stage PUD more expeditiously, he or she may at his or her option submit development stage plans for the proposed PUD simultaneously with the submission of the general concept plan. In such case, the applicant shall comply with all the provisions of this Section applicable to submission of the development stage plan.
 4. Limitation of general concept plan approval. Unless a development stage plan has been filed within nine (9) months from the date the City Council grants general concept plan approval or, in any case, where applicant fails to file development stage and final plans to proceed with development in accordance with the provisions of this code and of an approved general concept plan, the approval may be revoked by the City Council. The City Council, at its discretion, may extend the filing date for a development stage plan when cause is demonstrated. Approval of the general concept plan should be limited to the general acceptability of the land uses proposed and their relationships to the area. Such action shall in no way bind the City Council to subsequent action on more detailed plans.

C. Development stage plan.

1. Purpose. The purpose of the development stage plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the final plan.
2. Submission of development stage plan. Upon approval of the general concept plan, the applicant shall file with the Zoning Administrator a development stage plan consisting of the information and submissions required under the development stage of the entire PUD, or for one (1) or more stages thereof in accordance with a staging plan approved as part of the general concept plan. The development stage plan shall refine, implement and be in substantial conformity with the approved general concept plan.
3. Review and action by City staff and Planning Commission. Upon receipt of a completed development stage plan, the Zoning Administrator shall refer such plan to the appropriate City staff, Planning Commission and other review agencies.
4. Process.
 - a. Developer makes application for subdivision (first phase of PUD, development stage plan) at least thirty (30) days prior to the Planning Commission meeting.

- b. Following the submission of a complete application, the Planning Commission shall conduct a public hearing, following published notice and mailed notice to property owners within 350 feet of the proposed PUD. Notice shall occur not less than ten (10) or more than thirty (30) days prior to the hearing. Failure of a property owner to receive notice shall not invalidate the process. The Planning Commission shall review the development stage plan and submit a written report and recommendation to the City Council. If the Planning Commission fails to make a report within thirty (30) days after receipt of the application, the City Council may proceed without the report. Such report shall contain the findings and recommendations of the Planning Commission with respect to the conformity of the development stage plan to the approved general concept plan, with respect to the merit or lack of merit of any departure of the development stage plan from substantial conformity with the general concept plan, and with respect to the compliance of the development stage plan with the provisions of this code and all other applicable federal, state and local codes and ordinances.
- c. Within sixty (60) days of the receipt of a complete application, the City Council will take action to grant approval, grant conditional approval, or deny approval of the plan.
- d. Upon City Council approval, the City Attorney shall draft a PUD Development Agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Administrator, and the applicant.
- e. Where the development stage plan is denied approval, City Council action shall be by resolution setting forth the reasons for its actions.
- f. Limitation on Development Stage Plan approval. Unless a final plan covering the area designated in the first stage of the development stage plan has been filed within six (6) months from the date the City Council grants development stage plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this section and/or an approved development stage plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one (1) additional period of six months the filing deadline for any final plan when, for good cause, such extension is necessary. In any case where development plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the development stage plan approval for that portion of the PUD that has not received final plan approval, and re-establish the zoning and other ordinance provisions that would otherwise be applicable.
- g. Review and evaluation criteria. The evaluation of the proposed development stage plan shall include, but not be limited to, the following criteria:

- i. Adequate property control is provided to protect the individual owner's rights and property values and the public responsibility for maintenance and upkeep.
- ii. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project resident and the general public.
- iii. A sufficient amount of usable open space is provided.
- iv. The arrangement of buildings, structures and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses.
- v. The architectural design of the project is visually compatible with the surrounding area. Architectural style or type of buildings shall not solely be a basis for denial or approval of the development stage plan. However, the overall appearance and compatibility of individual buildings to other site elements of surrounding development will be given primary consideration in the review stages of the Planning Commission and City Council.
- vi. The drainage and utility system plans are submitted to the City Engineer and shall be subject to approval of the City Engineer.
- vii. The development schedule insures a logical development of the site which will protect the public interest and conserve land.
- viii. Proposed unit and accessory use requirements are in compliance with the district provisions in which the development is planned.

D. Final plan.

1. Purpose. The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City ordinances as the land use regulation applicable to the PUD.
2. Submission of the final plan. Upon approval of the development stage plan, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by the final plan stage, for the entire PUD or for one (1) or more stages. The final plan is intended only to add detail to, and to put in final form, the information contained in the general concept plan and the development stage plan which shall conform to the development stage plan in all respects.
3. Review of final plan. The Zoning Administrator and City Engineer shall review the final plans to assure their compliance with the general concept and development stage plans. The Zoning Administrator and City Engineer shall require appropriate revisions by the applicant wherever they do not comply. The City Engineer shall report findings to the Zoning

Administrator, who then shall notify the applicant in writing of their recommendations for approval, conditional approval or denial of the final plan.

4. City Council action. The City Council may approve the PUD final plan with a majority vote.
5. Recording of final plan. Within thirty (30) days of the Zoning Administrator's notice of approval, the applicant shall record the final plan, or such portions thereof as are appropriate, with the Office of the Brown County Recorder.
6. No permit shall be granted on land for which a plan for a PUD is in the process of review or which does not conform to the approved final plan. Upon receiving notice from the Zoning Administrator that the approved final plan has been recorded and upon appropriate application of the applicant other permits may be issued to the applicant if the following conditions are met:
 - a. Public open space, if applicable, has been deeded to the City and officially recorded.
 - b. A development agreement has been approved and executed by all parties.
 - c. The homeowner's association (if applicable) by-laws, covenants and deed restrictions have been approved by the City Attorney and officially recorded.
 - d. The construction plans for proposed structures have been approved by the Zoning Administrator.
 - e. All detailed site plans have been approved by the Zoning Administrator.
 - f. Limitation of final plan approval. Within one (1) year after the approval of a final plan for PUD, or such shorter time as may be established by the appropriate development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension has been granted as hereinafter provided, automatically renders void the PUD permit and all approvals of the PUD plan. The area encompassed within the PUD shall thereafter be subject to those provisions of the Zoning/Subdivision Ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

E. Data Required.

1. Development Stage Plan. An application for approval of a development plan for a proposed PUD shall be filed with the Zoning Administrator by the owner(s) of title of property for which the PUD is proposed. A filing fee, as established from time to time by City Council Ordinance, shall accompany the Development Review Application. Eighteen (18) copies of the application and accompanying statements shall be submitted and shall include:

- a. A vicinity map at a scale approved by the Zoning Administrator showing property lines, streets, easements, existing zoning, and such other items as the Planning Commission may require to show the relationship of the proposed PUD to the comprehensive plan of the City, to existing schools and other community facilities and services, and to the surrounding area;
- b. A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed, the proposed lots and blocks and the off-street parking system;
- c. A written statement explaining in detail, and with supporting documentation, the specifics of the development plan as it relates to the type of dwelling units proposed and the resultant population, the extent and nature of non-residential development and the resulting traffic generated and parking demands created;
- d. The proposed schedule and/or phasing for the development of the site;
- e. The location, shape, size and character of public or private/common open space which is suitable for the PUD, in accordance with the Subdivision Ordinance requirements for park and open space dedication.
- f. The location and size of all utilities including telephone, electricity, gas, cable, water, sanitary sewer and storm sewer.
- g. Landscape Plan.
- h. Size and location of all street right-of-ways and proposed paved widths, in conformance with the City's Subdivision Ordinance.
- i. A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUD's .

1. Final Plan Data Requirements. A final application and its supporting documentation shall give the same information as is required of plats under the subdivision control ordinance of the City in addition to such other information as required by this ordinance and by the Planning Commission as a condition for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation, such as:

- a. The location, size, use and arrangement, including height in stories and feet, and total square feet of ground area coverage and floor area, for proposed building, and existing buildings which will remain, if any.
- b. The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces, access alleys, and all other circulation elements including bicycle, pedestrian walkways, and the total site coverage of all circulation elements.

- c. Approximate area, and potential floor area, devoted to commercial or office uses.
- d. Approximate area, and potential floor area, devoted to industrial uses.
- e. Schedule of construction. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.
- f. Care and maintenance of open spaces or service facilities. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned, operated and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted during the development stage.
- g. A preliminary and final plat prepared by a land surveyor, duly registered in the state, in accordance with Minnesota Statutes Section 505 and the City's Subdivision Ordinance, as may be amended from time to time, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located, and all dimensions are correct, and a notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas as required.
- h. Detailed utility and infrastructure construction plans, grading plan and drainage plan, approved by the City Engineer.
- i. A statement summarizing all changes which have been made to any document, plan data, or information previously submitted, together with revised copies of any such document, plan or data.
- j. Such other and further information as the Zoning Administrator, City Engineer, Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
- k. Title opinion provided by the developer showing good and marketable title in the names of the owners of the property. This opinion, together with an updated abstract, should be submitted to the City Attorney for review.
- l. The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information required

herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

Subd. 6. AMENDMENTS AND ADMINISTRATION.

- A. Generally. Amendments may be made in the approved final plan when they have shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City.
- B. Minor changes in location, siting and height of buildings and structures may be authorized by the Zoning Administrator if requested, and if caused by unforeseen circumstances and if they are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure any more than ten percent than originally proposed in the development stage plan.
- C. All other changes in use, rearrangement of lots, blocks and open space must be authorized by the Planning Commission and City Council under procedures outlined in Section 18.13, Subd. 5 Development Stage Plan.

SECTION 18.14

ZONING ADMINISTRATION

Subd. 1 ZONING ADMINISTRATION

- A. The City Council shall appoint a zoning administrator, whose responsibilities shall be as follows:
1. Issue occupancy and zoning permits, and make and maintain records thereof.
 2. Conduct inspections of buildings and use of land to determine compliance with the terms of this ordinance.
 3. Maintain permanent and current records of the ordinance, including but not limited to all maps, amendments and conditional uses, variances, appeals and applications therefore.
 4. Institute in the name of the city, any appropriate actions or proceedings against a violator as provided for in this ordinance.

Subd. 2 BOARD OF ADJUSTMENT AND APPEALS

- A. The City Council shall act as the Board of Zoning Adjustments and Appeals.
- B. The Board of Adjustment and Appeals shall have the power and duties of hearing and deciding appeals or requests on the following cases:
1. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.
 2. Requests for variance from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.
- C. The Board of Adjustment and Appeals may impose conditions to insure compliance and to protect adjacent properties. The Board of Adjustment and Appeals may not recommend as a variance any use that is not permitted under this Ordinance for the property in the zone where the affected person's land is located.
- D. The Board of Adjustment and Appeals shall have such other additional powers as are given to Boards of Adjustment and Appeals by Minnesota law.
- E. The Board of Adjustment and Appeals shall provide a record of its proceedings, which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including its recommendation.

Subd. 3 SITE AND BUILDING DESIGN PLAN REVIEW.

- A. Purpose. The purpose of this Subdivision is to establish a formal site plan review procedure for commercial, industrial, institutional and multiple family uses and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Ordinance.
- B. Exemptions. The following shall be exempt from the requirements of this Subdivision:
1. Single family detached residential units subject to and consistent with an approved plat.

2. Single family attached residential units (common wall structures) not exceeding two dwellings per unit provided they are subject to and consistent with an approved plat.
 3. Minor revisions or additions to existing structures that are consistent with the provisions of this ordinance (including but not limited to: conformance, lot requirements, setbacks, building requirements, parking, etc.) provided that the proposed modifications do not exceed thirty (30) percent of the floor area of said structure or ten-thousand (10,000) square feet, whichever is less.
 4. Accessory structures provided the proposed accessory structure is consistent with the requirements of this ordinance relating to accessory structures.
 5. Change in use provided the proposed use is consistent with the requirements of this ordinance relating to permitted, accessory, conditional and/or administrative uses.
- C. Site Plan as Formal Agreement. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor, owner and the City. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard or specification without prior submission of a plan modification request to the Zoning Administrator for their review and approval.
- D. Application for Site Plan Approval. Application for site plan approval shall be filed with the Zoning Administrator on an approved form. Unless specifically waived by the Zoning Administrator, the site plan shall include the information specified in Subsection 500.03.10 of this Section.
- E. Timeline. Pursuant to Minnesota Statutes Section 15.99, as amended, supplemented or replaced from time to time, an application shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City in accordance with Minnesota Statutes or a time waiver is granted in writing by the applicant.
- F. Certification of Taxes Paid. Prior to approving an application for plan review, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates.
- G. Required Fee. The applicant shall submit with the required application any/all required fees as established by ordinance related to site plan review. An application shall not be considered complete until the required fee has been paid.
- H. Review Procedures. The Zoning Administrator shall review completed applications for site plan approval. The site plan review shall be evaluated based on its compliance with the Comprehensive Plan, provisions of this Ordinance and other applicable City Codes and policies. The Zoning Administrator or the Applicant may refer the site plan to the Planning Commission and/or City Council.
- I. Financial Guarantee Required for Exterior Amenities/Required Work. Following the approval of the site plan and before issuance of a permit, the applicant may be required to guarantee to the City the completion of all exterior amenities/required work as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as provided below:
1. When required the applicant shall execute the site improvement performance agreement on forms provided by the City. The agreement shall: be approved in form and content by the City Attorney, define the exterior amenities/required work (including but not limited to, landscaping, driveways, parking areas, structures or buildings, drainage systems, fences and screening) and define the required guarantee for the performance of the work by the applicant.

2. Financial guarantees acceptable to the City include cash escrow; an Irrevocable Letter of Credit; an assessment waiver; or other financial instruments which provide equivalent assurance to the City and which are approved by the Zoning Administrator. The amount of the financial guarantee shall be established by the Zoning Administrator and based upon the cost of all required work. The term of the financial guarantee shall be for the life of the site improvement performance agreement. The applicant shall insure that a submitted financial guarantee shall continue in full force and effect until the Zoning Administrator has approved and accepted all of the exterior amenities/required work to be completed. The Zoning Administrator shall release the guarantee or reduce the amount of the guarantee as provided in this Section following consultation with the City Administrator and City Attorney.
- J. Expiration of Site Plan. Unless otherwise specified, the approved site plan shall become null and void within one (1) year of the date of approval unless the property owner or applicant has substantially commenced construction of any building, structure, addition or alteration, or use requested as part of the approved plan or unless a petition for a time extension has been granted by the Zoning Administrator. Such extension request shall be submitted in writing at least thirty (30) days prior to expiration of the site plan and shall state facts showing a good faith effort to complete work permitted under the original approval.
- K. Cost Recovery. Preparation and review of all elements of the required site and building plan design review, as listed and described above, is to be at the sole expense of the developer and at no expense to the public. Direct costs incurred on behalf of the applicant shall be reimbursed to the City.
- L. Enforcement. The Zoning Administrator shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this Chapter has been officially documented by the Zoning Administrator.

Subd. 4 *CONDITIONAL USE PERMITS.*

- A. Purpose. The purpose of this Section of the Zoning/Subdivision Ordinance is to provide the Planning Commission and City Council with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.
- B. Scope. A Conditional Use Permit is required when the use is classified as a 'conditional use' within a zoning district. If a proposed use is not specifically defined it shall be considered prohibited, unless found to be reasonably similar to a type of use that is allowed within the district. The City Council shall make a specific finding within the conditional use permit regarding conformance of the proposed use to any/all standards applicable to the type of use to which it has been found to be reasonably similar.
- C. Application and Process. A conditional use permit requires the submittal of an application and a public hearing and is to be processed in accordance with the procedures set forth in Section 18.14, Subd. 9 (Zoning Application Procedures) of this Section. Applications for conditional use permits and required fees shall be submitted to the Zoning Administrator. The application shall be accompanied by detailed illustrations containing such information as set forth in Section 18.14, Subd. 9 (Zoning Application Procedures) of this Section.
- D. Criteria for Review. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the City Council within the guidelines as mandated by State Law. At a minimum, the Planning Commission shall consider the following standards as it would apply to the particular use at the proposed location.

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
 2. The proposed use is or will be compatible with present and future land uses of the area.
 3. The proposed use conforms with all performance standards contained herein and the City Code.
 4. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
 5. Traffic generation by the proposed use is within capabilities of streets serving the property.
- E. General Standards for Conditional Use Permit Issuance. As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria:
1. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right-of-way shall be provided.
 2. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with the Off-Street Parking requirements of this Chapter (Section 18.12, Subd. 11).
 3. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
 4. Adequate off-street parking and off-street loading shall be provided in compliance with the Off-Street Parking requirements of this Chapter (Section 18.12, Subd. 11).
 5. Loading docks and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any "adjacent" residential use or district, and are in compliance with the Off-Street Parking requirements of this Chapter (Section 18.12, Subd. 11).
 6. Whenever a non-residential use abuts a lot or area guided to future residential development within the Comprehensive Plan, a buffer area with screening and landscaping shall be provided in compliance with the landscaping requirements of this Chapter (Section 18.11, Subd. 6). Where a proposed non-residential use is adjacent to an area guided toward future residential development within the Comprehensive Plan but separated by a public or private street, the non-residential use shall employ landscaping and or landscape treatments that soften the visual impact of the structure containing the non-residential use pursuant to a plan approved by the Zoning Administrator and/or City Council.
 7. General site screening and landscaping shall be provided in compliance with the Landscaping requirements of this Chapter (Section 18.11, Subd. 6).
 8. All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with applicable sections of this Chapter (Section 18.11, Subd. 8).

9. Potential exterior noise generated by the use shall be identified and mitigation measures as may be necessary shall be imposed to insure compliance with applicable sections of this Chapter (Section 18.12).
 10. The site drainage system shall be subject to the review and approval of the City Engineer.
 11. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
 12. Provisions shall be made for an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with applicable sections of this Chapter (Section 18.11, Subd. 9).
 13. All signs shall be in compliance with the section of this Chapter pertaining to signs (Section 18.12, Subd. 8).
 14. The use and site shall be in compliance with any federal or state laws or regulations which are applicable and any related permits are obtained and documented to the City.
 15. Any/all outdoor storage proposed shall be in compliance with the section of this Chapter pertaining to outdoor storage (Section 18.11, Subd. 9).
 16. Any applicable business licenses mandated by City Code are approved and obtained.
 17. The hours of operation may be restricted when there is potential negative impact upon a residential use or district.
 18. The use complies with all applicable performance standards of the zoning district in which it is located.
- F. Conditional Approval. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein. The Council may impose conditions which are considered reasonably necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Ordinance.
- G. Conditional Use Permit requests are subject to the requirements of Section 18.14, Subd. 4. (Zoning Application Procedures).

Subd. 5 RESERVED.

Subd. 6 VARIANCES.

- A. Purpose. The purpose of this Section is to provide the City with the method to hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance.

- B. Finding of Fact. A variance shall not be granted by the Board prior considering the standards listed below.
 1. An 'undue hardship' exists. "Undue hardship" as used in connection with the granting of a variance shall mean: the property in question cannot be put to a reasonable use if used under conditions allowed by this Ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.
 2. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the Ordinance.
 3. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
 4. Variances shall be granted for earth sheltered construction as defined when in harmony with the Ordinance.
 5. The Board of Adjustments and Appeals may not permit as a variance any use that is not permitted under the ordinance for property in the district where the affected person's land is located.
- C. The Board of Adjustment and Appeals may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.
- D. Application. A variance requires a public hearing and is to be processed in accordance with the procedures set forth in Section 18.14, Subd. 9 (Zoning Application Procedures) of this Section. Applications for variances and required fees shall be submitted to the Zoning Administrator. The application shall be accompanied by detailed illustrations containing such information as set forth in Section 18.14, Subd. 9 (Zoning Application Procedures) of this Section.
- E. Variance requests are subject to the standards contained in Section 18.14, Subd. 9 (Zoning Application Procedures).

Subd. 7 ZONING/SUBDIVISION ORDINANCE AMENDMENTS.

- A. Purpose. The purpose of this subsection is to allow for the Zoning/Subdivision Ordinance (either text or official map) to be amended and modified by following the procedure specified in this section.
- B. Amendment Initiation. The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. The procedural requirements of this Section shall not apply to such proposed amendments except to the extent required by Minnesota State Statute. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate, however such request shall be subject to the procedural requirement of this Section.
- C. Application and Procedure. An amendment to this Ordinance (text or map) requires a public hearing and is to be processed in accordance with the procedures set forth in Section 18.14, Subd. 9 (Zoning Application Procedures) of this Section.
- D. Criteria for Review. The Planning Commission and City Council shall consider possible effects of the proposed amendment. Factors to be considered in determining the possible effects of the proposed amendment shall include, but are not limited to, the following:

1. The proposed amendment has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
 2. The proposed amendment is or will be compatible with present and future land uses of the area.
 3. The proposed amendment conforms with all performance standards contained herein and the City Code.
 4. If applicable, actions resulting from the proposed amendment can be accommodated with existing public services and will not overburden the City's service capacity.
 5. If applicable, traffic generation resulting from the proposed amendment is within capabilities of streets serving the property.
- E. **Approvals Required.** Approval of a proposed amendment shall require a majority vote of all members of the City Council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial shall require a two-thirds (2/3) (four (4) out of five (5) members of the City Council) majority vote of all members of the City Council.
- F. **Effective Date.** The amendment shall become effective following City Council approval and publication in the official newspaper.
- G. **Zoning Amendment requests are subject to the standards contained Section 18.14, Subd. 9 (Zoning Application Procedures).**

Subd. 8 APPEALS.

- A. **Purpose/Applicability.** This Subsection provides specifically for the review of the interpretation of the legislative intent of a provision of the Zoning/Subdivision Ordinance. This Subsection shall not apply to opinions and evaluations as they pertain to the impact or result of a request.
- B. **Board Designation.** The Board of Appeals shall be as prescribed in Section 18.14, Subd. 2 of this Chapter.
- C. **Filing/Process.** An appeal from the ruling of administrative and/or zoning officer of the City shall be filed by the property owner or their agent with the Zoning Administrator within thirty (30) days after the making of the order being appealed.
- D. **An appeal shall stay all proceedings and/or actions being appealed unless it is certified to the Board of Adjustment and Appeals that such a stay would cause imminent peril to life and property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, and upon subsequent notice to the City.**
- E. **The procedure for making such an appeal shall be as follows:**
1. The property owner or their agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by Ordinance.
 2. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Board of Adjustment and Appeals.

3. The Board of Adjustment and Appeals shall make its decision by resolution within sixty (60) days from the date on which a completed application is filed, pursuant to Minnesota Statutes 15.99.
 4. The Zoning Administrator shall mail a copy of the final order of the Board to applicant by first class mail.
- F. Appeals from the Board of Adjustment. Any person or persons, any private or public board or property owner of the City aggrieved by a decision of the Board of Adjustment and Appeals shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented or replaced.

Subd. 9 ZONING APPLICATION PROCEDURES.

- A. Scope. Certain applications of this Ordinance require study and action by the City Council, the Planning Commission, City staff, the applicant and various experts, in varying combinations dependent upon the nature of the request. These include applications for conditional use permits, variances and amendments to the Zoning/Subdivision Ordinance text or map and appeals on zoning questions. Applications for conditional use permits, variances, Zoning/Subdivision Ordinance text or map amendments in addition to appeals on zoning questions shall be processed in accordance with the procedures and standards set forth in this subsection.
- B. Application. Applications shall be filed with the Zoning Administrator on an official application form(s) provided by the City. Said applications shall be accompanied by a fee as established by Ordinance. In addition the application shall also be accompanied by detailed written and graphic materials fully explaining the rationale for the proposed change, development or use. The number of copies to be provided and any additional data shall be determined by the Zoning Administrator. Applications must be complete before they are accepted. The application shall be accompanied by detailed illustrations containing such information as is necessary to show compliance with this Ordinance.
- C. Site Plan/Certificate of Survey Required. A site plan of the subject property (in some instances a certificate of survey prepared by a licensed land surveyor may be required as deemed necessary by the Zoning Administrator and/or City Engineer), depicting the following, as applicable:
 1. Name and address of developer/owner;
 2. Name and address of architect/designer, if required by the Zoning Administrator;
 3. Date of plan preparation and dates and descriptions of all revisions;
 4. Name of project or development;
 5. All proposed improvements, including (unless waived by the Zoning Administrator):
 - a. Required and proposed setbacks;
 - b. Location, setback, and dimensions of all existing and proposed buildings and structures;
 - c. Location of all adjacent buildings located within one-hundred (100) feet of the exterior boundaries of the property in question;
 - d. Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles;
 - e. Location, number, and dimensions of proposed loading spaces;

- f. Location, width, and setbacks of proposed curb cuts and driveways;
- g. Vehicular and pedestrian circulation;
- h. Sidewalks, trails, and walkways;
- i. Location and type of all proposed lighting, including details of all proposed fixtures;
- j. Location of recreation and service areas;
- k. Location of all proposed outdoor storage including details for screening;
- l. Location of all exterior heating, ventilation and air conditioning equipment including details for screening;
- m. Location of rooftop equipment and proposed screening;
- n. Location of proposed fire lanes and fire hydrants;
- o. Proposed building exterior materials and color;
- p. Existing and/or proposed sign locations and dimensions;
- q. Existing and/or proposed drainage by contours (two foot maximum);
- r. Location and proposed ownership of existing and/or proposed stormwater facilities;
- s. Existing and proposed landscaping by size and type of plant material;
- t. Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures; and
- u. Location, size, and type of water and sewer system mains and proposed service connections.

6. Supplemental Data. Additional information, data and other plans and information as required by the Zoning Administrator may be required including but not limited to:

- a. Color drawings or renderings and/or sample exterior building materials proposed for all principal and accessory buildings.
- b. Typical floor plan and room plan drawn to scale with a summary of square footage for each use or activity.
- c. Vicinity map showing the property in relation to near by highways or major street intersections.
- d. When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program and/or the City of St. Joseph Storm Water Pollution Prevention Program (SWPPP).
- e. if applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.

D. Pre-application Meeting. A pre-application meeting shall be required by City staff at which the appropriate application procedures, requirements and applicable provisions relating to the request will be reviewed and explained.

E. Incomplete Application. An application will be deemed complete unless the City sends written notice within fifteen (15) business days of submission of the application indicating that it is not complete and indicating what information is missing. This notice shall be considered given by its deposit in the U.S. Mail, first class postage prepaid, addressed to any listed applicant at the address given on the application form.

F. Required Fee. The applicant shall submit with the required application any/all required fees as

established by ordinance related to request for zoning approval review. An application shall not be considered complete until the required fee has been paid.

G. Certification of Taxes Paid. Prior to approving an application for plan review, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates.

H. Timeline. Pursuant to Minnesota Statutes Section 15.99, as amended, supplemented or replaced from time to time, an application shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City in accordance with Minnesota Statutes or a time waiver is granted in writing by the applicant.

I. Review Procedure. Completed applications shall be processed as follows:

1. Further Data. The City Council, Planning Commission, and City staff may request additional information from the applicant concerning the application or may retain expert opinions at the expense of the applicant, or may require as a condition of proceeding with its consideration of any matter, that the applicant furnish expert opinion and data at the expense of the applicant.

2. Technical Reports. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where applicable, and provide general assistance in preparing a recommendation on the action to the Planning Commission and City Council. The technical reports are to be entered in and made part of the record of the Planning Commission and forwarded to the City Council.

3. Notice of Hearing.

a. For applications involving zoning amendments, conditional use permits, and variances, the Zoning Administrator shall set a date for a public hearing.

b. Notice of such hearing shall consist of a legal property description, a general description of the property location, and a description of the request. Said notice shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property, according to the records available to the City within three hundred fifty (350) feet of each parcel included in the request. In addition, the public hearing notice shall be mailed to the Department of Natural Resource Area Hydrologist, Brown County Highway Department and/or the Minnesota Department of Transportation if the application impacts shorelands/flood plains (DNR), county highways or state highways.

c. Notice Not Received. Failure of the City to send, or a property owner to receive notice shall not invalidate any proceedings under this Section, provided that a bona fide attempt has been made to comply with the requirements of this Section.

4. Hearing. After receipt of the report of the Zoning Administrator, the Planning Commission shall conduct the public hearing and consider the application at its next regular meeting.

5. Presentation of Application. The applicant or a representative of the applicant may appear before the Planning Commission in order to present the case for the application and to answer questions concerning the request. Alternately, the Zoning Administrator may present the case for application.

6. Recommendation of Planning Commission. The Planning Commission shall recommend such actions or conditions relating to the application as it deems necessary or desirable to carry out the intent and purpose of this Ordinance and the Comprehensive Plan. Such recommendation shall be either included in the minutes or be in the form of a written resolution forwarded to the City Council.
7. Record Before City Council. The Zoning Administrator shall place the report and recommendation of the Planning Commission and the City staff on the agenda for the next regular City Council meeting after Planning Commission action. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
8. City Council Review. Subject to the limitations of Minnesota Statutes Section 15.99, as amended, supplemented or replaced from time to time, the City Council shall act upon an application after it has received the report and recommendation from the Planning Commission and the City staff. If, upon receiving the reports and recommendations of the Planning Commission and the City staff, the City Council desires further consideration or finds that inconsistencies exist in the review process, data submitted or recommended action, the City Council may, before taking final action, refer the matter back to the Planning Commission with a statement detailing the reasons for referral. This procedure shall be followed only one (1) time on an application, except for good cause. The City Council may refer an application back to the Planning Commission if it determines that changes in the application made after the Planning Commission recommendation require such action.
9. City Council Action. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council (i) may, as it deems necessary, set and hold a second public hearing, and (ii) shall make findings of fact and impose any condition on approval that it considers necessary to protect the public health, safety, and welfare, and shall make its decision as to the application.
10. Notice to Applicant. The Zoning Administrator shall notify the applicant of the decision of the City Council in writing, including any relevant resolution and findings that may have been passed by the City Council.
11. Filing of Notice of Action. A certified copy of any Zoning/Subdivision Ordinance amendment, conditional use permit, or variance authorized shall be filed with the Brown County Recorder if the action has been approved.
- J. Inspection. The City reserves the right upon issuing any zoning approval to inspect the premises to ensure compliance with the provisions of this Section or any conditions additionally imposed.
- K. Reconsideration. Whenever an application has been considered and denied by the City Council, a similar application affecting substantially the same property shall not be considered again by the Planning Commission or City Council before the expiration of six (6) months from the date of its denial and any succeeding denials. However, a decision to reconsider such matter may be made by not less than two thirds (2/3) (four (4) out of five (5) members of the City Council) majority vote of all members of the City Council.
- L. Financial Guarantee Required for Exterior Amenities/Required Work. Following the approval of a request and before issuance of a permit, the applicant shall guarantee to the City the completion of all exterior amenities/required work as required under the terms of the approved request or as required by the application request approval. This guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as provided below:

1. The applicant shall execute the site improvement performance agreement on forms provided by the City. The agreement shall: be approved in form and content by the City Attorney, define the exterior amenities/required work (including but not limited to, landscaping, driveways, parking areas, structures or buildings, drainage systems, fences and screening) and define the required guarantee for the performance of the work by the applicant.
 2. Financial guarantees acceptable to the City include cash escrow; an Irrevocable Letter of Credit; or other financial instruments which provide equivalent assurance to the City and which are approved by the Zoning Administrator. The amount of the financial guarantee shall be established by the Zoning Administrator and based upon the cost of all required work. The term of the financial guarantee shall be for the life of the site improvement performance agreement. The applicant shall insure that a submitted financial guarantee shall continue in full force and effect until the Zoning Administrator has approved and accepted all of the exterior amenities/required work to be completed. The Zoning Administrator shall release the guarantee or reduce the amount of the guarantee as provided in this Section following consultation with the City Administrator and City Attorney.
- M. Expiration of Application Approval. Unless otherwise specified, the approved application request shall become null and void within one (1) year of the date of approval unless the property owner or applicant has substantially commenced construction of any building, structure, addition or alteration or use requested as part of the approved plan or unless a petition for a time extension has been granted by the Zoning Administrator. Such extension request shall be submitted in writing at least thirty (30) days prior to expiration of the application request and shall state facts showing a good faith effort to complete work permitted under the original approval.
- N. Cost Recovery. Preparation and review of all elements of the required site and building plan design review, as listed and described above, is to be at the sole expense of the developer and at no expense to the public. Direct costs incurred on behalf of the applicant shall be reimbursed to the City.
- O. Enforcement. The Zoning Administrator shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this Chapter has been officially documented by the Zoning Administrator.

Subd. 10 ADMINISTRATIVE PERMITS/APPROVAL PROCESS.

A. Procedure.

1. Application for a permit from the Zoning Administrator or Zoning Administrator approval shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City. Required applications shall be accompanied by the information required in Subd. 10(B) below unless specifically waived by the Zoning Administrator. This subsection does not apply to requests requiring Planning Commission review and/or City Council approval which shall be processed under Section 18.14, Subd. 9 of this Section.
2. The application shall be accompanied by a fee as established by Ordinance. Applications for amending permits shall be accompanied by a fee as established by Ordinance.
3. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter. The Zoning Administrator shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.

4. The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:
 - a. Compliance with and effect upon the Comprehensive Plan and public facilities plans.
 - b. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
 - c. The use event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 - d. The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - e. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
 - f. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 - g. The use, event or activity and site conform to the performance standards as outlined in Section 18.14, Subd. 4 (Conditional Use Permit General Performance Standards) and all other applicable provisions of this Chapter.
 - h. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application.
 - i. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances and the standards of this Chapter shall be attached to the permit.
 - j. Determination of non-compliance with applicable codes, ordinances and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
 - k. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 18.14, Subd. 8 of this Chapter.

B. Information Requirement. The information required for all administrative permit applications shall include:

1. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
 2. A copy of the approved site plan for the property or a sketch using an approved "as built" survey as the basis which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands and signs.
 3. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
 4. Information identified in Section Subd. 10(B) of this Chapter as required by the Zoning Administrator.
- C. Performance Standards. All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed and any/all standards applicable to the proposed request.
- D. Administration and Enforcement.
1. The Zoning Administrator shall keep a record of applications and administrative permits.
 2. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
 3. Enforcement of the provisions of this paragraph shall be in accordance with Section 18.14, Subd. 12 of this Chapter.
 4. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.
- E. Certification of Taxes Paid. Prior to approving an application for an administrative permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.
- F. Non-Permit Approvals. In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Section 18.14, Subd. 4 of this Chapter.

Subd. 11 NON-CONFORMANCE.

- A. The purpose of this section to provide for the regulation of non-conforming buildings, structures, uses and lots. Consistent with the establishment of this Chapter non-conforming buildings, structures, uses and lots shall be encouraged to come into compliance as soon as possible, but allowed to continue until removed, vacated (one year or more consecutively) or until they are able to be brought into conformance. It is the intent of this section that all non-conformities shall be eventually brought into conformity.

B. Non-conformities are declared by this Ordinance to be incompatible with prescribed uses or standards in the districts in which the non-conformity occurs. Non-conformance may relate to the non-conforming use of land, the non-conformance of a structure relative to the standards prescribed by this Chapter and/or the presence of a lot which does not meet the minimum standards prescribed.

C. Standards.

1. Non-Conforming Uses of Land.

- a. Non-conforming uses of land shall not be extended or enlarged after passage of this Ordinance. Said uses of land may include, but are not limited to, the attachment on a building or erection on land of additional signs intended to be seen from off the premises or the addition or expansion of uses which would be generally prohibited in the zoning district.
- b. Non-Conforming Use of Structure, Structural Change. An existing non-conforming use and structures related thereto shall not be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a conforming use.
- c. Change of Non-Conforming Use of Land. A non-conforming use cannot be changed to a comparable non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a non-conforming use of a less restricted district.
- d. Discontinuance of Non-Conforming Use of Land. If a nonconforming use of land is discontinued or ceased for a period of one (1) year or more, or if the use is involuntarily discontinued and ceased because of the revocation of a permit or the right to engage in the use, subsequent use of such building or land shall conform thereafter to the use permitted in the district in which it is located.

2. Non-Conforming Use of Structures.

- a. Continuation of Non-Conforming Use of Structure. The lawful use of a building or structure existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the district provisions herein, unless the use ceases for a period of one (1) year.
- b. Extension or Expansion of Non-conforming Structure. A non-conforming residential, commercial or industrial building may be extended or expanded by adding onto the building provided that the specific item or items not in conformance are not expanded, enlarged, extended, or increased. Similarly, a non-conforming structure may be reconstructed as a result of wear and tear provided that the specific item or items not in conformance on the original structure are not expanded, enlarged, extended or increased. (Ord. 416, approved 2-21-17)

- c. Maintenance of Non-Conforming Structure. Maintenance of a building or other structure containing or used for a non-conforming use will be permitted when it includes necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use.
- d. Residential Alterations. Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability and safety of such units provided, however, that they do not increase the number of dwelling units in the building. Additions may be made to non-conforming residential buildings, limited to an increase in the living area of no more than twenty (20) percent of the existing main floor square footage. The construction and alteration of garages and accessory buildings is also permitted, as long as the improvements conform with the zoning requirements for both the zoned use of the property, and the non-conforming use.
- e. Restoration Of Non-Conforming Structure After Destruction. Any non-conforming building or structure damaged greater than fifty (50) percent of its market value by fire, collapse, explosion or acts of God, or public enemy, shall not be restored or reconstructed and used as before such destruction unless a permit is issued within 180 days of the date the catastrophic event occurred.
- f. Signs. Signs pertaining to or advertising products sold on the premises of a non-conforming building or use may be continued only when the non-conforming use is permitted to continue and such signs shall not be expanded in number, area, height, or illumination. New signs not to exceed the maximum allowed under this Chapter (Section 18.12, Subd. 8), and may be erected only after all other signs existing at the time of the adoption of this Ordinance have been removed.

3. Non-Conforming Lots of Record. A single-family dwelling and customary accessory building, notwithstanding limitations imposed by other provisions of this Ordinance, may be erected in any district in which single-family dwellings are permitted on any single lot of record at the effective date of adoption of or amendment to this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. The provisions shall apply even though such lot fails to meet the zoning requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If, two (2) or more contiguous lots in any district are under the same ownership, and any individual lot does not meet the area and width requirements of this Ordinance, the lot must not be considered as a separate parcel or land for the purpose of sale or development. The lot must be combined with the one (1) or more contiguous lots so they equal one (1) or more parcels of land, each meeting the area and width requirements of this Ordinance.

Subd. 12 ORDINANCE ENFORCEMENT.

A. Enforcement.

- 1. The Zoning/Subdivision Ordinance shall be administered and enforced by the Zoning Administrator. It shall be unlawful to violate a provision of this Ordinance. The Zoning Administrator may institute in the name of the City of Springfield any appropriate actions or proceedings against a violator.

2. Notification. For the enforcement of the provisions of the Zoning/Subdivision Ordinance, the first zoning violation notice shall be sent by regular mail, and the second notice will be sent by certified mail, return receipt requested to the property owner of which the violation is taking place. A copy

of all zoning violation notices shall be sent to the City Council, Planning Commission, Zoning Official, Law Enforcement Agency, and City and/or County Attorney. All zoning violation notices shall contain the following information:

- a. A description of the violation that is taking place.
 - b. A picture (if possible) of the violation that is taking place.
 - c. Location and/or address of the property at which the violation is taking place.
 - d. Identification of the section of the Zoning/Subdivision Ordinance that is being violated.
 - e. Date the violation was discovered.
 - f. Steps necessary to correct the violation.
 - g. Deadline in which the violation must be corrected, which is at the discretion of the Zoning Administrator, but which in no case may be longer than thirty (30) days from the date the first notice is mailed.
3. Correction of the Zoning Violation. Upon correction of the violation in the manner stipulated by the zoning violation notice at any point during this enforcement process, the City shall take no further enforcement activity with respect to such specific violation incident.
- B. Failure to Correct Zoning Violation – Enforcement Remedies. Failure to correct the zoning violation shall result in the City pursuing enforcement action following notification to the property owner, with the City having the authority to carry out the following enforcement remedies:
1. Withhold Permits. The City shall have the authority to withhold or deny any and all permits or City approvals until the violation is corrected to the satisfaction of the Zoning Administrator.
 2. Stop Work Order. The City shall have the authority to issue a stop work order on the property in violation.
 3. Abatement. The City shall have the authority to require that the violation be abated by completely removing or stopping the item or use which has been identified in the zoning violation notice. Abatement action by the City shall not proceed until after a hearing before the City Council.
 4. Injunctive Relief. The City shall have the authority to seek an injunction in court to stop any violation of this Section.
 5. Civil Remedies. The City shall have the authority to institute appropriate civil action including injunctive and other equitable processes to enforce the provisions of this Section and, at the discretion of the civil court, shall recover reasonable court costs and attorney's fees that are incurred due to the enforcement of the subject violation.

6. **Assessment.** The City shall have the authority to use the provisions of Minnesota Statutes Chapter 429, as amended, supplemented, or replaced from time to time, to assess charges against any property in violation of any of the provisions of this Section, and any such assessment shall, at the time at which taxes are certified to the County Auditor, be certified for collection in the manner that other special assessments are so certified.
7. **Criminal Remedies.** The City shall have the authority to institute appropriate misdemeanor action or misdemeanor criminal action for a violation of this Section. Any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, may be punished by a fine of not more than seven hundred dollars (\$700.00) and imprisonment for a term not to exceed ninety (90) days, or both.
8. **Cumulative Remedies.** The powers and remedies of this Section shall not be individually limited and are not exclusive. The powers and remedies of this Article are cumulative and all power and remedies may apply, and any other remedies allowed under State law. Failure to exercise any remedy shall not be a waiver of that remedy.

Subd. 13 *PLANNING COMMISSION.*

- A. The City Council shall appoint a Planning Commission to oversee the administration of the City Comprehensive Plan, Zoning/Subdivision Ordinance and other matters delegated to it by the Council.
- B. **Duties of the Planning Commission.**
 1. Engage in land use planning activities.
 2. Prepare and adopt Zoning/Subdivision Ordinance.
 3. Review and act on all requests for amendments to the Zoning/Subdivision Ordinance and Conditional Use Permits.
 4. Review variance requests and make recommendations on them to the Board of Adjustment and Appeals.
 5. Hold public hearings on the above (Ord 403, Adopted 2-21-17)
 6. Other matters as delegated by the City Council.

SECTION 18.15

SUBDIVISION OF PROPERTY (PLATTING).

Subd. 1* *SHORT TITLE

This Chapter shall be known and may be cited as the "Zoning/Subdivision Ordinance", the "Subdivision Ordinance", "this Chapter" and/or "this Ordinance".

Subd. 2* *PURPOSE

Each new subdivision becomes a permanent and integral part of the physical structure of the City, the design and the development of plats subdividing property establishes a pattern for the future development of the entire community and adherence to this pattern by future developers becomes mandatory. Planning in a piecemeal manner, without proper consideration being given to the overall development of a municipality would lead to a chaotic patchwork of community development, making future improvements difficult and potentially more costly. The lack of regulations and/or mismanagement of subdivision control could have a negative effect upon the distribution of population and could create areas contrasting so as to create incompatible uses/environments at the time of subdivision of property. To provide for the orderly and equitable development of the City, all subdivisions hereafter, shall in all respects, fully comply with the regulations set forth herein, which shall be interpreted to:

- A. Provide for and guide the orderly, economic and safe development of land, urban services and facilities.
- B. Encourage well-planned, efficient and attractive subdivisions by establishing standards for design and construction of public improvements.
- C. Provide for the health, safety and welfare of residents and property owners by requiring the necessary services such as properly designed streets and adequate storm and sanitary sewer, water, electric, telephony and natural gas utility services.
- D. Place the cost of improvements against those benefiting from their construction.
- E. Secure the rights of the public with respect to public lands and waters.
- F. Set the minimum requirements necessary to protect the public health, safety, comfort, convenience, and general welfare.
- G. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, trails and other public facilities.

Subd. 3* *RESERVED

Subd. 4* *APPLICATION/AUTHORITY

- A. Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Chapter, shall be prepared, presented for approval, and recorded as prescribed in this Subdivision. The regulations contained in this Subd. shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or building development, whether immediate or future, including the re-subdivision or re-platting of land or lots. Division of land into tracts larger than five (5) acres in area and three hundred (300) feet in width shall be exempt from the requirements of this Chapter, where no new street is involved.
- B. Except as hereinafter provided, no land shall be subdivided, rearranged, developed or improved in any way which is not in conformity with the regulations and terms herein specified. The rules and regulations governing plats and subdivision of land contained herein shall apply within the boundaries

of the City of Springfield. Every division of land for the purpose of lease or sale into two or more lots, parcels or tracts within the incorporated area of the City of Springfield or any combination of two or more lots shall proceed in compliance with this ordinance. It is the purpose of this Chapter to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes Chapters 412, 429, 471, and 505, which regulations the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community.

- C. The City of Springfield has adopted a comprehensive plan for the future physical development and improvement of the City and finds it necessary to regulate the division of land for future development and use. The City finds that the public health, safety and general welfare require that the division of land into two or more parcels requires regulation to assure adequate space, light and air; to provide proper ingress and egress to property; to facilitate adequate provision for water, waste disposal, fire protection, open space, schools, public uses and adequate streets and highways; and to assure uniform monumenting, legal description and conveyance of subdivided land. The Minnesota Statutes authorize municipalities to so regulate the subdivision and platting of land pursuant to MSA 412.221 Subdivision 32; and 462.300.
- D. In addition to the authority otherwise provided under this Chapter, the City Council is empowered to exercise its full statutory authority under Minnesota Statutes 462.358, Subdivisions 1a and 2a to establish standards, requirements and procedures for the review and approval of subdivisions. The authority possessed by the City Council under this Chapter specifically includes the authority to condition subdivision approval on compliance with other requirements reasonably related to the provisions of this Chapter and the authority to execute development agreements embodying the terms and conditions of such approval. For purposes of this Chapter, these powers specifically include the power to impose conditions upon subdivision approval necessary for the subdivision to comply with resolutions previously adopted and remaining effect in whole or in part at the time of adoption of this Chapter.

Subd. 5 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. This Ordinance is not intended to repeal, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or with restrictive covenants running with the land except those specifically repealed by or in conflict with this Ordinance. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provisions of the law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.

Subd. 6 RESERVED.

Subd. 7 RESERVED.

Subd. 8 CONSISTENCY WITH COMPREHENSIVE PLAN.

The proposed subdivision shall be consistent with the purposes, objectives and recommendations of the duly adopted Comprehensive Plan of Springfield, as may be amended.

Subd. 9 EXCEPTIONS.

The provisions of this ordinance shall not apply to:

- A. A cemetery or burial plot while used for that purpose;
- B. Any division of land made by testamentary provision, the laws of descent, or upon court order;

- C. A parcel which was the subject of a written agreement to convey (such as a purchase agreement), entered into prior to the effective date of this Ordinance;
- D. Land which the Planning Commission or the Council finds to be unsuitable for land subdivision due to flooding, inadequate drainage, steep slopes, rock formations or other features likely to be harmful to the safety and general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots;
- E. Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or to create two (2) lots and the newly created property line will not cause the land or any structure to be in violation of this Ordinance or the Zoning/Subdivision Ordinance, provided Minor Subdivision Platting Requirements of Subdivision 14(A) of this Section are followed.

Subd. 10 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS

Before any plat or subdivision of land shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the City Council of Springfield as having fulfilled the requirements of this Ordinance. No plat or subdivision shall be entitled to be recorded in the Brown County Recorder's Offices or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

Subd. 11 INTERPRETATION

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" or "should" are permissive.
- D. All measured distances shall be expressed in feet and decimals of feet unless defined otherwise.

Subd. 12 DEFINITIONS

- A. Where not defined herein the definition contained in Chapter 18.01, Subd. 6 (Zoning/Subdivision Ordinance, Definitions) shall apply. If not defined within Chapter 18.01, Subd. 6 the meaning given to the word or term elsewhere in the City Code shall be interpreted as the definition of the word/term under this Chapter. In the event the word or term is not defined elsewhere in the City Code, the word/term shall have the meaning as defined by the Webster's Dictionary.

- B. For the purpose of this Chapter, certain words and terms are hereby defined as follows.

"Best management practices" shall be as described in current Minn. Pollution Control Agency manuals and other sources as approved by the City and County.

"Bikeway" shall mean a public right-of-way or easement across a block or within a block to provide access for bicyclists and in which a path or trail may be installed.

"Block" shall mean an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary of boundaries of the subdivision, or a combination of the above with a river or lake.

"Boulevard" shall mean that portion of the street right-of-way between the curb line and the property line.

"Certificate of Survey" shall mean a document prepared by a Registered Engineer or Registered Land Surveyor which precisely describes area, dimensions and location of a parcel or parcels of land.

"Cluster Subdivision" shall mean a development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land, while providing a unified network of open space and aesthetically pleasing areas and meeting the overall density regulations of this Ordinance and the Zoning/Subdivision Ordinance. May also be described as "conservation subdivision" and/or referred to as a Planned Unit Development.

"Common Interest Community" shall mean contiguous or noncontiguous real estate within Minnesota subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies (MSA 515B.1-103).

"Conditional Approval" shall mean an affirmative action by the City indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

"Conservation, Subdivision" see "cluster subdivision".

"Contour Map" shall mean a topographic map showing the irregularities in elevation of land surface through the use of lines connecting points of equal elevation. Contour interval is the vertical heights difference represented between the connecting lines on a contour map.

"Conveyance" shall mean the sale, trading, donation, or offer of sale or other transfer of property.

"Covenants" shall mean contracts made between private parties and constitute an agreement between these parties as to the manner in which land may be used, with a view to protecting and reserving the physical, social and economic integrity of any given area. This Ordinance shall not interfere with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. The Owner shall enforce covenants; the City shall assume no responsibility for the enforcement thereof. Any restrictive covenant shall not conflict or invalidate city ordinances.

"Crosswalk" or "Pedestrian Way" shall mean publicly owned right-of-way that crosses a block furnishing pedestrian access to adjacent streets or properties.

"Cul De Sac" shall mean a short local street having one open end and being permanently terminated at the other end by a vehicular turnaround.

"Design Standards" shall mean the specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.

"Detention/Retention Basin" shall mean a facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the basin is empty. The outlet or control structure is located at the bottom of the facility so that the basin is dry after the runoff event. (See also Detention Pond, Retention Basin and Retention Pond).

"Detention Pond" shall mean a facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the water level has been reduced to a predetermined level. The outlet or control structure is located in such a way that some water remains in the facility. The bottom of the facility is usually below water table, or is otherwise constructed in such a way that standing water remains in the pond

year round. (See also Detention Basin, Retention Basin and Retention Pond).

"Developer" shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity submitting an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.

"Development" shall mean acts relating to subdividing land, platting land, building structures and installing site improvements.

"Double Frontage Lot" shall mean lots with a front lot line abutting a street and a rear lot line abutting another street.

"Drainage Course" shall mean a watercourse or surface area for the drainage or conveyance of surface water.

"Easement slope" shall mean a grant by a property owner for the use of a strip of land for the purpose of constructing a slope or grade transition from the existing property grade to a new street grade.

"Escrow" shall mean the deposition of funds in an account maintained by the City for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.

"Final Approval" shall mean approval of the final plat by the City Council, as indicated by certification of the plat by the (acting) mayor of the city, constitutes authorization to record a plat.

"Final plat" shall mean a drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by the County for purposes of recording.

"Grade" see "percentage of grade".

"Half Street" see "street, half".

"Horizontal Curve" shall mean a curve by means of which a road can change direction to the right or left.

"Hydric Soil" shall include:

Hydric soils as shown on the Brown County Geographic Information System (GIS); or

Land inside the 100 year floodplain area, as determined by the County, using two (2) foot contour surveys of relevant areas; or

A field delineation of the hydric soils by a Registered Soil Scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987 Manual) or the Natural Resource Conservation Service publication Field Indicators of Hydric Soils in the United States.

"Improvements" shall mean pavement, curbs, gutters, sidewalks, sewer and water facilities, drainage facilities, street signs, street lighting, plantings, berms and other items for the welfare of property owners and/or the general public.

"Key map" shall mean a small-scale map that definitively shows the area proposed to be platted in relation to known geographical features (e. g. regional feature, community centers, lakes and streets).

"Land Disturbing Activity" shall mean any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or other construction activity,

except for the disturbance of a total of 10 cubic yards or less of soil/area.

“Lot Improvement” shall mean any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property.

“Marginal Access Street” shall mean a local street parallel/adjacent to arterial streets and highways that provide access to abutting properties and protection to through traffic.

“Metes and Bounds Description” shall mean a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

“Minor Subdivision” shall mean the division of a single parcel, lot, or tract, into two separate parcels, lots, or tracts.

“Natural Waterways” shall mean a natural passageway in the earth’s surface situated and having such topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures placed in lieu of natural waterway in order to facilitate the continuity of the natural waterway.

“Official Map” shall mean the map adopted by the City Council showing the streets, highways, blocks and lots theretofore laid-out and adopted by the City Council resulting from the approval of subdivision plats and the subsequent filing of such approved plats.

“Ordinary High Water Level” shall mean the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool.

“Outlot” shall mean a parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example – Outlot A). Outlots are used to designate one of the following: land that is to be used for a specific purpose as designated in a developer’s agreement or other agreement between the City and the developer; or land that is to be used for a public purpose and for which no building permit shall be issued.

“Owner” shall include the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or private corporation, or a combination of any of them.

“Parcel” shall mean an individual lot or tract of land.

“Parks and Playgrounds” shall mean public lands and open spaces in the City dedicated or reserved for recreation purposes.

“Pedestrian way” shall mean a public right-of-way or easement across a block or within a block to provide access for pedestrians and which may be used for the installation of paths or trails.

“Percentage of Grade” shall mean the rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance. The center line of a street shall be used to determine the street rise of grade.

“Planned Unit Development” shall mean a tract of land planned/developed to encourage a more creative and efficient development of land, while at the same time meeting the standards and purposes of the Comprehensive Plan for preserving the health, safety and welfare of Springfield, to allow for a mixture of

residential units or residential and commercial units in an integrated and well-planned area and to ensure the concentration of open space into more usable areas and preservation of natural resources of the site including wetlands, steep slopes, vegetation, and scenic areas.

"Plat" shall mean a drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes Chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to Minnesota Statutes section 462.358 and Chapter 505.

"Preliminary Approval" shall mean official action taken by the City on an application creating a Subdivision which establishes the rights and obligations set forth in Minnesota Statutes section 462.358 and the applicable subdivision regulation. In accordance with Minnesota Statutes section 462.358, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout and location of lots, tracts, blocks and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities and lands to be dedicated for public use.

"Preliminary Plat" shall mean a detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated submitted to the Planning Commission and governing bodies for their consideration, in compliance with the Comprehensive Plan, along with the required supporting data.

"Protective Covenants" shall mean contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

"Public Improvement" shall mean any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is or may be established.

"Reserve Strip" shall mean a narrow strip of land between lot lines and streets to control access.

"Retention Basin" shall mean a facility designed to store runoff from rainfall or snow melt with no outlet. The stored water is allowed to percolate into the ground. (See also Detention Pond, Detention Basin and Retention Pond).

"Retention Pond" shall mean a facility designed to temporarily store runoff from rainfall or snow melt with no outlet. The bottom of the facility is usually below water table, or is otherwise constructed in such a way that standing water remains in the pond year round. (See also Detention Pond, Detention Basin and Retention Basin).

"Right of Way" shall mean land dedicated for public use as a street or way or private use such as a power line or railroad.

"Roadway" shall mean the portion of street right-of-way improved for vehicular travel.

"Rural Design" shall mean a street design where adjacent property and right of way are graded to form a ditch section along the shoulder of the road. Surface drainage is primarily carried by the ditch section.

"Sketch Plan" a.k.a. "Concept Plan" shall mean a sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, uses, relationship to surrounding area, generalized natural features, easements, and any requested zoning change and other information required by this ordinance for review by the City. This plan shall be drawn to scale and dimensioned; however, exact accuracy is not a requirement.

"Street, no outlet" shall mean a street, or a portion thereof, with only one vehicular traffic outlet as opposed to two outlets.

“Street, Half” shall mean street having only one-half of its intended roadway width developed to accommodate traffic.

“Street, Width” shall mean the shortest distance between lines or lots delineating the right-of-way of a street.

“Street, Private” shall mean a private right-of-way affording access by pedestrians and vehicles which is under individual rather than municipal control.

“Subdividing” shall mean the creation of a subdivision, lot, parcel, or tract of land by dividing a lot, parcel, or tract into two or more parcels, or resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.

“Subdivision” shall mean a described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than five (5) acres in area, for the purpose of transfer or ownership or building development, or, if a new street is involved, any division of a parcel of land. The term includes resubdivision, and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

“Surveyor” shall mean a land surveyor registered under Minnesota State Statutes.

“Tangent” shall mean a straight line departing from a curve which is perpendicular to the radius of that curve.

“Tract” shall mean a defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current City zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street a parcel of land intended for division or development of a subdivision.

“Trail” shall mean a linear component of the community's park system.

“Urban Design” shall mean a street design where adjacent property and right of way are graded to the edge of the pavement or to the top of a curb without need for ditch construction. Surface drainage is primarily carried by the paved street section.

“U.S.G.S. Datum” shall refer to United States Geodetic Survey Datum.

“Utilities” shall mean public or private systems for the distribution or collection of water; gas; sewer (wastewater); storm water; electricity including all transformers, streetlights, telephone; and cable television service, etc.

“Vertical Curve” shall mean the surface curvature on a street centerline located between lines of different percentage of grades.

“Vicinity Map” shall mean a small map drawn to a comparatively small scale which definitely shows the area proposed to be platted and the vicinity surrounding it.

Subd. 13 GENERAL PROVISIONS

- A. Sale of Lots from Unrecorded Plats. It is unlawful for any person to sell, trade or otherwise convey or offer to sell, trade, or otherwise convey any lot or parcel of land as part of, or in conformity with any plan, plat or replat of any subdivision under the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the office of the Register of Deeds of the County.

- B. Misrepresentations as to Construction, Supervision or Inspection of Improvements. It is unlawful for any person owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.
- C. Registered Land Surveys. It is the intention of this Chapter that all registered land surveys under the jurisdiction of this Chapter should be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Chapter for preliminary plats and that the Planning Commission shall first approve the arrangements, sizes and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless such approvals have been obtained from the Planning Commission and Council in accordance with the standards set forth in this Chapter, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys, and the City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.
- D. County and State Rules. It is not the intent of this Chapter to replace or conflict with existing County or State laws, rules or regulations. This Chapter is designed and intended to provide additional protection to the public. Specifically, this Chapter is intended to be in compliance with Minnesota Statutes Chapters 462.358 and 505.
- E. Protection of Natural Features. The governing body reserves the right to deny approval of a plat if due regard is not shown for the preservation of all natural features such as large trees, watercourses, scenic points, historical spots and similar community assets which, if preserved, will add attractiveness, stability and value to the property.
- F. Land Suitability to Subdivision. The City Council, following consultation with the Planning Commission, must find each lot created through subdivision suitable for land subdivision in its normal state for the proposed use with minimal alteration. Suitability analysis by the City shall consider flooding, existence of wetlands, inadequate drainage, steep slopes, rock formations or other features with severe limitations for development, severe erosion potential, steep topography, important fish and wildlife habitat, near-shore aquatic conditions unsuitable for water-based recreation, presence of significant historic sites or any other feature of the natural land likely to be harmful to the safety, welfare or general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots.
- G. Flood Prone Lands.
1. Warning and Disclaimer of Liability for Flooding: This Ordinance does not imply that areas outside flood plain areas or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Springfield or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made hereunder.
 2. No responsibility or liability shall arise from the design or operation of subdivision drainage facilities dedicated to the City of Springfield until the City has accepted such dedication.
 3. Subdivision Flooding and Flood Control: No land shall be subdivided if the City Council finds the land unsuitable for subdividing due to flooding and/or inadequate drainage in accordance with the Ordinance and the Zoning/Subdivision Ordinance. Any building sites on lots within the flood plain district shall at least one foot above the regulatory flood protection elevation in accordance with this Ordinance and the Zoning/Subdivision Ordinance. All subdivisions shall

have road access both to the subdivision and to the individual building sites no lower than one (1) feet above the regulatory flood protection elevation. Each of the above requirements shall take into consideration the 100-year flood profile and other supporting material data in the Flood Insurance Rate Map and the Flood Hazard Boundary and Floodway Map.

4. Public Utilities: All public utilities and facilities such as gas, electrical, telephone, sewer, and water supply systems to be located in the flood plain shall be elevated or flood proofed in accordance with the Minnesota State Building Code to an elevation no lower than the regulatory flood protection elevation, in accordance with state and federal agency regulations and the City's Floodplain Ordinance, as applicable.
5. Public Transportation Facilities: Railroad tracks, roads and bridges to be located within the Floodway District shall comply with this Ordinance and the Zoning/Subdivision Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure and interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary railroad tracks, roads, or bridges may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety and as long as such construction is in accordance with the rules and regulations of the Minnesota Department of Natural Resources or other state agencies; the Federal Emergency Management Agency or other federal agencies; and/or the City Floodplain Ordinance.

H. Dedications for Public Use. Where deemed essential by the Planning Commission, and upon consideration of the type of development and especially in large scale unit developments not anticipated in a master plan, the Planning Commission may require a dedication or reservation of such other sites or area of a character, extent or location suitable to the needs created by such developments for parks and other neighborhood purposes.

I. *This section reserved for future use.*

J. Common Interest Communities (CIC)

1. Approval. A Common Interest Community (CIC) shall be evaluated and considered for approval in the same manner as a standard plat or planned unit development and shall be subject to the site coverage standards contained within the City of Springfield Zoning/Subdivision Ordinance.
2. Requirements. Common Interest Communities shall be subject to all use, residential density, setback and height requirements of the applicable zoning district and any other applicable standard contained in the City of Springfield Zoning/Subdivision Ordinance.
3. Conversions of CIC's. The conversion of existing common interest communities, resorts, manufactured home parks or other similar types of developments from privately owned structures on leased or rented land, or the division of several commonly owned structures on a single parcel of land to individually owned parcels containing separate structures, shall be by a standard plat pursuant to the requirements of this Ordinance and the applicable requirements of Minnesota Statutes, Chapter 515A and Chapter 515B, or successor statutes, and shall be further subject to the following:
 - a. Sewage Treatment: When considering approval of conversions the City shall consider the development as a whole, relative to the provision for sewer and on-site sewage treatment systems, and shall require connection to the municipal system where they are available. In areas where municipal services are not available, design plans shall be presented and approved for

a community wastewater treatment system as an integral element of the Common Interest Community approval. A timeline to implement the approved wastewater treatment plan and/or eliminate all identified failing sewage treatment systems shall be established by a subdivision or development agreement.

- b. Conformity: The developer shall make every effort to minimize the degree of nonconformity with existing lot and area requirements and setback requirements. Lot lines shall be arranged to provide the largest possible setbacks between structures that will become the principal structures on the newly created lots. Accessory buildings shall be moved or removed when and where possible to create the lowest, most uniform density possible.
- c. Density. The conversion shall not result in an increase in residential density, unless the residential density requirements of the applicable zoning district are met.

4. Unified and Efficient Use of Space. To the extent possible, the common open space, individual properties and other elements of the common interest community shall be so planned that they will achieve a unified scheme of planning and efficient distribution of uses.

K. Restrictions on Filing and Recording Conveyances.

No conveyance of land to which these regulations apply shall be filed or recorded with the County Recorder's Office if the land is described by metes and bounds, by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after the regulations became effective. The foregoing provision does not apply to a conveyance if the land described:

- 1. Is a separate parcel of record on the date of adoption of City subdivision regulations under Minnesota Statutes.
- 2. Was a separate parcel of not less than five (5) acres in area and having a width of not less than three hundred thirty (330) feet on July 1, 1980, or
- 3. Was a separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1955, or
- 4. Was the subject of a written agreement to convey entered into prior to the adoption of subdivision regulations, or
- 5. Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or
- 6. Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.
- 7. Building permits shall be withheld for buildings on tracts which have been subdivided and conveyed by the metes and bounds method, except as set out in elsewhere in this ordinance.

8. The City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts. Past City repair or maintenance of any such tracts does not obligate the City to continue the same in the future.
 9. In any case where compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purposes of the subdivision regulations, the City Council may waive such compliance under the provisions of this Ordinance and the conveyance may then be filed or recorded.
 10. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this Chapter shall be guilty of a misdemeanor.
 11. The City may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.
- L. **Effect of Subdivision Approval.**
 For one year following preliminary approval and for two (2) years following final approval, unless the subdivider and the City agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the City may extend the period by agreement with the subdivider subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving planned staged development, the City may by resolution or agreement grant the rights referred to herein for such periods of time longer than two (2) years which it determines to be reasonable and appropriate.
- M. *This section reserved for future use.*
- N. **Planned Unit Developments.** Required conformance with the regulations established within this Chapter shall not be interpreted as limiting the City Council's authority to allow flexibility as part of a planned unit development approved in accordance with the provisions of the City of Springfield Zoning/Subdivision Ordinance.

Subd. 14 PLATTING PROCEDURES

A. Minor/Administrative Subdivisions or Consolidations.

1. **Applicability/Purpose.** This section is established to provide for administrative approval of subdivisions that meet specified criteria and for the waiver of standard platting requirements specified elsewhere in this Chapter. It is intended largely to facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of a lot line by relocation of a common boundary.
2. **Application.** Any person having a legal or equitable interest in a property may file an application for administrative subdivision. An application for minor subdivision shall be filed with the Zoning Administrator on an approved form and shall be accompanied by proof of ownership of the subject property, the submittal of required fee(s) and compliance with 18.11, Subd. 13 establishing property boundaries.
3. **Review of Administrative Subdivision.** The Zoning Administrator shall review all applications for administrative subdivision to determine compliance with the standards identified in this

section and all other pertinent requirements of this Chapter. Upon written approval of the request, the developer shall be responsible for filing the subdivision survey with the County Recorder's office. Should the request be denied, the Zoning Administrator shall notify the developer, in writing, of the findings of fact for such denial.

4. Findings Required for Approval. In order for the Zoning Administrator to grant approval for a proposed administrative subdivision, each of the provisions shown below shall be met:
 - a. The proposed subdivision of land will not result in more than two (2) lots.
 - b. All necessary utility and drainage easements are provided for.
 - c. All lots to be created by the subdivision conform to lot area and width requirements
 - d. City of Springfield Zoning/Subdivision Ordinance including all requirements established for the zoning district in which the property is located.
 - e. The proposed administrative subdivision is in compliance with the Comprehensive Plan.
 - f. Lots created have direct access onto a public street.
 - g. The property has not been divided through the provisions of this section within the previous five (5) years.
 - h. The subdivision meets all design and dedication standards as specified elsewhere in this Chapter.
 - i. All basic improvements required by this Chapter are installed in accordance with City standards.
 - j. No parcel of land or portion thereof shall result in buildings and/or uses becoming non-conforming.
5. The City and/or its assigns may impose such conditions on any proposed administrative subdivision that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this ordinance including, but not limited to, the following:
 - a. The developer shall provide required utility and drainage easements for all newly created lots and be responsible for the cost of filing and recording written easements with the County Recorder's Office.
 - b. That there be no more than one principal structure on a base lot in all residential districts. The principal structure on the unit lots created in a two-family, townhouse or quadraminium subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.
 - c. In the case of the subdivision of base lots containing two-family, townhouse or quadraminium lots, wherein the purpose is to permit individual private ownership of a single dwelling within such a structure, a property maintenance and party wall agreement be provided by the applicant and

submitted to the City Attorney for review and comment, ensuring the maintenance and upkeep of the structure and the lots to meet minimum City standards with the agreement filed as a deed restriction against the title of each unit lot.

- d. Separate public sewer and water services shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.
- e. In the case of the subdivision of base lots containing two-family, townhouse or quadraminium lots, wherein the purpose is to permit individual private ownership of a single dwelling within such a structure, verification of fire walls in compliance with the building code provided by a certified building inspector at the expense of the applicant.

6. All other Minor Subdivision requests shall be approved by resolution of the City Council following consultation with the Planning Commission.

B. Preliminary Plat Process: Pre-Application Meeting/Concept Plan Required

1. Pre-application/concept plan meeting.

- a. Prior to the preparation of a preliminary plat, the applicant shall meet with the Zoning Administrator in order to be made aware of all applicable ordinances, regulations and plans in the area to be subdivided. Review of the concept plan further provides City staff the opportunity to determine whether the proposed subdivision is premature, based on criteria established in Subdivision 19 of this Section. At the time of the initial meeting or at subsequent meetings, the applicant shall submit five (5) large-scale copies and twelve (12) reduced scale (11 " x 17") copies of a concept plan of the proposed subdivision to include future phases and an estimated timetable for development.
- b. Submission of a concept plan shall not constitute formal filing of a plat with the City. The Zoning Administrator shall arrange a pre-application meeting with the developer, the City Engineer, Public Works Staff and other departments are deemed necessary in order to provide the developer with input on the proposed concept plan. The Zoning Administrator and/or the Developer may refer the concept plan to the Planning Commission for informal review and informal comment. Such referral shall not constitute formal filing of a plan with the City, but rather shall allow for a non-binding review of the proposal to ensure compliance with design standards and to identify possible modifications necessary to secure approval. Any advice, comments or recommendations for modification made by the Planning Commission are advisory only and shall not constitute approval or a commitment to approve.
- c. As far as may be practical on the basis of a concept plan, the City will informally advise the developer as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Ordinance and will discuss possible plan modifications necessary to secure conformance.

2. Concept Plan Contents.

- a. Plat boundary.
- b. North arrow and scale.
- c. Street names and the layout on and adjacent to the proposed plat.
- d. Designation of land use and current and proposed zoning.
- e. Significant topographical or physical features.
- f. General lot locations and layout.
- g. Proposed playgrounds and parks.
- h. Potential ponding sites.
- i. Additional written data shall include approximate number of lots, typical lot width and depth, and what zoning changes would be required.

C. Preliminary Plat Process. Before dividing any tract of land into two or more lots or parcels, the following procedure shall be followed:

1. Submittal to the Planning Commission.

- a. The preliminary plat is intended to illustrate proposed subdivision of properties within the City. Such approval shall be required for all subdivisions of land not specifically exempted within this Chapter.
- b. Following the pre-application meeting and following review of the concept plan, the applicant shall prepare a request for approval of the preliminary plat for the subdivision, as provided within this Ordinance. The request shall be filed with the City on an official application form. A fee as provided for by City Council Ordinance shall accompany such application. Such application shall also be accompanied by five (5) large-scale copies and twelve (12) reduced scale (not less than 11"x17") copies of a preliminary plat and supportive information in conformity with the requirements of this Ordinance. If, in the opinion of the Zoning Administrator, reduced scale drawings (11"x17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility.
- c. The applicant shall also supply proof of Chapter and the legal description of the property for which the subdivision is requested, consisting of an abstract of Chapter or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision. The applicant shall also submit any necessary applications for variances from the provisions of this Ordinance as set out in Subdivision 19(C) of this ordinance and necessary variances from the provisions of the City of Springfield Zoning/Subdivision Ordinance.

- d. The Zoning Administrator shall review the application to determine whether or not the application and required material submissions are complete. The preliminary plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid. If the Zoning Administrator determines the application is incomplete, the applicant shall be notified of all deficiencies in the application, in writing within fifteen (15) calendar days of receipt of the application. The Council shall approve or disapprove the preliminary plat within one hundred twenty (120) days following the receipt of a completed application in compliance with this Ordinance unless an extension of the review period has been approved.
- e. Upon receipt of the completed application as outlined in (a – d) above, the Zoning Administrator shall set a public hearing for public review of the preliminary plat by the Planning Commission. Notice of the hearing may be a legal or display advertisement and shall consist of a legal property description, description of the request, and shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the hearing shall be mailed at least ten (10) days prior to the hearing. Requests affecting and located within non-platted areas of the City shall be noticed to all property owners within three hundred fifty (350) feet of the property in question. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
- f. The Zoning Administrator shall instruct the staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the Planning Commission. This may include the City Engineer, Building Official, City Attorney, and public or private utility departments, among others. The presence of any of the above, which may be considered an employee of the City, will not preclude the City from obtaining a recommendation from an independent contractor performing similar duties and responsibilities if, in the opinion of the Zoning Administrator, the independent contractor possesses a set of skills and abilities required for a fair evaluation of the request.
- g. The Zoning Administrator or the Administrator's designee shall also refer copies of the plat map to the following individuals or bodies:
 - i. City Engineer;
 - ii. City Attorney;
 - iii. School District;
 - iv. Commissioner of Transportation if the proposed subdivision includes land abutting an established or proposed trunk highway;
 - v. County Engineer if the proposed subdivision includes land abutting a County or County State-Aid Highway;
 - vi. State Commissioner of Natural Resources if the proposed subdivision adjoins a public body of water;
 - vii. The Watershed District Board, if applicable;
 - viii. Planning Commission

- h. The Planning Commission, City Council, and City staff shall have the authority to request additional information from the applicant concerning the proposed subdivision and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

The Planning Commission shall conduct a public hearing. The applicant or a designated representative thereof may appear before the Council at the public hearing in order to answer questions concerning the proposed request. Following the closing of the public hearing, the Planning Commission shall take one of the courses of action identified in Subsection (j) below. The following guidelines should be followed when findings of fact are issued:

- i. The proposed preliminary plat conforms to the requirements of this Chapter and the applicable zoning district regulations.
- ii. The proposed subdivision is consistent with the City's Comprehensive Plan and any other adopted land use studies and is compatible with the platting or approved preliminary plat on adjoining lands.
- iii. The proposed plat does not constitute a 'premature subdivision' under Subdivision 19 of this Section.
- iv. The physical characteristics of the site, including but not limited to topography, vegetation, wetlands, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention, are such that the site is suitable for the type of development or use contemplated.
- v. The design or improvement of the proposed subdivision complies with applicable plans of the County and the state of Minnesota.
- vi. The design or improvement of the proposed subdivision is not likely to cause environmental damage or health problems.
- vii. The completion of the proposed development of the subdivision can be achieved in a timely manner so as not to cause an undue economic burden upon the City for maintenance, repayment of bonds or similar burden.
- viii. That permits applicable to the site/project as required by local, state and federal law have been applied for and/or have been approved. The Applicant is required to prove compliance with all local, state and federal law. The City and/or its assigns may determine if whether an application for approval is sufficient or if approval a permit application is acceptable.

- j. The Planning Commission shall recommend to the City Council one of the following courses of action and the applicant notified in writing of the Planning Commission's decision:
 - i. Approval of the preliminary plat: as presented – with findings of fact.
 - ii. Conditional approval of the preliminary plat: conditions for approval and findings of fact itemized.
 - iii. Denial of the preliminary plat, with findings of fact.
 - iv. The Planning Commission may, at its discretion and with the approval of the applicant, table the matter pending further information from the applicant that will help it render a recommendation to the City Council. An extension of the preliminary plat review period (i.e. total of 120 days) may be necessary.
- k. The Zoning Administrator shall notify the applicant of the Planning Commission's recommended action together with the findings of fact for such recommended action and what requirements, if any, will be necessary for the Planning Commission to recommend approval of the Plat. The recommended approval of the Preliminary Plat does not constitute an acceptance of the subdivision.
- l. Following review by the Planning Commission, the request shall be scheduled for review by the City Council.

2. Submittal to City Council.

- a. City Council Action:
 - i. The reports and recommendations of City staff, Park Board and the Planning Commission shall be entered in and made part of the permanent written record of the City Council meeting.
 - ii. The Council shall approve or disapprove the preliminary plat within one hundred twenty (120) days following delivery of an application completed in compliance with this Ordinance unless an extension of the review period has been agreed upon by the applicant and the City.
 - iii. When the preliminary plat is approved, conditionally approved or denied by the City Council, the findings of fact for such action shall be recorded in the proceedings of the Council and shall be transmitted in writing to the applicant. If the preliminary plat is approved or conditionally approved, such approval shall not constitute acceptance of the final design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Ordinance to be indicated on the final plat. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare and convenience of the City.

- b. Required findings for preliminary plat. The Planning Commission and City Council shall make each of the following findings before recommending (Planning Commission) or granting (City Council) preliminary plat approval:
 - i. The proposed preliminary plat conforms to the requirements of this Chapter and the applicable zoning district regulations.
 - ii. The proposed subdivision is consistent with the City's Comprehensive Plan and any other adopted land use studies and is compatible with the platting or approved preliminary plat on adjoining lands.
 - iii. The proposed plat does not constitute a 'premature subdivision' under Subdivision 19 of this Section.
 - iv. The physical characteristics of the site, including but not limited to topography, vegetation, wetlands, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention, are such that the site is suitable for the type of development or use contemplated.
 - v. The design or improvement of the proposed subdivision complies with applicable plans of the County and the state of Minnesota.
 - vi. The design or improvement of the proposed subdivision is not likely to cause environmental damage or health problems.
 - vii. The completion of the proposed development of the subdivision can be achieved in a timely manner so as not to cause an undue economic burden upon the City for maintenance, repayment of bonds or similar burden.
 - viii. That permits applicable to the site/project as required by local, state and federal law have been applied for and/or have been approved. The Applicant is required to prove compliance with all local, state and federal law. The City and/or its assigns may determine if whether an application for approval is sufficient or if approval a permit application is acceptable.
- c. The Applicant shall be notified by the City of the City Council's action together with the findings of fact for such action and what requirements will be necessary to meet approval of the City Council. The approval of the Preliminary Plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.
- d. Following City Council approval of a preliminary plat, the applicant must submit a final plat to the City within one year of preliminary approval unless otherwise specified as part of a Development Agreement. If this procedure is not followed, then approval of the preliminary plat shall be considered void, unless the applicant submits a request for time extension in writing thirty (30) days prior to the lapse of approval and subsequently approved by the City Council.

- e. Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The City may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required unless the amendment, in the opinion of the City Council, is of such scope as to constitute a new preliminary plat. A filing fee as established by the City shall be charged for the amendment processing.
- f. Preliminary plats that have been denied shall not be reintroduced for a period of one year unless substantial changes have been made.

D. Final Plat Process

1. Purpose. A final plat is a drawing representing the proposed subdivision of land within the City and serves as the document for recording purposes, as required by the County Recorder's Office. Once a preliminary plat has been approved by the City Council, the developer may submit a request for final plat approval. In certain cases the City may allow a final plat to be submitted concurrent with a request for preliminary plat approval.
2. After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the subsections, which follow. The applicant shall prepare a request for approval of the final plat for the subdivision, as provided within this Ordinance. The request shall be filed with the City on an official application form. A fee as provided for by City Council Ordinance shall accompany such application. Such application shall also be accompanied by five (5) large-scale copies and ten (10) reduced scale (not less than 11"x17") copies of a preliminary plat and supportive information in conformity with the requirements of this Ordinance. If, in the opinion of the Zoning Administrator, reduced scale drawings (11"x17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The final plat shall incorporate all changes, modifications and revisions required by the City, otherwise, it shall strictly conform to the approved preliminary plat.
3. All final plats shall comply with the provisions of Minnesota State Statutes and requirements of this Ordinance.
4. An applicant shall submit with the final plat a current Abstract of Title or Registered Property Certificate, along with any unrecorded documents, and a Certificate of Title.
5. When the City has agreed to install improvements in a development, the developer may be required to furnish a financial statement satisfactory to the City indicating the developer's ability to develop the plat.
6. The Zoning Administrator shall review the application to determine whether or not the application and required material submissions are complete. The final plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid. If the Zoning Administrator determines the application is incomplete, the applicant shall be notified of all deficiencies in the application, in writing within fifteen (15) calendar days of receipt of the application. The Council shall approve or disapprove the final plat within sixty (60) days following the receipt of a completed application in compliance with this Ordinance unless an extension of the review period has been approved.
7. Upon receipt of a final plat, copies shall be referred to the Planning Commission, appropriate City staff and to all applicable utility companies, County and State agencies.

8. The Zoning Administrator or designee receiving final plat copies shall, submit reports to the Planning Commission documenting their recommendation on the final plat. The Zoning Administrator may instruct the staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the Planning Commission. This may include the City Engineer, Building Official, City Attorney, and public or private utility departments, among others. The presence of any of the above, which may be considered an employee of the City, will not preclude the City from obtaining a recommendation from an independent contractor performing similar duties and responsibilities if, in the opinion of the Zoning Administrator, the independent contractor possesses a set of skills and abilities required for a fair evaluation of the request.
9. The Planning Commission, at their meeting, shall render one of the following final plat recommendations to the City Council and the applicant shall be notified in writing of the Planning Commission's recommendation.
 - a. Approval of the final plat, as presented.
 - b. Approval of the final plat, with conditions.
 - c. Denial of the final plat, with findings of fact.
 - d. The Planning Commission may, at its discretion, table the matter pending further information from the applicant that will help it render a recommendation to the City Council.
10. Recommended findings of fact for approval:
 - a. The final plat conforms to the approved preliminary plat and any/all conditions for approval of the preliminary plat.
 - b. All submission requirements have been satisfied.
 - c. The plat conforms to all applicable requirements of this Chapter, subject only to approved rule exceptions.
11. The Zoning Administrator shall notify the applicant of the Planning Commission's recommended action together with the findings of fact for such recommended action and what requirements, if any, will be necessary for the Planning Commission to recommend approval of the Plat.
12. Prior to approval of a final plat, the applicant shall have executed a Development Agreement with the City, which controls the installation of all required improvements and assures compliance with all conditions of approval unless determined unnecessary by the Planning and Community Development Director and/or City Engineer. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.
13. The City Council shall take action on a final plat not more than sixty (60) days after the final plat is filed with the City. If the final plat is not approved, the findings of fact for such action shall be recorded in the official proceedings of the City and shall be transmitted to the applicant.

14. Required findings for final plat. The Planning Commission and City Council shall make each of the following findings before recommending (Planning Commission) or granting (City Council) final plat approval:
 - a. The final plat conforms to the approved preliminary plat and any/all conditions for approval of the preliminary plat.
 - b. All submission requirements have been satisfied.
 - c. The plat conforms to all applicable requirements of this Chapter, subject only to approved rule exceptions.
15. The applicant shall be notified by the City of the City Council's action together with the findings of fact for such action.
16. Upon receiving an approved final plat in conformance with the requirements of the City, the designated representatives of the City shall sign the plat, and the applicant, as a condition of approval, shall record the approved and signed final plat with the County Recorder within ninety (90) days, or the approved final plat may be considered void.
17. Release of plat for recording. The final plat shall not be released by the City for recording with the County Recorder's Office until the following have been completed:
 - a. The recording of signatures upon the plat.
 - b. The recording of signatures upon the developer's agreement.
 - c. The submittal of necessary financial guarantees and development fees to the City.
 - d. The provision of easements or deeds as may be required by the City for trailways, ponding, parks, utilities or similar purposes in a form prescribed by the City Attorney.
 - e. Final evidence of Title ownership.
 - f. Recording of Final Plats. Upon approval of the final plat, it shall be the responsibility of the developer to file the plat with the County Recorder's Office.
18. The applicant shall, within thirty (30) days of recording, furnish the City with three (3) blue or black line prints and one mylar of the final plat showing evidence of the recording. The applicant shall provide an electronic copy of the approved final plat in a format acceptable to the City and consistent with the Stearns County coordinate system. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within a plat.
19. Upon receiving approval of a final plat for a portion of an approved preliminary plat, a continuation or the recognition of the preliminary plat is not required to maintain its approval. In the event a Zoning/Subdivision Ordinance amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. If the applicant is unable to file a final plat application within the required one year, such person shall file a written request for an extension of the final plat approval with the Zoning Administrator and receive City Council approval thirty (30) days prior to the lapse of approval. Said applicant's request shall specify and the City Council

shall, if approved, determine the length of time for filing and for the preliminary plat to remain in full force and effect.

Subd. 15 DATA REQUIRED

A. Preliminary Plat Data Requirements.

1. The owner or subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information. Every preliminary plat shall contain the required data set forth in this Subd.
2. The following data regarding identification and description of preliminary plat shall be provided:
 - a. Proposed name of subdivision, which shall not duplicate the name of any plat heretofore recorded in the County.
 - b. Location by Subd., township and range, or by other legal description.
 - c. Names and addresses of the owner and subdivider having control of the lands included in said preliminary plat, the designer of the plat and the surveyor.
 - d. Graphic scale, not less than one inch to one hundred (100) feet.
 - e. North point.
 - f. Date of preparation.
3. The following data regarding existing condition shall be provided:
 - a. Boundary line survey, including measured distances and angles, which shall close by latitude and departure with an error of closure not exceeding one (1) foot in seven thousand five hundred (7500) feet.
 - b. Total acreage in said preliminary plat computed to one tenth (1/10) of an acre.
 - c. Locations and names of existing or platted streets or other public ways, parks and other public open spaces, permanent buildings and structures, easements and Subd. and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.
 - d. If the proposed subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original names shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.
 - e. Location and size of existing paved streets, railroads, sewers, water mains, gravel pits, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Also such data as grades, invert elevations and location of catch basins, manholes and hydrants.
 - f. Boundary lines of adjoining platted or unplatted land within one hundred

(100) feet of the tract.

- g. When in the opinion of the Planning Commission it is necessary, complete topographic map with contour intervals not greater than two (2) feet, water courses, marshes, rock out-crops and other significant features may be required; all superimposed on at least one print of preliminary plat. United States Geodetic Survey Datum shall be used for all topographic mapping. High water elevation and date thereof if parts of plat are wet or have been wet. In the case of a subdivision where no new street is involved, the required topographic map may be waived if it is deemed unnecessary by the City Engineer and the Planning Commission.
4. The following data regarding proposed development design features of the preliminary plat shall be provided:
- a. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street similar to or heretofore used in the City shall not be permitted unless the proposed street is an extension of an already named street in which event the name shall be used. All street names shall be subject to the approval of the Planning Commission.
 - b. Locations and widths of alleys, pedestrian ways and utility easements.
 - c. Proposed center line grades of all new streets and alleys, if any, and a complete set of profiles showing both existing and proposed grade lines.
 - d. Location, size and approximate gradient of sewer lines.
 - e. Layout, numbers and approximate dimensions of lots and the number or letter of each block.
 - f. Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
 - g. Vicinity sketch, or a legible scale, to show the relation of the plat to its surroundings, and surrounding zoning districts.

B. Final Plat Data Requirements.

1. The owner or subdivider shall submit a final plat together with any necessary supplementary information.
2. The final plat shall contain the following:
 - a. The final plat prepared for recording purposes shall be prepared in accordance with the provisions of Minnesota Statutes and applicable City and County regulations.
 - b. Name and subdivision; names shall not duplicate or too closely approximate the name of any existing subdivision.

- c. Location by Subd., township, range, County and State, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in seventy-five hundred (7500) feet.
- d. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official documents or the nearest established street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half (1/2) inch or larger in diameter extending at least three (3) feet below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter Subd. points within the subdivision or on its perimeter.
- e. Locations of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
- f. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
- g. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these shall be shown clearly in the center of the block.
- h. Building setback lines on front and side streets with dimensions.
- i. Name and address of developer and surveyor making the plat.
- j. Scale of plat (the scale to be shown graphically and in feet per inch), date and north point.
- k. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements."
- l. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys, and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.
- m. Statement establishing building setback lines as follows: Building setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line.

3. Certifications Required.

- a. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.
- b. Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by the surveyor and that monuments and shown therein exist as located and that all dimension and geodetic details are correct.
- c. Certification showing that all taxes and special assessments due on the property have been paid in full.
- d. Space for Certificates of Approval to be filled in by the signatures of the Chairman of the Planning Commission, the Mayor, the City Clerk-Administrator, and City Engineer. The form of approval by the Planning Commission is as follows:

Approved by the Planning Commission of the City of Springfield, this _____ day of _____, 20__.

Signed:
Chairperson

Attest:
Secretary

The form of approval by the City Council is as follows:

Approved by the City of Springfield, Minnesota this _ day of _____, 20 .

Signed:
Mayor

Attest:

The form of approval by the City Engineer is as follows:

Approved by the City Engineer, City of Springfield, Minnesota, this day of _____, 20 .

Signed:

The form for approval by County Authorities as required.

4. Supplementary Documents and Information

- a. A complete set of street profiles showing grade lines as constructed.
- b. Copies of any private restrictions affecting the subdivision or any part thereof.

Subd. 16 DESIGN STANDARDS

A. General Requirements

1. Design standards shall assure that the layout of the subdivision is in harmony with the existing adopted plans affecting the development and its surroundings and shall be in conformity with the City's development objectives for the entire area. All concept plans and preliminary and final plats shall provide as a minimum the following data and shall conform to the standards set forth in this section, except where deviations are approved by the City Council or where a specific variance is granted in accordance with the provisions of Subsection 19(c) of this Section.
2. In subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development and which shall alter normal lot planning. Reasonable and due regard shall be shown for environmentally sensitive areas and their protection.
3. All subdivisions shall further meet all applicable floodplain, shoreland, wetland and environmental/natural protection standards as defined by the City or other applicable law.

B. Blocks.

1. **Block Length.** In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the block in residential subdivisions shall normally not exceed one thousand (1000) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required. The width and location of such pedestrian ways shall be subject to the approval of the City Engineer and the Planning Commission. Blocks for business or industrial use should normally not exceed six hundred (600) feet in length.
2. **Block Width.** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

C. Streets and Alleys.

1. **Arrangement of Thoroughfares and Collector Streets.** The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the City Comprehensive Plan. Except for cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed use of the area to be served.
2. **Local Streets.** Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Permanent cul-de-sacs shall normally not be longer than five hundred (500) feet, including a terminal turn-around which shall be provided at the closed end, with a right-of-way radius of not less than fifty (50) feet.

3. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.
4. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
5. Intersections. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible to right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than one hundred twenty-five (125) feet shall be avoided. Intersections having more than four corners are prohibited. Adequate land for planned future intersections and/or interchange needs shall be dedicated.
6. Marginal Access. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a limited access U.S. or State highway or thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, grade crossings or for lot depths.
7. Alleys. Alleys shall be provided in commercial and industrial districts. This requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than twenty(20) feet wide for residential alleys and not less than twenty-five (25) wide for commercial and industrial alleys. Dead end alleys shall not be permitted, except that this requirement may be waived where an adequate turn-around is provided.
8. Half Streets. Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so it may be improved in the public interest.
9. Right of Way Widths. For all public ways hereafter dedicated and accepted, the minimum right-of-widths for streets and thoroughfares shall be as shown in the Comprehensive Plan, and where not shown in the Plan, the minimum right-of-way width for streets, thoroughfares, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

Thoroughfare	100 feet
Collector Street	70 feet
Local street	70 feet
Marginal Access Street	50 feet
Residential Alley	20 feet
Industrial-Commercial Alley	25 feet
Pedestrian Way	10 feet

* Where existing or anticipated traffic on thoroughfares warrants greater widths of right-of-way, these shall be required.

10. **Street Grades.** The grades in all streets, thoroughfares, collector streets, local streets, and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Thoroughfares	4 percent
Collector Street	5 percent
Local street	8 percent
Alley	8 percent

* In addition, there shall be a minimum grade on all streets and thoroughfares of not less than five tenths (5/10) of one (1) percent.

11. **Street Alignment.** The horizontal and vertical alignment standards on all streets shall be as follows:

Horizontal-radii of center line:

Thoroughfare	500 feet-minimum
Collector Street	400 feet-minimum
Local street	150 feet-minimum

12. There shall be a tangent between all reversed curves of a length not less than fifty (50) feet.
13. **Vertical Curves.** All changes in street grades shall be connected by vertical parabolic curves of such lengths as follows:

- a. Thoroughfares 30 times the algebraic difference in the percent of grade of the two adjacent slopes.
- b. Collector Street 20 times the algebraic or Local street difference in the percent of grade of the two adjacent slopes.

14. **Public Streets.** All proposed streets shall be offered for dedication as public streets. No private streets shall be permitted, except as set forth in other City Code provisions.

D. Lots.

1. **Frontage on Public Dedicated Street.** The minimum lot area, width and depth shall not be less than that established by the Zoning Chapter, except that in districts where a minimum area width or depth is not established the lot area, width and depth shall be adequate to serve the purposes for which the lot is to be used.
2. **Corner Lots.** Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as defined in the Zoning Chapter.
3. **Side Lot Lines.** Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
4. **Double Frontage Lots.** Double frontage lots shall be avoided except where lots back on a thoroughfare or other arterial street, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.
5. **Frontage on Public Dedicated Street.** Every lot must have at least the minimum required frontage on a public dedicated street other than an alley.

6. Rear Lot Width: Every lot must have a minimum width of ten (10) feet at the rear lot line.
7. Watercourses: Lots abutting a watercourse, wetland, ponding area, drainageway, channel, or stream shall have additional depth and width, as required to comply with the approved drainage plan for the subdivision and to meet the provisions of the Zoning/Subdivision Ordinance to assure building sites that are not subject to flooding.
8. Drainage: Lots shall be graded so as to provide drainage away from building locations, subject to the approval of the City Engineer. A development plan shall be submitted showing all lot grading and drainage provisions.
9. Lot Remnants: All remnants of lots below minimum size for the respective zoning district in which they are located must be added to abutting lots or lots immediately adjoining. For remnants separated by a public right-of-way, the lot remnants shall be designated as an outlet.
10. Outlots: In such cases where outlots are created or exist, their area shall not be utilized in calculating minimums for buildable lot area requirements. Said outlots are also prohibited from qualifying for building permits, until resubdivided.

E. Easements.

1. Utility Easements. An easement for utilities, at least six (6) feet wide, shall be provided along each side of a rear lot line of lots and along any other lot line as may be deemed necessary to form a continuous right-of-way, at least twelve (12) feet in width. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
2. Easement Connections. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the Council, by motion upon the recommendation of the Planning Commission.
3. Additional Easements. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.
4. Subdivisions Traversed by a Water Course. Where a subdivision is traversed by a water course, drainage way, channel, or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water courses shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the City Engineer.

Subd. 17

REQUIRED IMPROVEMENTS

- A. The Developer shall be required to provide the following improvements for subdivisions unless the City elects to do so under terms of the Developer's Agreement. Unless otherwise stated, all of the required improvements shall be installed in accordance with the engineering policy, standards and specifications that have been or may in the future be adopted by the City Council. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices. Programming of improvements shall be approved by the City Engineer.

- B. **City Obligation.** The City will construct, furnish, and install at City expense, the following improvements according to City specifications. Furnishing of these improvements shall be commensurate with available City funds for such work and according to programs and priorities as established by the Council. If the developer would desire any of these improvements sooner than the City would be able to furnish them, then the costs of the following improvements shall be paid for by the developer.
1. **Street Lighting.** Street lighting shall be constructed by the City, preferably after curb and gutter have been installed. If additional or other type of lighting is desired by the developer, the developer shall pay the increased cost.
 2. **Signs.** Street name signs and traffic control signs shall be installed by the City.
- C. **Developer Obligations.** The developer shall pay the proportionate amount of the following improvements on or for the subdivision or development. Financing shall be according to Subdivision 18 of this Section.
- D. **Site Grading.** Necessary site grading shall be accomplished by the subdivider, subject to a plan approved by the City Engineer.
- E. **Street Grading.** Street grading for the full width of the right-of-way shall be accomplished by the subdivider. If no site grading is to be accomplished, the street grading will be included with subsequent street improvements. Street grading shall precede any underground work. Where street grading is not to be immediately followed by street paving, the developer may be required to provide permanent grade markers at the right-of-way line of all streets of a standard approved by the City Engineer.
- F. **Street Improvements.** Street improvements including base, curb and gutter, boulevard sodding, inlets and leads, and paving, according to Standard City Specifications or as approved by the City Engineer, shall be constructed. All required underground work shall have preceded any permanent street improvements. Any improvements on a County Road shall be approved by the County Engineer. Temporary construction may, at the discretion of the City Engineer, be required, for just cause, on any street, streets, or portion of street. Reconstruction or alteration in any way of existing streets affected by the plat or improvements thereupon, shall be subject to the approval of the City Engineer. All costs incurred, for either temporary access or reconstruction, shall be borne by the owner or subdivider. Half streets, if accepted, shall be improved as directed by the City Engineer.
- G. **Sanitary Sewer.** Where City sewer is, or will be available at the boundary of the subdivision, it shall be constructed according to City Specifications. The cost of any required pumping stations, deemed necessary by the Engineer, shall be assessed against the benefitting property. Where it is neither practical nor economical for the City to extend City sewer, private sewage disposal facilities shall be constructed according to City and State specifications. Consideration shall be given to future availability of City sewer in such installations. Such information shall be recorded on the plat and in each deed so affected. The subdivider shall install all sanitary sewers at their own expense and according to City Specifications.
- H. **Water.** Where City water is, or will be, available at the boundary of the subdivision, it shall be constructed according to City specifications. Main sizing shall be by the City Engineer. All required hydrants and valves are to be included in the construction. Where it is neither practical nor economical for the City to extend City water, private water supplies shall be constructed according to City and State specifications.
- I. **Trees.** Boulevard trees, if desired, shall be installed by the owner or developer in accordance with Street Department standards.

- J. **Drainage and Erosion Control.** Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the City Engineer for the proper drainage of surface waters. All properties shall be liable for any/all storm sewer assessment in accordance with the criteria, policies and rates established by the City Council. The Developer shall be solely responsible for the implementation, maintenance and removal of development-wide erosion and sediment control measures for the purpose of retaining sediment on construction sites and out of water bodies, water courses, wetlands, storm drains and streets. A SWPPP consistent with the standards contained in the Springfield Zoning/Subdivision Ordinance and regulations promulgated by the Minnesota Pollution Control Agency (MPCA) shall be developed for the subdivision.
- K. **Sidewalks,** where provided, shall be at least six (6) feet in width, with greater widths as may be required by the City Council. Driveways shall be constructed from the curb and gutter or pavement edge to the property line or property side of the sidewalk. In cases where driveways are constructed after curbing and sidewalk are in place, the sidewalk shall be reconstructed in accordance with driveway specifications for the width of the driveway. Concrete driveway entrances, as approved by the City, shall be constructed.
- L. **Driveways.** All properties shall be entitled to at least one (1) curb cut. No curb cut access shall be located less than twenty (20) feet from the intersection of two (2) or more street right-of-ways for residential uses, and thirty (30) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines. Curb cut openings shall be a minimum of five (5) feet from the side property line in residential areas and ten (10) feet in all other zoning districts.
- M. **Specifications.** Unless otherwise stated, all the required improvements shall conform to engineering standards and specifications as required by the City Council and City Engineer. Such improvements shall be subject to inspection and approval of the City Engineer.
- N. **Inspections.** The Developer shall pay for all costs incurred by the City for subdivision review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the Attorney, as well as other costs of similar nature.

Subd. 18 PAYMENT CITY/DEVELOPER AGREEMENT, FINANCIAL GUARANTEE.

- A. **Development Agreement Required.** Before a final plat may be approved by the Council, the owner shall execute and submit to the Council an agreement which shall be binding on the owner (or their heirs, personal representatives and assigns, that the owner shall cause no private construction on the land, except with approval of the City Engineer, until all improvements required under this Chapter have been petitioned for, arranged for, or have been constructed. No final plat shall be approved by the Council without first receiving a report from the City Engineer certifying that the described improvements, together with the agreements and required documents will meet the minimum requirements of all applicable City Code provisions.
- B. **Plat Restrictions.** A certified copy of the plat restrictions shall be filed with the County Recorder and Registrar of Deeds. The copy shall include a provision that, in all instruments of sale or conveyance given before all street improvements have been made, the grantee shall agree to and approve such improvements and the assessment of their cost.
- C. **City Financing.** Upon recommendation of the Engineer and with the approval of the Council, any or all of the required improvements may be financed and assessed by the City pursuant to Minn. Stat. Chap. 429. Length of assessment period and rate of interest shall be as determined by the Council.
- D. **Financing by Developer.** If deemed advisable and to be in the best interests of the City, the Council

may require the developer to finance and pay for any and all improvements. Prior to the making of such required improvements, the owner or subdivider shall deposit with the City Clerk an amount equal to the City Engineer's estimated cost of any or all such improvements which are to be financed by the developer, either in cash or an indemnity bond, with sureties to the satisfaction of the City, conditioned upon the payment of all construction costs incurred by the City in making of such improvements and all expense incurred by the City for engineering and legal fees and other expense in connection with the making of such improvements. All improvements may be required to be contracted through the City.

Subd. 19 ADMINISTRATION.

A. Findings of Fact.

1. **Planning and Zoning Commission Recommendation.** The Planning and Zoning Commission upon making its formal recommendation to the City Council under this Chapter and pertaining specifically to the request for subdivision of land shall make said recommendation through resolution of the Commission. The recommending resolution shall contain findings of fact pursuant to the following and as outlined in Subdivision 14 of this Section.
2. **City Council Action.** The City Council upon taking a formal action under this Chapter and pertaining specifically to the request for subdivision of land shall do so by resolution of the City Council. The resolution shall contain findings of fact pursuant to the following and as outlined in Subdivision 14 of this Section.
3. **Recommendation/official action pertaining requests for variance from this Chapter shall include findings of fact pursuant to those identified in Subsection (c) of this Section.**
4. **Premature Subdivisions.** Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council. A subdivision may be deemed premature should any one or more of the conditions set forth in the following provisions exist. The burden shall be upon the applicant to show that the proposed subdivision is not premature.
 - a. **Lack of adequate drainage:** A condition of inadequate drainage shall be deemed to exist if: (a) Surface or subsurface water retention/detention and runoff is such that it constitutes a danger to the structural security of the proposed development or flood of the subdivision or downstream property; (b) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land; (3) The proposed site grading and development will cause siltation on downstream land. Factors to be considered in making these determinations shall include, but shall not be limited to: average rainfall for the area; the relation of the land to flood plains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal
 - b. **Lack of Adequate Water Supply:** A proposed subdivision shall be deemed to lack an adequate water supply if: (a) There is inadequate capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Springfield Comprehensive Plan, as may be amended; (b) The orderly extension of municipal drinking water is not feasible or is not proposed as part of subdivision improvements.
 - c. **Lack of Adequate Roads or Highways to Serve the Subdivision:** A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when: (a) Roads which serve the proposed subdivision are of such a

width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or aggravate an already hazardous condition, and when, with due regard to the advice of the City Engineer, Brown County Highway Engineer and/or the Minnesota Department of Transportation, said roads are inadequate for the intended use; or (b) The traffic volume generated by the proposed subdivision would create unreasonable traffic congestion or unsafe conditions on roadways existing at the time of the application or proposed for completion.

- d. **Lack of Adequate Waste Disposal Systems:** A proposed subdivision shall be deemed to lack adequate waste disposal systems if: (a) There is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Springfield Comprehensive Plan, as may be amended; or (b) The orderly extension of municipal sanitary sewer is not feasible or is not proposed as part of subdivision improvements.
 - e. **Provision of Public Improvements/Services:** If public improvements, such as recreational facilities, streets and utilities and/or public administration and/or public protection services such as police and fire service reasonably necessitated by the subdivision and which must be provided at public expense, cannot be reasonably provided within the next two (2) fiscal years the proposed subdivision shall be deemed premature.
 - f. **Threat to Environmentally Essential Areas:** The proposed subdivision is inconsistent with policies and standards of the City, the County, the State, or Federal Government relating to environmentally sensitive areas and protections thereof.
 - g. **Inconsistency With Comprehensive Plan:** The proposed subdivision is inconsistent with the purposes, objectives and recommendations of the duly adopted Comprehensive Plan of Springfield, as may be amended.
 - h. **Inconsistent with Capital Improvement Plans.** A proposed subdivision shall be deemed inconsistent with capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have not been programmed in the City, County or other regional capital improvement plans. The City Council may waive this criterion when it can be demonstrated that a revision to capital improvement programs can be accommodated.
5. **Disqualification/Denial of Plats.** The City Council may deny the subdivision if it makes any one or more of the following findings:
- a. That the proposed subdivision qualifies as a premature subdivision under Subdivision 19(A)(4) of this Section. If deemed a 'premature subdivision' the proposed subdivision shall be denied.
 - b. That the proposed subdivision is in direct conflict with adopted applicable local control (e.g. Zoning/Subdivision Ordinance; Subdivision Ordinance) and/or general or specific official plans of the City, County or Region.
 - c. That the physical characteristics of the site, including but not limited to, topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to

flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or use contemplated.

- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the type of improvements are likely to cause serious public health concerns.
- f. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
- g. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
- h. That the proposed subdivision, its site, or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City.
- i. That the proposed subdivision is inconsistent with the policies and standards for defined shoreland and/or wetland.

B. Conditional Approval.

1. The City may condition approval on the construction and installation of sewers, streets, electric, gas, drainage and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. The City may also condition approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval.
2. The City may not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee.
3. This paragraph must not be construed to preclude the municipality from conditioning approval of any proposed subdivision or development on an agreement to waive a challenge to the cost associated with City installed improvements of the type described in Mn. Statute 429.

C. Variances.

The City may provide a variance from the provisions of this Chapter. The process and requirements of Section 18.14, Subd. 6 (Zoning/Subdivision Ordinance) as may be amended shall be followed.

D. Amendments.

The City may amend the text of this Chapter. The process and requirements of Section 18.14, Subd. 7 (Zoning/Subdivision Ordinance) as may be amended shall be followed.

- E. Compliance Required. No building permit shall be issued by the City with respect to the land or to any lot in a subdivision, as defined in this Chapter, until the plat thereof has been recorded in the office of the Register of Deeds.
- F. Violations/Penalties. The standards, procedures and remedies set forth in Section 18.14, Subd. 12 (Enforcement/Penalty) of the Zoning/Subdivision Ordinance, as may be amended, shall also apply to the Subdivision Ordinance.

SECTION 18.16

FEES.

- A. Payment Required.
Any person filing a petition requesting an amendment, appeal, adjustment, conditional use permit, variance or other permit described within this Chapter shall pay a fee according to the schedule established by the City Council.
- B. Amount.
 - 1. Fees payable under this section, and adopted by Ordinance of the City Council, shall be payable at the time of filing a petition and is not refundable.
 - 2. In addition to the fees referenced above and in the event the City incurs professional fees, either legal, engineering or professional planners, or any other cost, including but not limited to, postage and publication expenses, the applicants may be required to reimburse the City for those fees, and the City officials may require a deposit for these fees prior to the final hearing on the application.

SECTION 18.17 REPEALER AND RENUMBERING

Subd. 1. REPEAL OF PRIOR ZONING/SUBDIVISION ORDINANCE

The provisions of the previous Zoning/Subdivision Ordinance codified as Sections 18.05 through 18.34 of the City Code are hereby repealed.

SECTION 18.19 RESERVED.

SECTION 18.20 EFFECTIVE DATE

This Ordinance shall take effect and be in full force upon its adoption and its publication.

Adopted this 19th day of February, 2008, by the City of Springfield.

Mayor

ATTEST: