

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

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GENERAL PROVISIONS**' 150.01 BUILDING PERMITS.**

(A) Site plans shall be submitted to the city's Building Inspector and shall include all building setbacks clearly indicated, the legal description of the lot, all lot dimensions, driveways and driveway accesses.

(B) The parcel must be a legal, buildable lot. An existing lot of record or a lot within a plat that has been given final approval and has been recorded.

(C) All utilities (gas, electric, water and sanitary sewer) are constructed and available to the property. Location of service lines will be shown on site plans.

(D) City streets providing access to the property shall at a minimum be graded and graveled to city standards. Private drives and streets, such as those in planned unit developments, shall be constructed with a minimum 12-inch base of Class 5 aggregate. In the event that a property owner wishes to have street access prior to city construction of that street, a minimum grade gravel street will be provided by the city at the property owner's expense. No credit to any future assessments will be given for this gravel access.

(E) The curb grade shall be obtained from the city and indicated on the site plan. Surface drainage of the lot based on final grade shall be indicated on the site plan. Foundation elevation shall be indicated on the site plan. The elevation shall be between 12 inches and 24 inches above curb grade as measured at the center of the lot. The contractor shall be responsible for ensuring that the foundation elevation complies with this standard. Deviation from this standard is permissible upon approval by Planning and Zoning Board of a drainage plan for the property prepared by a registered land surveyor or engineer.

(F) The site plan shall also include a drainage plan that indicates grading which avoids conditions that result in an increase in the amount of water being drained onto neighboring properties or interferes with drainage of water away from neighboring properties.

(G) Any and all requirements of the state's Building Code need to be followed as well as payment of all required fees.

(H) (1) The Zoning Administrator or designee, except as specifically stated in the policy, shall conduct review of the site plan and make the determination that these conditions are met.

(2) Appeals of the determinations by the Zoning Administrator can be appealed to the Planning and Zoning Board.

(Ord. 2000-6, passed 7-10-2000)

BUILDING CODE

' 150.15 BUILDING CODE ADOPTED.

The state=s Building Code, as adopted by the Commissioner of Administration, pursuant to M.S. " 326B.101 to 326B.94, as they may be amended from time to time, including all the amendments, rules and regulations established, adopted and published from time to time by the state=s Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted in this subchapter. The state=s Building Code is hereby incorporated in this subchapter as if fully set out herein. (Ord. 91-2, passed 8-5-1991; Ord. 91-4, passed 12-2-1991; Ord. 03-03, passed 10-13-2003)

' 150.16 ORGANIZATION AND ENFORCEMENT.

(A) The organization of the Building Department and enforcement of the code shall be as established by Ch. 2 of the Uniform Building Code, 2012 Edition. The code shall be enforced within the incorporated limits of the city and extraterritorial limits permitted by state statutes.

(B) The City Administrator-Clerk=s office shall be the Building Code Department of the city. The administrative authority shall be a state-certified Building Official.

(C) The appointing authority (City Council) shall designate the Building Official for the jurisdiction of the city. (Ord. 91-2, passed 8-5-1991)

' 150.17 PERMITS, INSPECTIONS AND FEES.

(A) (1) Permits, inspections and collection of fees shall be as provided in Ch. 3 of the Uniform Building Code, 2012 Edition.

(2) The method of establishing permit fees and the amounts of the permit fees for activities encompassed by the code are a local option.

(3) Local fee schedules should include fees for the installation of prefabricated structures and manufactured homes.

(B) In addition to the permit fee required by division (A) above, the applicant shall pay a surcharge to be remitted to the state=s Department of Administration as prescribed by M.S. ' 326B.148, as it may be amended from time to time. (Ord. 91-2, passed 8-5-1991)

FIRE CODE

' 150.30 UNIFORM FIRE CODE ADOPTED.

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Minnesota Uniform Fire Code@ 2012 edition, including amendments, save and except such portion as hereinafter are deleted, modified or amended of which code not less than two copies have been and now are filed in the office of the city=s Administrator-Clerk and the same are hereby adapted and incorporated as fully as if set out at length herein, and from the date on which this subchapter shall take effect, the provisions thereof shall be controlling within the limits of the city.

(Ord. 77-3, passed 7-7-1977)

' 150.31 DEFINITIONS.

(A) Whenever the word Ajurisdiction@ is used in the Minnesota Uniform Fire Code, it shall be held to mean the ACity of Blooming Prairie@.

(B) Whenever the term Acorporation counsel@ is used in the Minnesota Uniform Fire Code, it shall be held to mean the AAttorney for the City of Blooming Prairie@.

(C) Whenever the word Aperson@ is used in the Minnesota Uniform Fire Code, it shall be held to mean Aa natural person, his or her heirs, executors, administrators or assigns and also include a firm, partnership or a corporation, its or their successors or assigns or the agent of the aforesaid@.

(Ord. 77-3, passed 7-7-1977)

' 150.32 APPEALS.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Minnesota Uniform Fire Code do not apply, or the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within 30 days from the date of the decision.

(Ord. 77-3, passed 7-7-1977)

' 150.33 VIOLATIONS.

Any violation of any provision of the Fire Code or failure to comply therewith, or violation or failure to comply with any order made thereunder of any building in violation of any specifications or plans submitted and approved thereunder or in violation of any certificate or permit issued thereunder, and

from which no appeal has been taken, or failure to comply with such order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall be a separate violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and any person responsible for the violation shall correct or remedy such violation or defect within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 77-3, passed 7-7-1977)

HOUSE AND STRUCTURE NUMBERING

' 150.50 AFFIXING NUMBER PLATES.

(A) It shall be the duty of the owner, lessor or occupant of every house, industrial, commercial or other building to have a proper street number either by affixing the number in metal, glass, plastic or other durable material, the numbers shall be three inches in height in contrasting colors to the base and so placed as to be easily seen from the street.

(B) The number plates shall be so placed within 60 days from the date of the publication of this subchapter.

(C) All auxiliary buildings within a unit having an assigned number, such as garages, barns and buildings of a like nature are not affected by this subchapter.

(Ord. 4-63, passed 11-4-1963)

' 150.51 ASSIGNMENT OF NUMBERS.

Numbers shall be so assigned by the City Council, such that all buildings, not excepted, as stated in ' 150.50 of this chapter, abutting on any street or avenue shall be numbered under a uniform grid system.

(Ord. 4-63, passed 11-4-1963)

' 150.52 BASELINES; USE OF NUMBERS.

(A) Central Avenue shall be the baseline for all numbering east and west and Main Street shall constitute the base line for all numbering running north and south.

(B) All streets running north and south shall be designated as AAvenues@ and all streets running east and west shall be designated as AStreets@.

(C) All buildings so numbered, situated within each block, contiguous to the two baselines, shall be numbered 100 to 199, inclusive, and the next block shall be numbered from 200 to 299, inclusive, and continued in this sequence for all additional contiguous blocks in each quadrant.

(D) Odd numbers shall be used on the west and north sides of the streets and avenues and even numbers on the east and south sides of the streets and avenues, and sufficient numbers shall be allowed for later assignment to any and all unimproved and vacant lots.

(Ord. 4-63, passed 11-4-1963)

' 150.53 MAP; AMENDMENTS.

It shall be the duty of the engineer appointed by the City Council to submit a map of the city indicating the number assigned to each unit at the next regular meeting of the City Council and, after due consideration to approve the same as the official map, with revisions and amendments as it may deem necessary, the map shall be open for public inspection in the Council Chambers of the Community Building in the city. In the event of new construction, a number shall be assigned by the City Council in accordance with this subchapter and added to the map.

(Ord. 4-63, passed 11-4-1963)

' 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.

(B) The penalty described in the Uniform Building Code, 2012 edition, ' 205, as amended, shall be in keeping with M.S. " 609.033 to 609.034, as they may be amended from time to time, which provides for a maximum fine of \$700.

(C) Any person convicted of a violation of any provision of " 150.30 through 150.35 of this chapter shall be guilty of a misdemeanor.

(D) Whosoever shall fail to comply with the provisions of " 150.50 through 150.53 of this chapter or whosoever shall affix or display upon any house, industrial or commercial or other building any numbers pertaining to the grid system, other than those assigned to it, shall be guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than \$5 and not more than \$50.

(Ord. 4-63, passed 11-4-1963; Ord. 77-3, passed 7-7-1977; Ord. 91-2, passed 8-5-1991)

CHAPTER 151: STREETS AND SIDEWALKS

Section

General Provisions

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GENERAL PROVISIONS

' 151.01 CURB REPLACEMENT OR ALTERATION.

(A) No person shall cut or excavate underneath a curb along any side of any property in the city without first paying the required fee as duly set by the City Council from time to time and obtaining the required permit.

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(B) (1) Any person so desiring to construct a curb cut shall submit an application form to the city for approval. Whenever permission is granted by either the city's Administrator-Clerk or the City Council, for the cutting of curbs, a concrete driveway approach, conforming to city specifications, shall be constructed between the street curb and the lot line. The curb that is being cut to provide the driveway approach shall be removed and replaced according to city specifications.

(2) The expense of the curb cut and the driveway approach construction shall be paid by the person applying for the permit.

(C) No person shall excavate under any curb without replacing the existing curb with a new curb section in order to prevent settling which disrupts the flow line of the curb and gutter.
(Ord. 2000-5, passed 7-10-2000) Penalty, see ' 151.99

SIDEWALKS**' 151.15 APPROPRIATION.**

The city finds that a continuing program for the repair and maintenance of sidewalks is necessary and the best interest of the city and, for that reason thereof, the City Council may appropriate funds for such purposes.

(Ord. 89-2, passed 11-6-1989)

' 151.16 REQUIREMENTS.

(A) Sidewalks may be required by the City Council in such areas as are necessary to adequately provide for the safety and welfare of pedestrians.

(B) All sidewalks shall be maintained in the same width as the sidewalk being repaired or replaced or as the City Council may designate from time to time.

(C) All sidewalks shall slope one-fourth inch per foot away from the property line and the profile grade shall not exceed 6%.

(D) Sidewalks shall be placed in the public right-of-way one foot from the property line.

(E) Required sidewalks shall be concrete of four-inch thickness and placed on a four-inch gravel base.

(F) All sidewalks at intersections shall be handicapped accessible.

(G) All sidewalks shall be approved by the head of the city's Street Department or such other person as the City Council shall designate.

(Ord. 89-2, passed 11-6-1989) Penalty, see ' 151.99

' 151.17 REPAIR; MANNER OF PAYMENT.

(A) The owner of any property within the city abutting a public sidewalk shall keep the sidewalk in repair and safe for pedestrians, and this shall be understood to include the obligation of replacing sidewalk previously removed. It shall be the duty of the owner and occupant of any such property to use diligence so as to remove snow, dirt or rubbish from the sidewalk.

(B) In the event the city determines that public sidewalks within the city are unsafe, it shall cause a notice to be served by certified mail or personal service upon the owner of the abutting property and the occupant, if the owner does not reside within the city or cannot be found therein, ordering the owner to have the sidewalk repaired and made safe within 30 days and stating that, if the owner fails to do so, the city shall do so, and that the expenses will be made a special assessment against the property concerned. If the sidewalk is not repaired within 30 days after receipt of the notice, the head of the city's Street Department shall report the facts to the City Council and the City Council shall, by resolution, order to repair the sidewalk and make it safe.

(C) (1) The cost of all sidewalk repair made under the provisions of this subchapter shall be shared in the following manner: all sidewalk repair abutting upon residential, commercial or industrial property shall be paid one-half by the city and the owner of the property abutting thereon shall pay the remaining one-half of the cost thereof.

(2) (a) The cost assessed against each of the owners shall be required to be fully paid within 30 days after the date of the mailing of the notice setting forth his or her share of the cost thereof.

(b) If any owner fails to make full payment within that time, the City Council may spread the charges so unpaid against the real property of the owner as a special assessment under M.S. ' 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor for collection along with current real estate taxes.

(c) At the time of the certification, the City Council shall direct that the special assessment shall be payable in five equal annual installments.

(D) No repair of sidewalks in the city shall be conducted without order of the City Council and without prior written approval of the head of the city's Street Department or other person as the City Council shall designate based upon his or her review of the proposed work to be done and the cost estimate.

(Ord. 89-2, passed 11-6-1989) Penalty, see ' 151.99

' 151.18 REMOVAL OF PUBLIC SIDEWALKS.

No person or persons, firm or corporation shall remove a public sidewalk, or any section thereof, within the corporate limits of the municipality without the written consent of the City Council.
(Ord. 89-2, passed 11-6-1989) Penalty, see ' 151.99

' 151.19 PARKING PROHIBITED.

No persons shall park motor vehicles on sidewalks or any portion thereof.
(Ord. 89-2, passed 11-6-1989) Penalty, see ' 151.99

STREET EXCAVATIONS AND BACKFILL**' 151.30 OPENINGS IN STREETS.**

(A) Any privately-owned public utility, person, firm or corporation desirous of excavation in the public streets or alleys for the purpose of laying or installing pipe, gas mains and services, hot water and steam mains and services, telephone or telegraph conduit, cables, wires or works of any kind, shall conform with the following requirements:

- (1) Must post a street occupancy bond with the city in the sum of \$10,000;
- (2) Must secure a permit from the City Engineer, or his or her representative, listing time, place and purpose of permit; and
- (3) Must conform with all the requirements as to opening, backfilling and surface repair.

(B) Permits to make openings in any public street, lane or alley shall be issued only to licensed plumbers, public utility companies or recognized public service agencies.

(C) Permit application requirements shall not be applicable to contractors employed on city contracts or to any departments of the city.
(Ord. 78-3, passed 10-2-1978)

' 151.31 PERMIT FEES.

(A) The application for permission to open any street for repairing or installation of customer service lines shall be accompanied by the minimum fees in the amount duly established by the City Council from time to time. Applicants for permits to open any street, lane or alley in the city for purpose of constructing or repairing service mains and distribution lines of any kind shall be charged the required permit fee as duly set by the City Council from time to time.

(1) For opening any hole in bituminous surfaced street: minimum fee of \$140;

(2) For opening any hole in gravel or crushed rock street: minimum fee of \$75; and

(3) For opening any hole in any other type of street four feet by six feet opening (except concrete): minimum fee of \$40.

(B) For all other openings where square yard basis exceed the minimum fee or where there is no minimum fee established: shall all be on a square yard basis as follows:

(1) For openings in concrete surfaced or concrete base streets: \$12 per square yard;

(2) For openings in bituminous surfaced streets: \$6 per square yard; and

(3) For openings in gravel or crushed rock streets: \$4 per square yard.

(Ord. 78-3, passed 10-2-1978)

' 151.32 BACKFILL.

Backfilling of all street openings shall be thoroughly compacted. All excess material resulting from the excavation, if any, shall be removed by the party obtaining the opening permit. The Engineer or his or her representative shall be notified immediately in writing upon completion of the backfilling, and the city shall replace the street surfacing. The applicant for the street opening permit shall be responsible to the city for any subsequent settling of streets for openings which have not been adequately backfilled and compacted, and any and all expenses incurred by the city as a result thereof to remedy the settling shall be charged against the applicant.

(Ord. 78-3, passed 10-2-1978) Penalty, see ' 151.99

' 151.33 WINTER EXCAVATIONS.

(A) During the winter months, permits for excavation in any street, lane or alley will be granted subject to the following conditions.

(B) All material resulting from the excavation shall be removed and backfilling shall be done with gravel or other material approved by the Engineer, which is entirely free of frozen material.

(Ord. 78-3, passed 10-2-1978)

' 151.34 SAFETY PRECAUTIONS.

It shall be unlawful for any person to excavate, dig or do any work whatsoever in any street, alley or other public way in the corporate limits of the city, which might or could interfere with the lawful use of the street, alley or public way, without providing the following minimum safety precautions:

(A) Place adequate barricades at least 27 inches high and not less than eight feet long at each end of the street, alley or public way, together with ARoad Closed@ signs at each barricade;

(B) Protect each ditch and excavation on each side in the street, alley or public way with a similar type of barricade and by providing adequate lanterns or signal lights during all periods of darkness; and

(C) Prior to digging or excavation in any street, alley or public way, notify the Municipal Public Utilities and Gopher State One Call of the location of the proposed digging or excavation, the nature of the work contemplated and the anticipated duration thereof.

(Ord. 78-3, passed 10-2-1978) Penalty, see ' 151.99

' 151.35 BLOCKING STREETS.

It shall be unlawful for any person to block or cause to be blocked one-half or more of the useable width of any street, alley or public way in the city by reason of any digging, excavation or work in the street, alley or public way without a validated permit. A validated permit shall require an accurate statement by the applicant thereof, of the times date and hours the street, alley or public way will be blocked and shall be countersigned by the Fire Chief or his or her authorized representative. The holder of each validated permit shall notify the Fire Chief or his or her representative immediately upon the street being opened for travel in each case.

(Ord. 78-3, passed 10-2-1978) Penalty, see ' 151.99

' 151.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.

(B) Any person, firm or corporation violating the provisions of " 151.30 through 151.35 of this chapter shall be guilty of a petty misdemeanor and, upon conviction, shall be subject to a fine of not more than \$100 for every offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. 78-3, passed 10-2-1978)

CHAPTER 152: TREES

Section

Shade Tree Management

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- 152.02 Nuisances declared
- 152.03 Removal of infected, dead trees and wood
- 152.04 Interference prohibited

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SHADE TREE MANAGEMENT

' 152.01 PROGRAM ESTABLISHED.

It is the intention of the City Council to conduct a program of shade tree management and plant pest control pursuant to the authority granted by M.S. ' 18G.13, as it may be amended from time to time, Ch. 4, 3 MCAR 1.0109 through 1.0113; and locally adopted ordinances as deemed necessary. This program is directed specifically at the control of Dutch elm disease, oak wilt and other typical diseases of trees that are contagious by nature. Trees of all species that are dead, damaged or constitute a problem to the general public are also covered by this subchapter.
(Ord. 81-1, passed 4-6-1981)

' 152.02 NUISANCES DECLARED.

The following things are public nuisances whenever they may be found within the city limits:

(A) Any living or standing tree found to be infected with disease and which harbors elm bark beetles, Dutch elm disease fungus and varying diseases which, in the estimation of the Forester, are contagious;

(B) Any dead tree or part thereof, including branches, stumps and firewood, from which the bark has not been removed, that could provide a means for the continuation of the spread of the disease that caused the death of that tree; and

(C) Any tree or shrub, living or dead, or portion thereof, that is of a hazardous or obstructive nature

to the general public.

(Ord. 81-1, passed 4-6-1981) Penalty, see ' 152.99

' 152.03 REMOVAL OF INFECTED, DEAD TREES AND WOOD.

(A) If the Forester finds any tree, or portion thereof, that falls into the classification mentioned in ' 152.02 of this chapter, he or she shall notify the property owner, in person, or by certified mail, that the problem exists and that it will be abated within a specified time period, not less than five days from the date of the notice. Failure to comply shall result in the City Forester abating the nuisance. The City Forester may then charge all costs of the abatement to the property owner and bill him or her directly or have the moneys due assessed to his or her taxes.

(B) The payment of moneys owed to the city for the abatement of nuisances from private property shall be handled in the following manner: all expenses shall be kept by the City Forester or the City Accountant. All moneys will be presented in the form of individual bills to the individual property owner stating the work done and the amount owed. Payment shall be due on the entire amount owed within 30 calendar days from the date of the bill. If the property owner fails to pay the entire amount owed, the city may charge interest on the remainder due in the form of 10% per annum. After the passage of the original 30 days, the city may assess the remaining amount due (including all interest and penalties) to the owner=s property of may present claims in small claims court for payment against the individual property owners.

(1) After determining that trees have a contagious disease, the Forester may cause trees abutting the diseased tree to be sprayed or mechanically treated with appropriate materials to contain the disease if, in his or her judgment, it is economically feasible. Determination shall be in conjunction with the state=s Department of Agriculture suggestions, where practicable.

(2) The Forester shall inspect all premises and places within the city as often as practicable to determine if any condition in ' 152.03 of this chapter exists thereon. He or she shall be able to enter upon private premises at any reasonable time for the purpose of carrying out the duties assigned him or her under this subchapter. Wood stored for private use shall also come under his or her jurisdiction and the owner shall comply with the wood storage rules as spelled out in this subchapter.

(C) It is the intent of the City Council to cause the elimination of all diseased trees and parts thereof, all dead trees or parts thereof, from all property in the city, both private and public, so as not to constitute a hazard.

(Ord. 81-1, passed 4-6-1981)

' 152.04 INTERFERENCE PROHIBITED.

It is unlawful for any person to prevent, delay or interfere with the Forester, or his or her agents, while they are engaged in the performance of duties imposed by this subchapter.

(Ord. 81-1, passed 4-6-1981) Penalty, see ' 152.99

' 152.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.

(B) Any person, firm or corporation who violates " 152.01 through 152.04 of this chapter is guilty of a misdemeanor.

(Ord. 81-1, passed 4-6-1981)

CHAPTER 153: SUBDIVISIONS

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GENERAL PROVISIONS**' 153.001 SHORT TITLE.**

This chapter shall be known, cited and referred to as the ABlooming Prairie Subdivision Ordinance@, except as referred to herein, where it shall be known as Athis chapter@.
(Ord. 79-2, passed 6-15-1979)

' 153.002 PURPOSE.

This chapter is enacted for the purpose of safeguarding the best interests of the public, the homeowner, the subdivider and the investor; encouraging well planned subdivisions by the establishment of adequate standards for design and construction and in order that new subdivisions will be integrated in the general plans of the community, thereby contributing toward an attractive, orderly, stable and wholesome community environment with adequate municipal services and safe streets.
(Ord. 79-2, passed 6-15-1979)

' **153.003 RULES AND DEFINITIONS.**

(A) *Rules.*

(1) All subdivisions, as defined and under the jurisdiction of this chapter, are subject to the provisions of this chapter and to the state statutes which regulate subdivisions.

(2) No building permit shall be issued for construction until all requirements of this chapter have been fully complied with.

(3) Unless approved as a final plat as provided herein, no subdivision shall be entitled to be recorded by the County Registrar or have any validity.

(4) No public improvements are to be installed unless the preliminary plat is approved and service shall not be provided until approval of the final plat is granted and same has been duly recorded.

(5) (a) Where the division of a parcel of land into two or more parcels for the purpose of transfer of ownership or building development does not come within the definition of a subdivision as defined by this subchapter, a legal description of the land and a description shall be filed with the Administrator-Clerk, who shall submit copies of the description to the Planning Commission, Engineer and Assessor.

(b) No building permit shall be issued until the copies have been received by the aforementioned persons.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When inconsistent with the context, words used in the present tense shall include the future tenses; words in the singular number shall include the plural and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders.

ADMINISTRATOR. The duly appointed person charged with enforcement of this chapter.

ALLEY. A public right-of-way which affords a secondary means of access to abutting property.

ATTORNEY. The person licensed by the state to practice law who has been engaged by the City Council.

BLOCK. An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

BOULEVARD. The portion of street right-of-way between the curb or curb line and the property line.

BUILDING. To include all structures of every kind regardless of similarity to buildings.

BUILDING SETBACK. The minimum horizontal distance from the street right-of-way, as prescribed in Ch. 154 of this code of ordinances.

COMPREHENSIVE PLAN. A comprehensive development plan, prepared by the Planning Commission which indicates the general locations recommended for various functional classes of land uses, places and structures and for general physical development of the city and includes any unit or part of the plan separately prepared and any amendment to the plan or parts therein.

EASEMENT. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

ENGINEER. The professional engineer engaged by the City Council.

FINAL PLAT. A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this chapter to be presented to the Planning Commission for approval, and which if approved, may be duly filed with the county=s Register of Deeds.

LICENSED ENGINEER. A person licensed as a professional engineer by the state.

LOT. A parcel, piece or portion of land designated by metes and bounds, registered land survey, auditor=s plat or other means and separated from other parcels or portions by the description for the purpose of sale, lease or separation thereof.

LOT, BUTT. A lot located on the end of a block excluding the two corner lots.

LOT, CORNER. A lot located, by the intersection of two streets, having two adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred and thirty-five (135) degrees.

LOT, THROUGH. Any lot other than a corner lot which abuts more than one street.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line.

LOT LINE. The property line bounding a lot; except that, where any portion of a lot extends into the right-of-way or a proposed public right-of-way, the line of the right-of-way shall be the ***LOT LINE.***

LOT WIDTH. The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot as the setback line.

MAY. The act referred to is permitted.

OFFICIAL MAP. The map established by the City Council in accordance with state statutes, showing streets, highways and parks and drainage, both existing and proposed.

OWNER. Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PEDESTRIAN WAY. The right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or however otherwise designated.

PERSON. An individual, to include both male and female and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.

PLANNED UNIT DEVELOPMENT. A development which consists of two or more principal structures or uses on a single parcel of land.

PLANNING COMMISSION or COMMISSION. The duly appointed commission of the City Council.

PRELIMINARY PLAT. A drawing clearly marked Preliminary plat showing the salient features of a proposed subdivision, as a specified in ' 153.038 of this chapter.

PROTECTIVE COVENANT. A contract entered into between private parties and constitutes a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide protection against undesirable aspects of development which would impair values.

PUBLIC LAND. Land owned and/or operated by a governmental unit, including school districts.

PUBLICATION. An official notice as prescribed by state statutes.

SHALL. The act referred to is mandatory.

SKETCH PLAN. A sketch of a proposed subdivision showing the information specified in ' 153.036 of this chapter.

STREET or ROAD. A public right-of-way which affords the primary means of access to abutting property.

(a) **COLLECTOR STREET.** A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

(b) **CUL-DE-SAC.** A street or a portion of a street with only one vehicular traffic outlet and a turnaround at the other end.

(c) **DEAD-END STREET.** A street or a portion of a street with only one vehicular traffic outlet.

(d) **HALF STREET.** A street designed to provide access to only one side of the

right-of-way.

(e) **MAJOR STREET OR THOROUGHFARE.** A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

(f) **MINOR STREET.** A street intended to serve primarily as an access to abutting properties.

(g) **PRIVATE STREET.** A street which is not dedicated for public use.

(h) **SERVICE STREET.** A marginal access street which is generally parallel and adjacent to a major street and provides secondary access to abutting property.

STREET PAVEMENT. The wearing of exposed surface of the roadway used by vehicular traffic.

STREET WIDTH. The width of the right-of-way, measured at right angles to the centerline of the street.

SUBDIVIDER. Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof, as defined herein, either for himself, herself or others.

SUBDIVISION. The division or consolidation of any parcel of land for any use into two or more lots, blocks and/or sites, with or without streets or highways and includes resubdivision.

SURVEYOR. A person duly registered as a land surveyor by the state.

USED FOR. To include the phrases: Aarranged for@, Aesigned for@, Aintended for@, Amaintained for@ and Aoccupied for@.

ZONING DISTRICT. An area as prescribed by Ch. 154 of this code of ordinances. (Ord. 79-2, passed 6-15-1979)

PLATTING PROCEDURES

' 153.015 GENERAL PROCEDURES.

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in the subdivision or any part thereof is made and, before any permit for the erection of a structure in the proposed subdivision shall be granted, the subdivider or his or her duly authorized agent shall apply in writing for approval of the proposed subdivision in accordance with the following procedures.

(Ord. 79-2, passed 6-15-1979)

' 153.016 SKETCH PLAN.

(A) Prior to subdividing or resubdividing land, the owner of the land shall prepare and submit to the Administrator-Clerk at least two weeks prior to the regularly scheduled meeting of the Planning Commission six copies of a sketch plan of the proposed subdivision or resubdivision, which shall comply with requirements of ' 153.015 of this chapter and file an application for Planning Consideration form.

(B) (1) The sketch plan will be considered as the basis for discussion between the subdivider and Planning Commission.

(2) Submission of the sketch plan shall not constitute formal filing of a preliminary plat.

(C) (1) The subdivider, or a duly authorized representative; shall attend the Planning Commission meeting at which his or her proposal is scheduled for consideration to discuss the requirements which pertain to his or her proposed subdivision or resubdivision.

(2) The Planning Commission will review, discuss and advise the subdivider of the extent to which the proposed subdivision conform to this chapter and other ordinances, as well as its conformity to the Comprehensive Plan.

(3) (a) The Planning Commission shall make specific recommendations and comments about the sketch plan to be incorporated by the applicant in the next submission to the Planning Commission.

(b) See ' 153.036 of this chapter.

(4) No fee shall be required of the subdivider for the submission of a sketch plan.
(Ord. 79-2, passed 6-15-1979)

' 153.017 PRELIMINARY PLAT.

(A) Within six months of the Planning Commission's consideration of a sketch plan, the subdivider shall file with the Administrator-Clerk, an application for consideration and six copies of the preliminary plat which has been prepared in accordance with the regulations set forth in this chapter. Failure to act within the above time limit shall invalidate an approved sketch plan and require that it be resubmitted. At the time of submission of the preliminary plat, the required fees shall be paid by the subdivider. The filing shall be at least two weeks prior to the next regularly scheduled Planning Commission meeting.

(B) The Administrator-Clerk shall refer copies of the preliminary plat to the Planning Commission, the Engineer and other agencies as the City Council desires to have an opinion on the proposal.

(C) A public hearing date shall be set to be held within 45 days of the filing date, the required legal publication shall be made and notices shall be sent to all property owners of record within 300 feet of the exterior boundary of the proposed plat.

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(D) The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.

(E) The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his or her proposal is scheduled for consideration.

(F) The Planning Commission shall study the practicability of the preliminary plat taking into consideration the requirements of the city and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Comprehensive Plan, the Official Map and Ch. 154 of this code of ordinances.

(G) At the public hearing, all persons interested in the proposed plat shall be heard and the Planning Commission shall, within five days of the hearing, approve, modify and approve or disapprove the preliminary plat, and submit to the City Council, the applicant and Administrator-Clerk their findings and recommendations.

(H) The City Council shall act upon the preliminary plat and send written notification of their action to the Planning Commission, Administrator-Clerk and the applicant. Failure of the City Council to act within 30 days of the public hearing is deemed approval.

(I) Should the subdivider desire to amend the preliminary plat as approved, he or she shall submit the amended plat following the original procedures set forth, except for the public hearing and fees unless the Planning Commission considers the scope of the revisions to constitute a new plat, then the hearing and fees shall be required.

(J) If the subdivider requests or the City Council requires that any existing special assessments which have been levied against the premises described in the subdivision to be divided and allocated to the respective lots in the subdivision plat, the Assessor shall estimate the clerical cost of preparing the revised assessment roll, filing the same with the County Auditor, and making the division and allocation, and upon approval by the City Council of the estimated cost the same shall be paid to the Treasurer in addition to the other fees mentioned to cover the cost of preparing and filing the revised assessments. (Ord. 79-2, passed 6-15-1979)

' 153.018 FINAL PLAT.

The final plat shall be prepared by a land surveyor duly registered by the state and the plat shall conform to all state requirements.

(A) (1) The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Commission an application for consideration and six copies of the final plat; the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Planning Commission and City Council. Also to be filed is an

up-to-date certification of title or registered property report establishing title and control.

(2) Endorsements and approval by the appropriate Department of Health and the County Soil Conservation Service shall be required when on-site sewer and water facilities are to be utilized.

(3) The required construction plan shall be submitted and forwarded to the Engineer for his or her cost estimate and a copy of the Engineer's report be submitted to the Attorney for the preparation of the contract required in ' 153.019(C) of this chapter.

(B) (1) Upon receipt of the final plat, the Administrator shall refer two copies to the Planning Commission, one copy to the Engineer, one copy to the School Board and one copy each to the telephone and utility companies. Each will then submit a report to the Administrator within 15 days.

(2) The certification of title or registered property report and abstract of title shall be referred to the Attorney for examination and report, which shall be returned within 15 days.

(3) The reports required in this section shall be forwarded to the Planning Commission for its consideration.

(C) (1) The procedure and timing for the reports of the Planning Commission, Engineer and action by the City Council are the same as for those of the preliminary plat.

(2) Prior to the final approval of the final plat, the financial arrangements required by this chapter shall be met.

(D) (1) Upon completion of the requirements above and notation to the effect upon the final plat, it shall be deemed to have final approval and shall be properly signed by the Chairperson of the Planning Commission and the appropriate official of the City Council and may be filed by the applicant in the County Recorder's office. Any final plat not so filed and recorded within 90 days of the date upon which the plat is approved or considered approved by reasons of the failure of the City Council to act, shall become null and void, unless the particular circumstances of the applicant warrant the City Council to grant an extension which shall not exceed 90 additional days.

(2) The subdivider shall furnish the Administrator a tracing and three copies of the final plat showing evidence of the costs accrued during the verification of the final plat materials.

(E) No changes, erasures, modifications or revisions shall be made in any final plat after approval has been given by the City Council and endorsed in writing on the plat unless the plat is first resubmitted to the City Council and the body approves any modifications. In the event that any final plat is recorded without complying with this requirement, the same shall be considered null and void and the City Council shall institute proceedings to have the plat stricken from the records of the county and city.

(Ord. 79-2, passed 6-15-1979)

' 153.019 REQUIRED IMPROVEMENT.

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Prior to approval of the final plat, the subdivider shall agree in the manner set forth in this section, to install or pay for the installation in conformity with construction plans approved by the Engineer and in conformity with the requirements of this chapter.

(A) *Payment for improvements.* The required improvements which are listed and described in this chapter are to be furnished and installed at the sole expense of the subdivider and at no expense to the city unless otherwise stated. In the case of an improvement, the cost of which would, by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the city; and, provided further that, if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, the City Council may make provision for causing a portion of the cost of the improvement, representing the benefit of the lands to be assessed against the same and, in that case, the subdivider will be required only to pay for the portion of the whole cost of the improvement as will represent the benefit to the property within his or her subdivision.

(B) *Construction plans.*

(1) Construction plans for the required improvements conforming with adopted standards of this chapter shall be prepared at the subdivider's expense by a professional engineer with his or her seal affixed. The plans, together with the quantities of construction materials, shall be submitted to the Engineer for his or her estimate of the total cost of the improvements; upon approval, the plans shall be the basis of the cost portion of contract required by division (C) below. The tracings of the plans approved by the Engineer, plus two prints shall be submitted and placed on file with the Engineering Department.

(2) Plans for the installation of gas and electric facilities shall be submitted to the Engineer upon their submission and approval by the appropriate agencies. The appropriate agencies shall have approved of the plans prior to the approval of the final plat. Financial arrangements for these facilities shall be in accord with the policies of the City Council.

(C) *Agreement for installation of improvements.* Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the city which shall require the subdivider to furnish and construct the improvements at his or her sole expense in accordance with plans, specifications and normal contract conditions approved by the City Council. The contract shall include provisions for supervision of construction details by the Engineer and grant to the Engineer authority to coordinate the work to be done under the contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the city in the vicinity. This agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in division (D) below.

(D) *Financial guarantee; escrow deposit.* An amount equal to 125% of the Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his or her contract shall be deposited with the Treasurer by the subdivider. The city shall be entitled to reimbursement from the deposit for cost and expense incurred by the city for the inspection of the construction and for the completion of work not approved by the Engineer and for any damages sustained by the breach of the contract. Upon completion of the work and termination of any liability, the

remaining balance of the escrow deposit shall be refunded to the subdivider.

(E) *Performance bond.*

(1) The subdivider may furnish a public contractor=s performance bond as prescribed by state statutes with corporate surety in a penal sum equal to 125% of the Engineer=s cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the Attorney prior to its acceptance.

(2) A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. The check is to be submitted at the time of the submission of the performance bond.

(F) *Optional construction permitted.* In lieu of doing the construction work on required improvements, the subdivider may petition the city to do the construction work. The petition shall include a request that the benefitted property be assessed for the cost of the improvements. The petition shall be presented to the City Council prior to September 1, for construction during the following year. This option may be applied to streets, alleys, curbs, gutters, water and sanitary sewer facilities. In no event shall the construction costs be borne by the general taxpayers, the assessment shall be against the benefitted properties. The provisions of division (D) above may be waived as deemed appropriate by the City Council on those improvements which the city agrees to install.

(G) *Completed improvements.* Improvements within a subdivision which have been completed prior to the application for approval of the final plat or execution of the contract for installment of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this chapter, only if the Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

(H) *Inspection of improvements.* At least ten days prior to commencing construction of required improvements, the subdivider shall pay the required inspection fee and shall notify the Administrator-Clerk and the Engineer in writing of the time when he or she proposed to commence construction of the improvements so that they may cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required.

(I) *Modification of the design of improvements.* If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of the required improvements, the Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications; provided, these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alternation of the function of any improvements required. The Engineer shall issue any authorization under this section in writing and shall transmit a copy of the authorization to the Planning Commission and City Council.

(J) *Proper installation of improvements.* If the Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required

improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he or she shall so report to the City Council, Administrator-Clerk, Building Inspector and Planning Commission. The Administrator-Clerk then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the rights of the city under the bond. No plat shall be approved by the Planning Commission so long as the subdivider is in default on a previously approved plat.

(Ord. 79-2, passed 6-15-1979)

' 153.020 PUBLIC ACCEPTANCE OF RECREATION AREAS.

Where a park, playground or other recreation area shall have been shown on a final plat, the approval of the plat shall not constitute an acceptance by any municipality, town, county or the state of the area. The Planning Commission shall require that the final plat be endorsed with appropriate notes to this effect. The Planning Commission may also require the filing of a written agreement between the applicant and the City Council covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

(Ord. 79-2, passed 6-15-1979)

' 153.021 PUBLIC ACCEPTANCE OF STREETS.

The approval by the Planning Commission of a final plat shall not be deemed to constitute or be evidence of any acceptance by any municipality, town, county or the state of any street, easement or other right-of-way shown on the final plat.

(Ord. 79-2, passed 6-15-1979)

CONSIDERATIONS

' 153.035 APPLICATION FOR CONSIDERATION.

The application for consideration shall be designed by the Planning Commission, made available by the Administrator and shall contain the following information: date of application; name and signature of applicant; property location and owner; type, description and reasons for request; fee information; case number; date for consideration; and chronology of application.

(Ord. 79-2, passed 6-15-1979)

' 153.036 SKETCH PLAN.

(A) The sketch plan to be submitted, shall be based upon tax map information or some other similarly accurate base map at a scale of not less than 200 feet to the inch and which enables the entire tract to be shown on one sheet.

(B) The sketch plan shall show the following information:

(1) The location of that portion which is to be subdivided in relation to the entire tract and the existing street;

(2) All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 500 feet thereof. Topographic data shall also be indicated at intervals of not more than two feet and be based on the datum of the 5th General Adjustment of 1929;

(3) The name of the owner and all of adjoining property owners as disclosed by the most recent tax records;

(4) The tax map sheet, block and lot numbers, if available;

(5) All utilities available, and all streets which are either proposed, mapped or built;

(6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area; and

(7) All existing restrictions on the use of land including easements, covenants or zoning lines. (Ord. 79-2, passed 6-15-1979)

' 153.037 PLANNING COMMISSION RECOMMENDATION.

The following information shall be contained on all recommendations submitted by the Planning Commission: case number; date of consideration; name of petitioner; requested action; planning considerations; and recommendations of the Planning Commission.

(Ord. 79-2, passed 6-15-1979)

' 153.038 PRELIMINARY PLAT.

The following information shall be submitted for the consideration of a preliminary plat, and shall be either placed directly on the plat or be attached to the plat. The preliminary plat shall be on a sheet 20 inches wide and 30 inches long and shall be drawn to a scale of one-inch equaling 100 feet. Where necessary, the preliminary plat may be on several sheets provided they are numbered and a key map is presented on the sheets showing the entire subdivision.

(A) *Identification.* The date; north point; map scale; name and address of: owner, subdivider, surveyor, engineer and designer, including their license numbers and seals; the name of the subdivision and all subdivisions immediately adjacent; an abstractors certificate indicating the names and addresses of property owners within 300 feet of the exterior boundary lines of the proposed plat.

(B) *Descriptions.*

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(1) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of a size and type as approved by the Engineer, and be referred and tied to the nearest quarter-section corner and shall be shown on the preliminary plat, descriptions, reference ties and elevations of all benchmarks. The total acreage of the subdivision and the proposed subdivision name, which shall not duplicate or be alike in pronunciation of any plat heretofore recorded.

(2) The state's coordinate system shall be used.

(C) *Existing conditions.*

(1) A zoning district, including exact boundary lines of the district, if more than one district, any proposed changes in the zoning district lines including dimensions and/or the zoning ordinance text applicable to the area to be subdivided;

(2) Topographic data with a contour interval of not more than two feet and supplementals of one foot in extremely flat areas; the datum shall be of the 5th General Adjustment of 1929. Watercourses, lakes, marshes, wooded areas, rock outcrops, power transportation poles and line, gas lines, single trees with a diameter of three inches or more as measured three feet above the base of the trunk and other significant existing features for the proposed subdivision and adjacent property;

(3) The location, right-of-way width and names of existing or platted streets or other public ways. Parks and other public lands, permanent buildings and structures, easements, section and corporate lines within the subdivision and to a distance 100 feet beyond;

(4) The location, size, grade and direction of flow of existing sewers, water mains, culverts, drains and underground facilities on the property and to a distance of 100 feet beyond. The elevations and locations of catch basins, inverts, manholes, hydrants and street pavement widths and type; and

(5) When on-site sewer and water facilities are to be utilized, soil tests shall be required.

(D) *Design features.* Layout of proposed streets, alleys, pedestrian-ways and easements showing right-of-way widths, gradients and proposed street names; preliminary dimensions of lots and blocks with their layout numbers using consecutive numbering of all lots and blocks beginning with number A1@ within the subdivision; out-lots shall be designated by alphabetical order beginning with AA@; areas intended to be dedicated or reserved for public use, including their size in acres; number of residential lots, typical lot sizes, plus information about all proposed uses within the subdivision; minimum front and side building setback lines; location, size and gradients of proposed sanitary sewers, storm sewers, water mains and plans for surface drainage and flood control.

(E) *Development proposals.*

(1) Plans and cross-sections showing the proposed location and type of street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type

thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits;

(2) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines and fire alarm boxes; connection to existing lines or alternate means of water supply or sewer disposal and treatment as provided in public health standards; profiles of all proposed water and sewer lines; storm drainage plan indicating the approximate location and size of proposed lines and their profiles; connection to existing lines or alternate means of disposal; preliminary designs of any bridges or culverts which may be required;

(3) The width, location, grades and street profiles of all streets or public ways proposed by the developer in the subdivision;

(4) All on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the state's Department of Health, and a note to this effect, including an estimate of the costs for the facilities shall be stated on the plat and signed by a licensed engineer;

(5) All parcels of land proposed to be dedicated to public use and the conditions of the dedication. A copy of all proposed private restrictions;

(6) An approximate grading plan if the natural contours are to be changed more than two feet;

(7) If the application covers only a part of the subdivider's entire holdings a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings; and

(8) A plan for potential resubdivision when large lots are utilized (in excess of one acre, 200 feet of width or over 200 feet of lot depth).

(F) *Supplemental information.*

(1) A notarized certification by the owner and by any mortgage hold of the property, of the adoption of the plat and the dedications required by this chapter; and

(2) A letter from concerned parties as requested by the Planning Commission may be required. (Ord. 79-2, passed 6-15-1979)

' **153.039 FINAL PLAT.**

(A) (1) The final plat shall be on a sheet 20 inches wide and 30 inches long and shall be drawn to scale of one inch equaling 100 feet.

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(2) The final plat shall comply with the requirements of M.S. Ch. 505, as it may be amended from time to time.

(3) Where necessary, the final plat may be on several sheets; provided, they are numbered and a key map is presented on the sheets showing the entire subdivision.

(B) The final plat will have incorporated all changes or modifications required and in all other respects conform to the approved preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop; provided that, the portion conforms with all the requirements of this chapter.

(Ord. 79-2, passed 6-15-1979)

' 153.040 SUPPLEMENTAL DOCUMENTS REQUIRED.

(A) Certifications showing that all taxes and assessments due on the property to be subdivided have been paid in full;

(B) An attorney's opinion of title showing title or control of the property to be subdivided; and

(C) A photo negative of the final plat at one inch equals 200 feet and six prints of same.

(Ord. 79-2, passed 6-15-1979)

REQUIREMENTS AND CONDITIONS**' 153.055 GENERAL.**

The following general requirements shall be met by the subdivider, unless the City Council grants a variance upon recommendation of the Planning Commission in accord with the provisions of this chapter.

(Ord. 79-2, passed 6-15-1979)

' 153.056 CONFORMITY TO COMPREHENSIVE PLAN.

All subdivisions shall conform to the Comprehensive Plan.

(Ord. 79-2, passed 6-15-1979)

' 153.057 DELAYED APPROVAL OF SUBDIVISIONS.

Where a proposed park, playground, school site or other public site as shown in the Comprehensive Plan is embraced in part or in whole by the boundaries of a proposed subdivision the public land shall be reserved and no action shall be taken towards approval of a preliminary plat for a period not to exceed six months to allow the opportunity to consider and take action towards acquisition of the land by the appropriate jurisdiction.

(Ord. 79-2, passed 6-15-1979)

' 153.058 CONFORMITY TO ZONING ORDINANCE.

All subdivisions shall conform to Ch. 154 of this code of ordinances and the zoning map.

(Ord. 79-2, passed 6-15-1979)

' 153.059 CHARACTER OF THE LAND.

The land to be subdivided shall be of a character that it can be used safely for the building proposed without danger to health or peril from fire, flood or other menaces.

(Ord. 79-2, passed 6-15-1979)

' 153.060 CONVEYANCE BY METES AND BOUNDS.

The conveyance of land by metes and bounds shall be prohibited, unless the conveyance is permissible under M.S. ' 462.353, subd. 4, as it may be amended from time to time, except in industrial zones.

(Ord. 79-2, passed 6-15-1979)

' 153.061 REGISTERED LAND SURVEYS.

(A) All registered land surveys shall be filed and are subject to the same procedures as required by this chapter for preliminary plats.

(B) Until approval is granted by the City Council, building permits shall be withheld, dedications shall not be accepted and no public money shall be spent towards installing utilities and improvements.

(Ord. 79-2, passed 6-15-1979)

' 153.062 ESTABLISHED MONUMENTS.

(A) All international, federal, state, county and other official monuments, benchmarks, triangulation points and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to ensure that these markers are maintained in good condition during and following construction and development.

(B) All section, quarter section and sixteenth section corners shall be duly described and tied.
(Ord. 79-2, passed 6-15-1979)

' 153.063 PRESERVATION OF NATURAL FEATURES.

The Planning Commission shall establish the natural features which add value to all developments and to the community, such as trees, or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless the tree is within the right-of-way of a street as shown on the final plat. Removal of trees shall be subject to the approval of the Planning Commission.
(Ord. 79-2, passed 6-15-1979)

' 153.064 WIND AND WATER EROSION.

The subdivider shall be required to institute measures as determined and directed by the Engineer to ensure the prevention of wind and water erosion during and upon the completion of construction.
(Ord. 79-2, passed 6-15-1979)

STREET PLAN

' 153.075 GENERAL.

Streets shall be of sufficient width, suitably located and adequately constructed: to conform with the Comprehensive Plan; to accommodate the prospective traffic; afford access for firefighting, snow removal and other road maintenance equipment; and shall be considered in their relationship to topographic conditions, to drainage and in their relationship to the proposed land uses to be served by the streets. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to comprise a convenient system.
(Ord. 79-2, passed 6-15-1979)

' 153.076 STREET ARRANGEMENT.

(A) *General.*

(1) The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivision and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewer, water and drainage.

(2) Minor streets shall be arranged so that their use by through traffic will be discouraged.

(B) *Blocks.*

(1) The acreage within bounding streets shall be such as to accommodate the size of lots required in that area by Ch. 154 of this code of ordinances and to provide for convenient access, circulation control and safety of street traffic.

(2) Blocks shall not be less than 500 feet, nor more than 1,320 feet, in length. No block width shall be less than twice the normal lot depth, unless it abuts a railroad right-of-way, a limited access highway, a major or arterial street, a river or park.

(3) In blocks exceeding 900 feet in length, the Planning Commission may require a 20-foot wide fenced easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a five-foot wide paved path be included.

(C) *Street alignments.*

(1) Street jogs shall have a centerline offset of 150 feet or more when applied to minor streets or service streets; in all other cases, they shall be prohibited.

(2) All streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.

(3) When connecting street centerlines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 150 feet.

(D) *Dead-end streets.* The creation of dead-end or loop residential streets will be encouraged whenever the Planning Commission finds that the type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Planning Commission may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved final plan for which a bond has been filed.

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(E) *Service streets.* Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, existing or planned, the Planning Commission may require a street approximately parallel to and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). The distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(F) *Relation to topography.* The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

(G) *Treatment along major streets.* When a subdivision abuts or contains an existing or proposed arterial or major street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(H) *Prohibited plans.* The following are prohibited and shall not be approved:

(1) Half streets;

(2) Private streets unless part of an approved planned unit development, in which case the streets shall conform to the approved design criteria of the city;

(3) Reserve strips controlling access to streets; and

(4) Intersections with more than four corners.

(Ord. 79-2, passed 6-15-1979)

' 153.077 STREET DESIGN.

(A) *Street improvements.* All streets shall be graded. The grading and improvements shall be approved as to design and specifications by the Engineer. Streets shall be of a suitable compacted gravel surface as approved by the Engineer.

(B) *Street widths.*

(1) Streets shall have the following minimum dimensions:

<i>Classification</i>	<i>Right-of-Way</i>
Access	50 feet
Collector	80 feet

Minor	66 feet
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(2) Greater widths may be required depending upon anticipated traffic volumes, planned function of the street and character of planned abutting land use;

(3) Street grades shall be established by the City Engineer; and

(4) Street radii.

(C) *Curves.* Street lines within a block, deflecting from each other at any one point by more than ten degrees, shall be connected with a curve, the radius of which for the centerline of street shall not be less than 400 feet on arterial and major streets, 200 feet on minor streets, and in no case shall the connecting tangent of two curves be less than 100 feet.

(D) *Corners.* All roadways at intersections shall be rounded by curves of at least a 20-foot radius. Roadways of alley-street intersections shall be rounded by a radius of not less than six feet. The centerlines of the intersecting streets shall be as near to 90 degrees as possible and in no case shall the intersection be less than 75 degrees.

(E) *Dead-end streets (cul-de-sacs).* Where dead-end streets are designed they shall not exceed 500 feet in length, and shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and a pavement radius of 50 feet. Corners at the entrances to the turn-around portions of cul-de-sacs shall have a radius of not less than 15 feet.

(F) *Watercourses.* Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the Engineer and installed by the developer.

(G) *Commercial areas.*

(1) In front of areas designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Commission to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for the commercial or business districts.

(2) Paved rear service streets of not less than 30 feet in width, or in lieu thereof, adequate loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use. (Ord. 79-2, passed 6-15-1979)

' 153.078 STREET NAMES.

(A) All street names shall be approved by the Planning Commission and shall conform to an established numbering and naming system if such a system exists.

(B) Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names; except that, streets that join or are in alignment with streets of an abutting or neighboring subdivision shall bear the same name.

(C) Any street changing direction by more than 90 degrees shall have a change in the street name.

(D) The subdivider shall install street signs as required and approved by the Engineer.
(Ord. 79-2, passed 6-15-1979)

' 153.079 UTILITIES.

(A) Water utilities.

(1) Where connection with a public water system is feasible, that system shall be utilized and service shall be provided to each lot.

(2) House service for water shall be of a type approved by the Engineer in conformance with adopted engineering practices.

(3) All water mains shall be of a material and design approved by the Engineer and be located in the street right-of-way. Oversized mains may be required with the additional costs to be borne by the benefitted properties.

(4) When a public water system is not available, individual wells are permitted when in accordance with division (H) below and an adopted well drilling ordinance.

(5) Fire hydrants of a type approved by the Engineer shall be installed in accordance with adopted standards.

(B) Sanitary sewer.

(1) Where connection with sanitary sewer trunk lines is feasible, the subdivider shall install approved sanitary sewer and make the connection with the trunk lines so as to provide service to each lot. The minimum installation of sanitary sewer shall be from manhole to manhole.

(2) House service for sanitary sewer shall be of a type approved by the Engineer in conformance with adopted engineering practices.

(3) All sanitary sewer lines shall be of a material and design approved by the Engineer and with the exception of laterals be located in the street right-of-way. Over-sized sewer lines may be required with the additional costs to be borne by the benefitted properties.

(4) When main trunk lines are not accessible, internal trunk sewers together with all necessary laterals extending from the mains to three feet beyond the curb or curb line shall be installed and capped for future connection.

(5) All installations shall be approved by the Engineer.

(6) On-site disposal systems may be permitted provided they conform to division (H) below and an adopted individual disposal system ordinance.

(C) *Storm sewer/drainage.*

(1) All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates in the developed property. All such systems shall be in conformity to the drainage plans and all piping shall provide complete removal and a permanent solution for the removal of drainage water.

(2) Where connection with an existing storm sewer system is feasible, that system shall be utilized so as to provide complete drainage of the subdivision.

(3) Drainage facilities shall be located in the street right-of-way where feasible or in perpetual unobstructed easements of appropriate width.

(4) In the absence of an existing storm sewer system, the subdivision shall be designed so as to be completely drained by a system of open ditches, culverts, pipes and/or catch basins.

(5) All drainage systems shall be approved by the Engineer.

(6) The drainage system shall be designed large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The drainage shall be based on conditions of total potential development permitted by Ch. 154 of this code of ordinances in the watershed. Oversized sewer lines may be required with the additional costs to be borne by the benefitted properties.

(D) *Electrical.*

(1) Electrical utilities, whenever feasible, shall be installed underground and completed prior to street surfacing.

(2) When overhead power lines are utilized, the poles shall be placed in a rear lot easement and positioned so as to provide individual service to each lot.

(E) *Street lighting.* Street lighting shall be in conformance with street lighting plans. The light standards and fixtures shall be installed after approval by the appropriate power company and the authorization of the Engineer.

(F) *Gas.* When natural gas is to be utilized, the lines shall be installed by the appropriate gas

company and be completed prior to street surfacing.

(G) *Telephone.*

(1) Telephone facilities, whenever feasible, shall be installed underground and completed prior to street surfacing.

(2) When overhead telephone lines are utilized, the pole shall be placed in a rear easement and positioned so as to provide individual service to each lot.

(H) *On-site utilities.*

(1) In areas which are not served by public water and sanitary sewer, no residential lot shall be developed unless it contains sufficient surface area for the existing sub-surface soil conditions so as to prevent possible pollution problems. Based upon percolation tests, the required lot size shall be increased in multiples of the minimum lot area for that zone, when public water and sanitary sewer is provided, until the lot size is adequate for the seepage rate.

(2) All individual wells and septic tanks shall conform to state and county regulations set forth in ordinances adopted for their installation and shall be approved by the Engineer.

(3) No installation of the distribution box of a septic tank shall be located closer than 125 feet to a well.

(4) Individual septic tanks shall be placed in the rear yard.

(5) The required plumbing shall be provided to permit connection to sanitary sewer mains where they become available. The plumbing shall be extended to a point five feet beyond the front or street side of the basement footing and capped. The vent elbow inside the basement shall be set-up to be easily reversed for connection to the capped line. The basement slab shall be scored for easy removal to include an area of three feet square.

(I) *Easements.*

(1) Easements of at least 20 feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. The easements shall have continuity of alignment from block to block and, at deflection points, easements for pole line anchors shall be provided where necessary. Easements may be required along property lines from utility easements on rear lot lines to rights-of-way.

(2) Easements shall be provided along each side of the centerline of any watercourse or drainage channel whether or not shown in the Comprehensive Plan, to a sufficient width to provide proper maintenance and protection and to provide for water runoff and installation and maintenance of a storm sewer.

(3) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Engineer and in no

case less than 20 feet in width.

(4) Easements shall be dedicated for the required use.
(Ord. 79-2, passed 6-15-1979)

' 153.080 LOTS.

(A) The lot arrangement shall be such that in constructing a building in compliance with Ch. 154 of this code of ordinances, there will be no foreseeable difficulties for reasons to topography or other natural conditions. Lots should not be of a depth as to encourage the later creation of a second building lot at the front or rear.

(B) All side lines of a lot shall be at right angles to straight street lines and radial to curbed street lines, unless a variance from this rule will give a better street or lot plan.

(C) Permanent monuments meeting specifications approved by the Engineer as to size, type and installation, shall be set at such block corners, angle points, points of curves in streets and other points as the Engineer may require, including the corners and points of the subdivision, and their location shall be shown on the plat.

(D) The lot dimensions shall not be less than the minimum required to secure the minimum lot area specified in Ch. 154 of this code of ordinances. Corner lots shall have extra width to permit appropriate building setbacks from both streets. Butt lots shall be platted at least five feet wider than the width of the interior lots; their use shall be avoided, when possible. Through lots, when permitted, shall have additional depth of ten feet for screen planting along the rear lot line. Remnants of lots below the minimum required size, left over after subdividing of a longer tract must be added to adjacent lot or a plan shown as to future use rather than allowed to remain as unusable parcels.

(E) Lots abutting upon a watercourse, drainageway, channel, stream or waterbody shall have additional depth or width, as required to assure that house sites are not subject to flooding.

(F) In the subdividing of any land, regard shall be shown for all natural features, such as trees, watercourses and bodies, which if preserved will add attractiveness to the proposed development.

(G) Where a proposed plat is adjacent to a limited access highway, major highway or thoroughfare, there shall be no direct vehicular access from individual lots to the roads. A temporary entrance may be granted for single tracts until neighboring land is subdivided and the required access can be feasibly provided.

(H) Where lots are platted in excess of one acre, 200 feet in width at the building setback, a preliminary resubdivision plan shall be submitted showing a potential and feasible way in which the lot or lots may be resubdivided in the future, including the building placements.
(Ord. 79-2, passed 6-15-1979)

' 153.081 SIDEWALKS.

(A) Sidewalks may be required by the City Council and Planning Commission along all Amajor@, Aminor@ and Acollector@ streets and in other areas as are necessary to adequately provide for the safety and welfare of pedestrians.

(B) All sidewalk widths shall conform to the following minimum standards:

<i>Classification</i>	<i>Width</i>
Commercial Zone	10 feet
Industrial Zone	6 feet
Multiple-Family Zone and public building sites	6 feet
Single-Family Zone	4 feet

(C) All sidewalks shall slope one-fourth inch per foot away from the property line and the profile grade shall not exceed 6%.

(D) Sidewalks shall be placed in the public right-of-way, one foot from the property line.

(E) Required sidewalks shall be concrete of four-inch thickness and be placed on a four-inch gravel base.

(F) All sidewalks shall be approved by the Engineer.
(Ord. 79-2, passed 6-15-1979)

' 153.082 ALLEYS.

(A) Except in the case of a Aplanned unit development@, either a public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or a major street. This requirement may be waived where other definite and assured provisions are made for service access consistent with and adequate for the uses proposed.

(B) All alley rights-of-way and pavement widths shall conform to the following minimum standards:

<i>Classification</i>	<i>Right-of-Way</i>	<i>Pavement</i>
Industrial or commercial	24 feet	20 feet
Multiple residential (one way)	16 feet	12 feet
Multiple residential (two way)	20 feet	16 feet

(C) All centerline gradients shall be at least 0.5% and shall not exceed 8%.

(D) Alley intersections and sharp changes in alignment shall be avoided.

(E) Dead-end alleys shall not be permitted.

(F) Alleys in residential areas other than those zoned for multiple-family use shall be permitted, subject to the requirements by the Fire Department and Utilities.

(G) All alleys shall be approved by the Engineer.
(Ord. 79-2, passed 6-15-1979)

' 153.083 PARKS, OPEN-SPACES AND NATURAL FEATURES.

(A) (1) Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission shall require that the area or areas be shown on plats in accordance with the requirements specified in this section.

(2) The area or areas shall be dedicated to the city by the subdivider if the City Council approves the dedication.

(B) (1) The Planning Commission shall require that plats show sites of a character, extent and location suitable for the development of a park, playground or other recreation purposes.

(2) The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.

(C) (1) In all new subdivisions, 7% of the gross area shall be dedicated for public recreation space, school sites or other public use with the percentage being in addition to property dedicated for streets, alleys, easements or other public ways.

(2) When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required to pay a fee of \$50 per lot created or 10% of the land value prior to its subdivision (the market value shall be determined by utilization of assessment records and formulas that apply thereto).
(Ord. 79-2, passed 6-15-1979)

*ADMINISTRATION AND ENFORCEMENT***' 153.095 ENFORCING OFFICER.**

This chapter shall be administered and enforced by an Administrator-Clerk appointed by the City Council.

(Ord. 79-2, passed 6-15-1979)

' 153.096 ADMINISTRATOR; DUTIES.

(A) The Administrator-Clerk is charged with the enforcement of this chapter and the regulations contained therein.

(B) The Administrator-Clerk shall receive and forward to the Planning Commission all applications, materials and information governed by the regulations contained in this chapter.

(Ord. 79-2, passed 6-15-1979)

' 153.097 VARIANCES AND WAIVERS.

(A) Where the City Council and the Planning Commission find that extraordinary and unnecessary hardships may result from strict compliance with this chapter, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that, the variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map or Ch. 154 of this code of ordinances.

(B) Where the City Council and the Planning Commission find that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive the requirements subject to appropriate conditions.

(C) Application for a variance shall be made in writing by the subdivider when the sketch plan is filed for consideration by the Planning Commission and shall state all facts relied upon by the applicant and be supplemented with maps, plans and other additional data. The plans for variances shall include covenants and other provisions necessary to guarantee the full achievement of the plan.

(D) In the granting of variances from this chapter, the City Council and Planning Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied.

(E) Any variance granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

(Ord. 79-2, passed 6-15-1979)

' 153.098 VARIANCES PERMITTED.

The following types of variances are permissible when, in the opinion of the City Council and the Planning Commission, the proposal conforms to the provisions in this section, is consistent with the intent and purpose of this chapter and that the proposed variance is not in conflict with the Comprehensive Plan, Ch. 154 of this code of ordinances and any other ordinances which may be applicable.

(A) *Exceptional topography.* A variance may be granted where the subdivider may show that by reason of exceptional topography or other physical conditions the strict compliance with this chapter would cause undue hardship on the enjoyment of a substantial property right.

(B) *Complete neighborhood.* A variance may be granted in a case where a subdivision that is large enough to constitute a self-contained neighborhood provided the City Council receives adequate safeguards to assure the development is according to a plan.

(C) *Planned unit development.* To provide flexibility for new land planning and land development techniques and concepts, variances may be granted for planned unit development. Complete and detailed plans shall be submitted showing the information required in ' 153.035 of this chapter with the addition of all proposed structures, uses, sidewalks, landscaping, off-street parking and other features and facilities.

(D) *Small subdivisions.* For purposes of conveying title or securing building permits, " 153.015 through 153.021, 153.035 through 153.40 and 153.075 through 153.083 shall not apply to the division of one or more lots platted into lots and blocks and designated in a subdivision plat on file and of record in the office of the County Recorder, into one or more separately described tracts, nor shall the ordinance apply to the consolidation of two or more platted lots or parts thereof into one or more tracts, upon compliance with the following conditions.

(1) The owner or owners of the platted lot or lots to be so divided shall file with the Administrator-Clerk a proposed survey plat by registered land surveyor of the lot or lots to be divided or consolidated. The plat or survey shall show the dimensions of the lots as measured upon the recorded plat and also the proposed division thereof. A written description of the separately described tract or tracts which will result from the proposed subdivision or consolidation shall be filed with the plat or survey.

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(2) The separately described tract of land to be conveyed or designated for building permit purposes by reason of the division or consolidation as described upon the proposed plat, shall not be less than the minimum dimensions required to secure the minimum lot area specified in Ch. 154 of this code of ordinances.

(3) Upon the application of an owner who shall have complied with this division (D), the Administrator-Clerk, subject only to other applicable ordinances, is authorized to issue the building permit requested on any separately described tract designated and set forth upon the proposed plat or survey.

(Ord. 79-2, passed 6-15-1979)

' 153.099 AMENDMENTS.

The procedure for amending this chapter is the same prescribed for its adoption.

(Ord. 79-2, passed 6-15-1979)

' 153.100 FEES.

The following fees shall be paid, by the subdivider, to the Administrator-Clerk at the time of submission of the required materials:

(A) Sketch plans: there shall be no fee required upon the submission of the sketch plan;

(B) Preliminary plat: a cash fee shall be paid in the amount of \$25, plus \$1 for each lot. This fee will be used for public expense in connection with the plat=s consideration by the Planning Commission; and

(C) Feasibility study: prior to the City Council ordering a feasibility study for any proposed project, the subdivider shall pay a fee of \$100 per proposed lot subject to a minimum fee of \$500 and a maximum fee of \$2,500.

(Ord. 79-2, passed 6-15-1979; Ord. 2003-1, passed 4-14-2003)

' 153.999 PENALTY.

Any subdivider who violates, omits, neglects or refuses to comply with the provisions or the enforcement of this chapter, or who sells, offers for sale or lease any lot or block of land which is in violation of this chapter, shall be guilty of a misdemeanor and subject to a fine not to exceed \$100, plus costs, and/or be sentenced to jail for a period not to exceed 90 days; each lot in violation and each day of violation shall be deemed a separate offense.

(Ord. 79-2, passed 6-15-1979)

CHAPTER 154: ZONING

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GENERAL PROVISIONS

' 154.001 TITLE.

This chapter shall be known, cited and referred to as the ABlooming Prairie Zoning Ordinance@, except, as referred to herein, where it shall be known as Athis chapter@.
(Ord. 1-69, passed - -1969)

' 154.002 INTENT AND PURPOSE.

This chapter is adopted for the purpose of:

(A) Protecting the public health, safety, comfort, convenience and general welfare;

(B) Dividing the city into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of structures and land;

(C) Promoting orderly development of the residential, business, industrial, recreational and public areas;

(D) Providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of buildings in relation to surrounding properties;

(E) Limiting congestion in the public rights-of-way;

(F) Providing the compatibility of different land uses and the most appropriate use of land throughout the city;

(G) Providing for the administration of this chapter and amendments thereto;

(H) Defining the powers and duties of the administrative officers and bodies as provided hereinafter; and

(I) Prescribing penalties for the violation of the provisions of this chapter or any amendment thereto.

(Ord. 1-69, passed - -1969)

' 154.003 RULES AND DEFINITIONS.

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

(1) The singular number includes the plural and the plural the singular.

(2) The present tense includes the past and future tenses and the future the present.

(3) The word *Ashall@* is mandatory and the word *Amay@* is permissive.

(4) The masculine gender includes the feminine and neuter genders.

(5) Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in the definition thereof.

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

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

ACCESSORY USE OR STRUCTURE. A use or structure or portion of a structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

AIRPORT or HELIPORT. Any land or structure which is used or intended for use for the landing and taking off of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights-of-way.

ALLEY. A public right-of-way which affords a secondary means of access to abutting property.

AUTO REDUCTION YARD. A lot or yard where three or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

BASEMENT. The portion of the building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground.

BED AND BREAKFAST. A building other than a motel or hotel with eight or less guest rooms, where for compensation, meals or lodging are provided for one or more persons, but not to exceed ten persons. All applicable Fire and Health Code provisions must be met before issuance of the license.

BOARDING HOUSE. A building other than a motel or hotel where, for compensation and by rearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed eight persons.

BUILDING. Any structure having a roof which may provide shelter or enclosure of persons, animals or chattels and when the structures are divided by party walls without openings, each portion of the building so separated shall be deemed a separate building.

BUILDING HEIGHT. A distance to be measured from the mean curb level along the front lot line or from the mean ground level for all of that portion of the structure having frontage on a public

right-of-way, whichever is higher, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest of the highest gable on a pitched or hip roof.

CARPORT. An automobile shelter having one or more sides open.

CURB LEVEL. The grade elevation as established by the city, of the curb in front of the center of the building. Where no **CURB LEVEL** has been established, the City Engineer shall determine a curb level or its equivalent for the purpose of this chapter.

DWELLING. A building, or one or more portions thereof, occupied or intended to be occupied exclusively for residence purpose, but not including rooms in motels, hotels, nursing homes, boardinghouses, nor trailers, tents, cabins or trailer coaches.

DWELLING - ATTACHED. A dwelling which is joined to another dwelling.

DWELLING - DETACHED. A dwelling which is entirely surrounded by open space on the same lot.

ESSENTIAL SERVICES. Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith, but not including buildings.

FAMILY. An individual, or two or more persons each related by blood, marriage or adoption, living together as a single housekeeping unit or a group of not more than four persons not so related, maintaining a common household and using common cooking and kitchen facilities.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, but excepting that area primarily devoted to window display, storage, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized for dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the outside of exterior walls.

GARAGE - PRIVATE. A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of 7,000 pounds.

GENERAL INDUSTRY. All manufacture, processing, packaging, treatment or assembly of products and materials likely to create offensive odors, noise, dust, smoke, heat, glare, dust, vibrations or other objectionable influences; such uses include sand and gravel operations, concrete or asphalt plants, junk yards, vinegar works, distilleries, clay-stone-glass products, combustible or explosive materials storage or processings chemicals (manufacture), wood planning and mill work, fertilizer and similar uses.

GROUND. A portion of a building located partly underground, but having less than one-half of its floor-to-ceiling height below the average grade of the adjoining ground.

HOME OCCUPATION. Any gainful occupation meeting all of the following requirements when engaged in only by persons residing in their dwelling, when that occupation is conducted in not more than one room within the principal structure, when evidence of the occupation is not visible from the street, when the principal structure becomes the base of operation for that occupation using only that equipment or machinery which is usually found in a home, and when not involving the retail sales of products produced off the site. No accessory building shall be used for a **HOME OCCUPATION**.

HOTEL. A building containing eight or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient, permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby or office.

JUNK YARD. An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

KENNEL, ANIMAL. Any place where three or more of any single type of domestic animals, over four months of age, are owned, boarded, bred or offered for sale.

LIMITED INDUSTRY. All manufacture, processing, packaging, treatment, or assembly of products and materials not likely to give offensive odors, noise, glare, heat, vibration, dust or other objectionable influences. Uses include service and light industries that manufacture, process, store and distribute goods and materials and are in general dependent upon raw materials refined elsewhere. These include electronics and research, assembly of parts, automobile repair, printing, tinsmithing, plumbing and contractors= shops, food processing (non-offensive) and similar uses.

LOT. A parcel of land occupied or used or intended for occupancy or use by a use permitted in this chapter, abutting on a public street, and of sufficient size to provide the yards required by this chapter.

LOT OF RECORD. Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor=s subdivision or a registered land survey, or a parcel of land not so platted, subdivided or registered, for which a deed, Auditor=s subdivision or registered land survey has been recorded in the office of the Register of Deeds or Registrar of Titles for the county, prior to the effective date of this chapter.

LOT AREA. The area of a lot in a horizontal plane bounded by the lot lines.

LOT AREA PER FAMILY. The number of square feet of lot area required per dwelling unit.

LOT - CORNER. A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot.

LOT LINE. A lot line is the property line bounding a lot; except that, where any portion of a lot extends into the public right-of-way, the line of the public right-of-way shall be the **LOT LINE** for applying this chapter.

LOT LINE - FRONT. The boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the **FRONT LOT LINE** shall be designated by the owner and filed with the city.

LOT LINE - REAR. The 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, parallel to and at the maximum distance from the front lot line.

LOT LINE - SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT - THROUGH. A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a **THROUGH LOT**, both street lines shall be front lot lines for applying this chapter.

LOT WIDTH. The maximum horizontal distance between the side lot lines of a lot measured within the first 30 feet of the lot depth.

MOBILE HOME. Any type of structure or vehicle which can be readily adaptable to or does provide facilities for a person or persons to eat or sleep which is mounted on wheels, has provisions for wheels or may be loaded on an ordinary flat bed truck, such as a house trailer, converted bus or truck, tent or small buildings.

MOBILE HOME COURT. Ten or more spaces for mobile homes in an area designated for the use. The term **MOBILE HOME COURT** shall include the terms trailer park, trailer court and mobile home park.

MOTOR COURT, MOTOR HOTEL or MOTEL. A parcel of land upon which is located a building or a group of buildings other than a hotel and used primarily as a temporary residence of a motorist.

MOTOR FREIGHT TERMINAL. A building or area in which freight brought by motor truck is assembled and/or stored for routing in intra-state or inter-state shipment by motor truck.

MOTOR SERVICE STATION. A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.

NOXIOUS MATTER or MATERIAL. Material capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the physical or economic well-being of individuals.

NURSERY - DAY. A use where care is provided for pay for three or more children under kindergarten age for periods of four hours or more per day.

OPEN SALES LOT. Land devoted to the display of goods for sale, rent, lease, advertising or trade where the goods are not enclosed within a building.

PERFORMANCE STANDARD. Criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

RETAIL SALES AND SERVICES. Stores and shops selling the following goods and services, food, clothing, drugs, hardware, laundry and dry cleaning, baker, furniture, watch repair, cafés, sporting goods and others similar to those listed above.

SIGN - ADVERTISING. A sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

SIGN - BUSINESS. 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 - FLASHING. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color during which time the sign is in use.

SIGN - GROSS AREA OF. Shall be the entire area within a single continuous perimeter enclosing the extreme limits of the sign and, in no case, passing through or between any adjacent elements of same. However, the perimeter shall not include any structural elements lying outside of the sign and not forming an integral part of the display.

SIGN - ILLUMINATED. Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

SIGN - NAMEPLATE. A sign indicating the name and address of a building or the name of an occupant therein.

SIGN - OUTDOOR. Any object which indicates a name, identifications description, display or illustration which is affixed to or represented, directly or indirectly, upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, business. However, a *Asign@* for application of this chapter shall not include any display of official court or public office notices or highway directional signs.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a **STORY**.

STREET. A public right-of-way not less than 50 feet in width which affords a primary means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, including, but without limiting, the generality of the foregoing advertising signs, billboards or fences.

STRUCTURE - NON-CONFORMING. Any structure which is legally existing upon the effective date of this chapter, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this chapter.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

USE. The purpose or activity for which the land, structure or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

USE - CONDITIONAL. Either a public or private use as listed which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After consideration, in each case, of the impact of the use upon neighboring land, and of the public need for the particular use at the particular location, the **CONDITIONAL USE** may or may not be granted by the Council.

USE - NON-CONFORMING. A use of lands, buildings or structures lawfully existing at the time of adoption of this chapter which does not comply with all the regulations of this chapter or any use of land, building or structure lawfully existing prior to the adoption of an amendment which would not comply with all of the regulations.

USE - OPEN. The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to 5% or less of the area of the lot.

USE - PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards of the districts.

USE - PRINCIPAL. The main use of land or buildings as distinguished from subordinate or accessory uses. A **PRINCIPAL USE** may be either permitted or conditional.

YARD. A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. A **YARD** shall extend along a lot line and at right angles to the lot line to a depth or width specified in the yard regulations for the district in which the lot is located.

YARD - FRONT. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which the lot is located.

YARD - REAR. A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which the lot is located.

YARD - SIDE. A yard extending along a side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which the lot is located.

ZONING DISTRICT. An area or areas within the limits of the city for which the regulations and requirements governing use are uniform.
(Ord. 1-69, passed - -1969; Ord. 88-1, passed 6-6-1988)

' 154.004 DISTRICT ESTABLISHMENT.

(A) For the purpose of this chapter the city is divided into zoning districts as shown on the AOfficial Zoning Map@, and which map is hereby made a part of this chapter.

(B) The city is hereby divided into the following zoning districts:

- (1) R-1A, Single-Family Residence;
- (2) R-1B, Single-Family Residence;
- (3) R-2, One- and Two-Family Residence;
- (4) R-3, Multiple-Family Residence;

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- (5) B-1, Limited Business;
- (6) B-2, General Business;
- (7) B-3, Central Business District; and
- (8) I, Industrial.

(C) Any land annexed to the city in the future shall be placed in the R-1A Residential District until placed in another district by action of the City Council.
(Ord. 1-69, passed - -1969)

' 154.005 DISTRICT REGULATIONS.

(A) *All districts.*

- (1) Excavation, construction sheds and stock piling of construction equipment and materials incidental to construction on the premises providing the activities are of a temporary nature;
- (2) Public facilities and essential services; and
- (3) Accessory uses.

(B) *R-1A Residential District.*

- (1) Permitted uses:
 - (a) One-family detached dwellings;
 - (b) Churches;
 - (c) Agricultural uses provided that no building in which farm animals or fowl are to be housed is nearer than 100 feet of a lot line;
 - (d) Plant nurseries or greenhouses, but no retail activities or commercial structure shall be located thereon without a special use permit; and
 - (e) Home occupations by special use permit only.
- (2) Special uses:
 - (a) Hospitals and clinics;

- (b) Rooming and boarding houses;
- (c) Bed and breakfast;
- (d) Philanthropic and charitable institutions;
- (e) Cemeteries;
- (f) Country clubs, golf courses, and other private or commercial recreation areas or facilities; and
- (g) Off-street parking facilities for more than three vehicles when abutting a non-residential district.

(C) *R-1B Residential District.*

- (1) Permitted uses: uses permitted in R-1A Districts; and
- (2) Special uses: special uses in R-1A Districts.

(D) *Residential District.*

- (1) Permitted uses:
 - (a) Two-family attached dwellings; and
 - (b) Uses permitted in R-1A and R-1B Districts.
- (2) Special uses:
 - (a) Special uses in R-1A and R-1B Districts; and
 - (b) Nursing homes.

(E) *R-3 Residential District.*

- (1) Permitted uses:
 - (a) Uses permitted in R-1A Districts;
 - (b) Uses permitted in R-1A and R-1B Districts; and
 - (c) Residential structures containing less than 12 or fewer dwelling units.

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(2) Special uses:

- (a) Special uses in R-1A, R-1B and R-2 Districts;
- (b) Residential structures containing more than 12 dwelling units; and
- (c) Day nurseries and nursery schools.

(F) *B-1 Business District.*

(1) Permitted uses:

- (a) Offices;
- (b) Clinics;
- (c) Clubs and lodges;
- (d) Laboratories; and
- (e) Limited industry.

(2) Special uses:

- (a) Residential structures containing more than two dwelling units;
- (b) Motor service station;
- (c) Nursing home;
- (d) Motel (if adjacent to state highway);
- (e) Drive-in business where people are served in automobiles; and
- (f) Undertaking establishments.

(G) *B-2 General Business District.*

(1) Permitted uses:

- (a) Retail sales and services;
- (b) Clinics;

- (c) Offices; and
- (d) Clubs and lodges.

(2) Special uses:

- (a) Motor service stations;
- (b) Used car lots;
- (c) Commercial recreation;
- (d) Drive-in business where people are served in automobiles; and
- (e) Undertaking establishments.

(H) *B-3 Business District.*

(1) Permitted uses:

- (a) Uses permitted in B-2 Districts;
- (b) Motor service stations;
- (c) Commercial recreation; and
- (d) Undertaking establishments.

(2) Special uses: limited industry.

(I) *I Industrial District.*

(1) Permitted uses:

- (a) Limited industry;
- (b) Warehousing and truck terminals; and
- (c) Railroad uses.

(2) Special uses:

- (a) General industry;

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- (b) Drive-in business where people are served in cars, including drive-in theaters; and
- (c) Undertaking establishments.

(J) *Uses not provided for.* Whenever in any district a use is neither specifically permitted, nor denied, the Planning Commission shall determine whether a building permit shall be issued. It shall be issued if the use is generally of the same nature as permitted uses, and shall be denied if it is not so similar.

(Ord. 1-69, passed - -1969; Ord. 88-1, passed 6-6-1988)

ADMINISTRATION AND ENFORCEMENT

' 154.020 ENFORCING OFFICER.

The Mayor shall appoint a Zoning Administrator, subject to the approval of the Council, who shall have the duty and responsibility of enforcing and administering this chapter.

(Ord. 1-69, passed - -1969)

' 154.021 BUILDING PERMITS.

No structure shall hereafter be erected or structurally altered until a building permit shall have been issued indicating that the existing or proposed structure and the use of the land, comply with this chapter and all Building Codes. All applications for building permits pertaining to the erection, or major alteration, which will affect the outside dimensions of a structure shall be accompanied by three copies of a plat drawn to scale showing the actual dimensions of the lot, lots or parcel to be built upon, the dimensions of the ground and the extensions beyond the outside wall of the proposed structures to be erected or structurally altered, their location on the site in relation to the outside boundary and other information as may be necessary to provide for the enforcement of these regulations. One copy of the plat is to be approved and is to be made available on the site until the issuance of an occupancy permit.

(Ord. 1-69, passed - -1969)

' 154.022 ZONING ADMINISTRATOR; DUTIES.

The Zoning Administrator shall enforce this chapter and, in addition thereto and in furtherance of the authority, he or she shall:

(A) Conduct inspections of buildings and use of land to determine compliance with the terms of this chapter;

(B) Maintain permanent and current records of this chapter, including, but not limited to, all maps, amendments, and conditional uses, variances, appeals and applications thereto;

(C) Receive, file and forward all applications for amendments, variances, conditional use or other matters to the Planning Commission and City Council; and

(D) Institute in the name of the city any appropriate actions or proceedings against a violator as provided by law.

(Ord. 1-69, passed - -1969)

' 154.023 APPEALS.

(A) A Board of Appeals, which shall be the Planning Commission, plus the Fire Chief and Zoning Administrator, who shall be ex-officio members, but shall have no right to vote, shall have the duty of hearing all appeals from any order, requirement or decision made by the Zoning Administrator under this chapter; and from any interpretation of the text of the ordinance, or any determination by the Zoning Administrator as to the location of the boundary of a zoning district as shown on the zoning map.

(B) The Board of Appeals shall have the final authority to deny the appeal after due study and deliberation. Should the Board of Appeals act favorably on the appeal, it shall forward its recommendation to the City Council for final action.

(C) Notice of hearings shall be mailed to all appellants. In all cases rendering determination of district boundary lines or interpretation of the text of this chapter, a notice shall be published in the official newspaper once at least ten days prior to the hearing.

(Ord. 1-69, passed - -1969)

' 154.024 VARIANCES.

(A) The City Council may grant variances from the strict application of the provisions of this chapter and impose conditions and safeguards in the variances so granted, in cases where, by reason of narrowness, shallowness or shape of a lot, or where by reason of exceptional topographic or water conditions or other extraordinary and exceptional conditions of the lot, the strict application of the terms of this chapter would result in peculiar and practical difficulties or exceptional or undue hardship upon the owner of the lot in developing or using the lot in a manner customary and legally permissible within the zoning district in which the lot is located.

(B) Applications for variances shall be filed with the Zoning Administrator and shall state the exceptional conditions of the lot and the peculiar and practical difficulties claimed as a basis for the variance.

(C) All applications for variances shall be referred to the Planning Commission, which shall hear the applicant, or representative thereof, at its next regular meeting after the filing of the application or at some other specified time. The Planning Commission shall recommend conditions relating to the granting of a variance as it deems necessary to adjust the hardship or special situation so as to carry out the intent and purpose of this chapter or shall deny the request.

(D) Upon receiving the recommendation of the Planning Commission or within 60 days after referral of the application for a variance to the Planning Commission if no recommendation has been transmitted, the City Council shall place the request on the agenda for its next regular meeting. The City Council shall reach a decision upon the request within 60 days after the date of the above meeting.

(E) In considering all requests and in taking subsequent action, the Planning Commission and City Council shall make a finding of fact that the proposed action will not impair an adequate supply of light and air to adjacent property, increase the congestion in the public streets, unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this chapter.

(Ord. 1-69, passed - -1969)

' 154.025 SPECIAL USES.

(A) *General.* The City Council may, by resolution, grant special use permits for uses and purposes elsewhere in this chapter provided, and may impose conditions and safeguards in the permits to promote the Comprehensive Plan in harmony with the general purpose and intent of this chapter. Applications for special use permits shall be filed in the office of the Zoning Administrator.

(B) *Referral to Planning Commission.* Before authorization of any special use permits, the request therefor shall be referred to the Planning Commission for study concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the neighborhood and for its recommendation to the City Council for the granting of the special permit and the conditions thereof if any, or for the denial of the special permit.

(C) *Issuance.* In considering applications for special use permits under this chapter, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities on adjacent streets, and the effect on values of property in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. If it shall determine by resolution that the proposed use will not be detrimental to the health, safety or general welfare of the community, nor will cause serious traffic congestion or hazard, nor will seriously depreciate surrounding property values, and that the same is in harmony with the general purpose and intent of this chapter and the Comprehensive Plan, the Council may grant the permits and may impose safeguards and conditions therein. Any conditional use permit shall apply only to the use stated on the permit.

(D) *Denial*. Special use permits may be denied by motion of the City Council and the motion shall constitute a finding and determination by the City Council that the conditions required for approval do not exist.

(E) *Action without Planning Commission recommendation*. If no recommendation is transmitted by the Planning Commission within 60 days after referral of the application for a special use permit to the Commission, the City Council may take action without further awaiting the recommendation.
(Ord. 1-69, passed - -1969)

' 154.026 AMENDMENTS.

(A) *General*. In accordance with the provisions of state statutes, the City Council may, from time to time, adopt amendments to this chapter.

(B) *Initiation for amendment*. The City Council or the Planning Commission may, upon their own motion, initiate a request to amend the text or the districting map of this chapter. Any person, persons, firm or corporation owning real estate may initiate a request to amend the district boundaries so as to affect the real estate and/or the real estate abutting thereto. Any resident or owner of real estate in the city may initiate a request to amend the text of this chapter.

(C) *Application for amendment*. All applications for amendments which are initiated by the petition of owners of property or residents shall be filed with the Zoning Administrator. When the application involves the changing of zoning districts and boundaries thereof, it shall be accompanied by a map or plat showing the lands proposed to be changed and all lands within 200 feet of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in the area.

(D) *Referral to the Planning Commission*. All petitions for amendments shall be referred to the Planning Commission, which shall hold an official public hearing.

(E) *Hearing*. At the time and place specified in the notice, the Planning Commission shall meet and conduct a public hearing upon the proposed zoning ordinance amendment.

(F) *Action by the Planning Commission*. If the request is for a district change, notices shall be mailed to all owners of property according to the assessment records within 200 feet of the parcel included in the request, not less than five days, nor more than 30 days, prior to the hearing. Failure of a property owner to receive the notice shall not invalidate any such proceeding as set forth within this chapter. The Planning Commission shall reach a decision and make its recommendation within 60 days of filing of the request unless the applicant has granted a deferment of action in writing and, if so, the City Council shall be so notified.

(G) *Action by the City Council.* The City Council shall, upon receiving the recommendation of the Planning Commission, place the request on the agenda of its next regular meeting and decide the issues within ten days. Notification to the applicant shall be made of the Council's action.

(Ord. 1-69, passed - -1969)

' 154.027 FEES.

The fees to be paid for each application for an amendment to this chapter or a variance or conditional use permit shall be established by the City Council. Fees shall be payable at the time applications are filed with the Zoning Administrator and not refundable unless application is withdrawn prior to referral to the Planning Commission. There shall be no fee in the case of applications filed in the public interest by members of the City Council or by the Planning Commission.

(Ord. 1-69, passed - -1969)

SUPPLEMENTAL REGULATIONS

' 154.040 APPLICATION.

(A) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morale and welfare.

(B) Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

(C) Except as in this chapter specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used, for any purpose or in any manner which is not in conformity with this chapter.

(D) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, the judgment shall not affect any other provisions of this chapter not specifically included in the judgment.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.041 NON-CONFORMING USES AND STRUCTURES.

(A) Any structure or use lawfully existing upon the effective date of this chapter may be continued at the size and in a manner of operation existing upon the date, except as hereinafter specified.

(B) Nothing in this chapter shall prevent the placing of a structure in safe condition when the

structure is declared unsafe by the city.

(C) When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

(D) Whenever a lawful non-conforming building or structure shall have been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, it may be reconstructed and used as before if it be reconstructed within 12 months after such calamity, unless the damage to the building or structure is 50% or more of its fair market value, in which case the reconstruction shall be for a use in accordance with the provisions of this chapter.

(E) Whenever a lawful, non-conforming use of a building or structure or land is discontinued for a period of six months, any future use of the building or structure or land shall be in conformity with the provisions of this chapter.

(F) Any non-conforming open use of land lawfully existing upon the effective date of this chapter may be continued for a period of three years after the effective date of this chapter, whereupon the non-conforming use shall cease.

(G) Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

(H) A lawful non-conforming use may be changed only to a use of the same or more restricted classification.

(I) Alterations may be made to a structure or building containing lawful non-conforming residential units when they will improve the livability thereof; provided, they will not increase the number of dwelling units.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.042 LOT PROVISIONS.

(A) A lot or parcel of land for which a deed has been recorded in the office of the County Registrar of Deeds upon, or prior to, the effective date of this chapter shall be deemed a buildable lot; provided, it has frontage on a public right-of-way and the space requirements for the district in which it is located can be maintained or adjusted to conform as follows.

(B) A lot or parcel of land of record upon the effective date of this chapter which is in a residential district and which does not meet the requirements of this chapter as to area, width or other open space, may be utilized for single-family detached dwelling purposes provided the measurements of the area, width or open space is within 60% of the requirements of this chapter, but the lot or parcel shall not be more intensively developed.

(Ord. 1-69, passed - -1969)

' 154.043 ACCESSORY BUILDINGS.

(A) 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 accessory.

(B) No accessory building shall exceed the height of the principal building. However, in no case shall the accessory building exceed 15 feet in height.

(C) No more than two accessory buildings and no more than one detached garage shall be permitted on a single residential lot, except for multi-family dwellings of four or more units.

(D) Accessory buildings in a residential area shall not exceed 1,000 square feet in total gross floor area and shall abide by the same setback requirements as the principal structure.

(E) No accessory building in a residential area shall be used for commercial purposes.

(F) To ensure that the design and appearance of accessory buildings are appropriate for a residential district, the buildings that are greater than 120 square feet in gross floor area shall have a roof and siding design which matches or is architecturally complimentary to the principal structure.

(G) The requirements of this section will only apply to structures of 120 square feet of gross floor area or larger.

(Ord. 1-69, passed - -1969; Ord. 98-5, passed 6-8-1998) Penalty, see ' 154.999

' 154.044 REQUIRED YARDS AND OPEN SPACES.

(A) No yard or other open space shall be reduced in area or dimension so as to make the yard or other open space less than the minimum required by this chapter and, if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

(B) No required yard or other open space allocated to a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.

(C) The following shall not be considered to be encroachments on yard and setback requirements: chimneys; flues; belt courses; leaders; sills; pilasters; lintels; ornamental features; cornices; eaves; gutters and the like; provided, they do not extend more than one and one-half feet into a yard.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.045 TRAFFIC VISIBILITY.

No fences, structures or planting exceeding 30 inches in height above the centerline grade of the street shall be permitted within the required front yard setback on a corner lot.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.046 FARMING OPERATIONS.

All farms in existence upon the effective date of this chapter and all farms which are brought into the city by annexation shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained herein and other city ordinances as in effect shall apply to all changes of the farming operation which will cause all or a part of the area to become more intensively used or more urban in character.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.047 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by state law and ordinances of the city.

(Ord. 1-69, passed - -1969)

' 154.048 LAND RECLAMATION.

Under this chapter, *LAND RECLAMATION* is the reclaiming of land by depositing of material so as to elevate the grade. Land reclamation shall be permitted only by conditional use permit in all districts. Any lot or parcel upon which 400 cubic yards or more of fill is to be deposited shall be land reclamation.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.049 RELOCATED STRUCTURES.

Before any structure or house is moved onto a lot, the Planning Commission shall report to the City Council whether the structure will be compatible with other development in the area. If the Council shall find that a structure would depreciate the area into which it is moved, the City Council may withhold issuance of a conditional use permit for the relocation. The applicant shall submit photographs taken from two or more angles of the structure to be moved and photos of the lot on which the structure is to be located together with photos of adjacent lots and structures. These requirements do not apply to construction sheds or other temporary structures to be located on a lot for 12 months or less.

(Ord. 1-69, passed - -1969)

' 154.050 TEMPORARY HEALTH CARE DWELLINGS.

Pursuant to authority granted by M.S. ' 462.3593, subd. 9, as it may be amended from time to time, the city opts-out of the requirements of M.S. ' 462.3593, as it may be amended from time to time, which defines and regulates temporary family health care dwellings.

(Ord. 2016-1, passed 10-10-2016)

PERFORMANCE STANDARDS

' 154.065 PURPOSE.

The guiding of urban development so as to bring about a compatible relationship of uses depends upon certain standards being maintained. Permitted uses, uses by conditional permit and accessory uses in the various districts shall conform to the following standards.

(Ord. 1-69, passed - -1969)

' 154.066 NOISE.

Any use established shall be so operated that no noise resulting from the use is perceptible beyond the boundaries of the lot line of the site on which the use is located. This standard shall not apply to incidental traffic, parking, loading, constructions or maintenance operations.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.067 SMOKE AND PARTICULATE MATTER.

Any use established, enlarged or remodeled after the effective date of this chapter shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort or general welfare of the public. For purpose of determining when the degree of smoke is unsatisfactory the Ringelmann Chart published and used by the United States Bureau of Mines shall be employed. The emission of smoke shall not be of a density greater than No. 2 in the Ringelmann Chart.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.068 TOXIC OR NOXIOUS MATTER.

Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein the use is located, toxic or noxious matter in a concentration as to be detectable or to endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.069 ODORS.

Any use established, enlarged or remodeled shall be so operated as to prevent the emission of odorous matter in quantities as to be readily detectable at any point beyond the lot line of the site on which the use is located.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.070 VIBRATION.

Any use creating periodic earth-shaking vibrations, such as may be created from a drop forge, shall be prohibited if the vibrations are perceptible beyond the lot line of the site on which the use is located. This standard shall not apply to vibrations created during the process of construction.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.071 GLARE OR HEAT.

Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shielding to prevent the heat or light from being detectable at the lot line of the site on which the use is located.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.072 EXPLOSIVES.

Any use requiring the storage, utilization or manufacturing of products which would decompose by detonation shall be located not less than 400 feet from the R District line.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.073 WASTE MATERIAL.

Waste material shall not be washed into the public storm sewer system nor the sanitary sewer system without first having received a permit to do so from the city, if the permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.074 GENERAL INDUSTRY USES.

General industry uses may be excepted from the performance standards.

(Ord. 1-69, passed - -1969)

' 154.075 MINIMUM LOT REQUIREMENTS.

	<i>Districts</i>							
	<i>R-1A</i>	<i>R-1B</i>	<i>R-2</i>	<i>R-3</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>

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	<i>Districts</i>							
	<i>R-1A</i>	<i>R-1B</i>	<i>R-2</i>	<i>R-3</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>
Lot area per dwelling unit (square feet)								
1-family structure	10,000	6,500	6,500	6,500	-	-	-	-
2-family structure	-	-	3,250	3,250	-	-	-	-
Over 2-family structure	-	-	-	10,000 min.	-	-	-	-
1-bedroom	-	-	1,500	-	-	-	-	-
2-bedroom	-	-	-	2,000	-	-	-	-
Non-residential lot area	-	-	-	-	10,000	-	-	-
Lot width (feet)	80	50 (65 for 2-family)	50 (65 for 2-family)	80	-	-	-	-
Setback								
Front	30	30	30	30	30	15	-	20*
Side								
(with alley)	6	5	5	10**	10***	-	(1)	(3)
(no alley)	6 on enc. 9 on other	5	5	10**	10***	-	(1)	(3)
Rear	30	30	30	30	20	-	(2)	(4)
From street right-of-way, in case of corner lot	25	20	15	20	25	20	20	25
Maximum permitted height (feet)	25	25	25	30	35	35	35	40
<p>NOTES TO TABLE:</p> <p>* 40 feet when across street from residential district.</p> <p>** 15 feet when adjacent to R-1A, R-1B or R-2 District.</p> <p>*** 15 feet when adjacent to residence district.</p> <p>(1) 15 feet when adjacent to residence district.</p> <p>(2) 20 feet when adjacent to residence district and 5 feet for parking adjacent to residence district.</p> <p>(3) 15 feet, except 40 feet when adjacent to residence district.</p> <p>(4) 20 feet, except 50 feet when adjacent to residence district.</p>								

The setback requirements for fences are as follows:

(A) Thirty feet from street right-of-way at the front of the property;

(B) Two feet from side and rear property lines, except twenty-five feet from the edge of the gravel on an alley; and

(C) Twenty-five feet from street right-of-way on the side lot line of a corner lot.

(Ord. 1-69, passed - -1969; Ord. 2000-4, passed 7-10-2000)

SIGNS

' 154.090 SIGNS IN ALL DISTRICTS.

Signs are a permitted accessory use in all use districts, subject to the following regulations.

(A) Signs are prohibited within the public right-of-way or easements; except that, the City Council may grant a conditional permit to locate signs and decorations on or within the right-of-way for a specified time not to exceed 60 days.

(B) Illuminated signs or flashing signs shall not be permitted within the residential districts.

(C) Illuminated signs or devices giving off an intermittent, or rotating beam consisting of a collection or concentration of rays of light shall not be permitted in any district.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.091 PERMITTED SIGNS IN R-1A, R-1B, R-2 AND R-3 DISTRICTS.

(A) One nameplate sign for each dwelling, not to exceed one square foot in area per sign; and

(B) One nameplate sign for each dwelling group of three or more units not to exceed three square feet in area per sign.

(Ord. 1-69, passed - -1969)

' 154.092 PERMITTED SIGNS IN B-1 DISTRICT.

(A) Nameplate and business signs with the aggregate area per lot not to exceed three square feet for each front foot of building plus one square foot for each front foot not occupied by a building.

(B) No individual sign shall exceed 150 square feet of area per surface.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.093 PERMITTED SIGNS IN B-2 AND B-3 DISTRICTS.

(A) Nameplate and business signs are permitted subject to the following: the aggregate square footage of sign space per lot shall not exceed the sum of two square feet per front foot of building, plus one square foot for each front foot of lot not occupied by the building which fronts on a public right-of-way 50 feet or more in width. The least width of a lot for purposes of this chapter shall be the front. No individual sign surface shall exceed 100 square feet.

(B) Advertising signs are not permitted without the granting of a special use permit.

(Ord. 1-69, passed - -1969; Ord. 98-6, passed 8-10-1998) Penalty, see ' 154.999

' 154.094 PERMITTED SIGNS IN I DISTRICTS.

(A) Nameplate and business signs shall be permitted subject to the following: the aggregate square footage of sign space per lot shall not exceed the sum of four square feet per front of building, plus one square foot per front foot of property not occupied by a building. No individual sign surface shall exceed 250 square feet.

(B) Advertising signs are not permitted without the granting of a special use permit.
 (Ord. 1-69, passed - -1969; Ord. 98-6, passed 8-10-1998) Penalty, see ' 154.999

OFF-STREET PARKING AND LOADING

' 154.105 OFF-STREET PARKING.

(A) *General provisions.*

(1) When applying for a building permit in all districts for a new structure, the enlarging of a structure or a new or enlarged use of a parcel of land, the application shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the following requirements.

(2) Individual parking spaces shall be no smaller than ten feet by 20 feet.

	<i>Off-Street Parking Spaces Required</i>
Residential structures	1/dwelling unit
Uses in B-1 Districts	1/200 square feet of building area
Uses in B-3 Districts	1/150 square feet of building area
Uses in I Districts	1/2 employees or 1/1,000 square feet of building area, whichever is the greatest requirement

(B) *Miscellaneous uses.*

Banks, offices and/or public office buildings	At least 4 parking spaces for each 100 square feet of gross floor area
Bowling alley	At least 5 parking spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant

Church, institution	At least 1 parking space for each 3-1/2 seats based on the design capacity of the main assembly hall
Drive-in food establishment	At least 1 parking space for each 15 square feet of gross floor space in building allocated to drive-in operation
Furniture store, wholesale auto sales, repair shops	At least 3 parking spaces for each 1,000 square feet of gross floor area; open sales lots shall provide 1-1/2 parking spaces for each employee on maximum shift, but not less than 3 spaces
Hospital	At least 1 parking space for each 3 hospital beds, plus 1 space for each 4 employees other than doctors, plus 1 parking space for each resident and regular staff doctor
Hotel or apartment hotel	At least 1 parking space for each rental unit provided in the design of the building
Medical or dental clinic	At least 3 parking spaces for each staff doctor or dentist
Motel, tourist home, motor hotel	At least 1 space for each dwelling unit or lodging room
Motor fuel station	At least 1 off-street parking space for each employee on maximum shift, plus 2 off-street parking spaces for each service stalls
Restaurants, cafes, bars, taverns, night clubs	At least 1 space for each 3 seats based on capacity design
Retail store	At least 7 off-street parking spaces for each 1,000 square feet of gross floor area
Sanitarium, convalescent home, best home, nursing home or institution	At least 1 parking space for each 6 beds for which accommodations are offered, plus 1 parking space for each 2 employees on maximum shift
School, elementary and junior high	At least 1 parking space for each classroom, plus 1 additional space for each 400-student capacity
School - high school through college	At least 1 parking space for each 7 students based on design capacity, plus 1 additional space for each 2 classrooms
Theater	At least 1 parking space for each 3 seats of design capacity
Undertaking establishments	At least 5 parking spaces for each chapel or parlor, plus 1 parking space for each funeral vehicle maintained on the premises; aisle space shall also be provided off the street for making up a funeral procession
Warehouse, storage, handling of bulk goods	At least 1 space for each 2 employees on maximum shift, or 1 for each 2,000 square feet of gross floor area, whichever is the larger

(Ord. 1-69, passed - -1969)

' 154.106 OFF-STREET LOADING.

In connection with any structure which is to be erected or substantially altered, and which requires

the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space on the basis of adequate space for loading and unloading all vehicles used incidental to the operation of the use.

(Ord. 1-69, passed - -1969)

MOBILE HOMES AND MOBILE HOME COURTS

' 154.120 GENERAL REGULATIONS.

(A) No mobile home for residential purposes shall be permitted on any lot or lots of record within the city unless the lot or lots are part of an approved mobile home court as established herein.

(B) Any trailer house parked within any residential area of the city on the effective date of this chapter, and shall have been continuously so parked therein for at least 30 days with proper authorization prior to the dates it shall be lawful to continue the parking at the same place from and after the effective date of this chapter; provided, however, that, upon removal of the trailer house for any reason whatsoever, it shall be unlawful to repark the trailer house or to replace the trailer house on a lot within a residential area of the city in violation of the provision of this chapter.

(C) Mobile homes shall be prohibited that:

(1) Do not conform to the requirements of the state; and

(2) Are in an unsanitary condition or having an exterior in bad repair, are structurally unsound and do not protect the inhabitants against all elements.

(D) Every structure shall be developed and maintained in a safe, approved and substantial manner. The exterior of the structures shall be kept in good repair and shall be repainted or refinished when directed by the city.

(E) All land areas shall be properly maintained and adequately drained and be clean and free from refuse, garbage, rubbish or debris.

(F) No tents shall be erected or occupied.

(G) There shall be no outdoor camping anywhere in the mobile home court.

(H) No public address or loud speaker system shall be permitted.

(I) Dogs and animals shall not be permitted to run at large within the mobile home court.

(J) Access to mobile home courts shall be as approved by the city.

(K) Advertising shall be limited to one sign not to exceed six square feet, with lighting, height and location as approved by the city.

(L) The operator of every mobile home court shall maintain a registry of the mobile home court showings.

(M) (1) The name and address of each guest or permanent resident; and

(2) The make, type and license number of each mobile home and automobile.

(N) No person shall erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a cabana or structure in a mobile home court without the written consent of the owner or operator of the mobile home court.

(O) All structures (fences, sidewalks, roads, storage space, cabana, ramada or other) shall require a building permit.

(P) The area beneath a mobile home coach shall be enclosed; except that, the enclosure must be openable for inspection.

(Q) Laundry and clothes shall be hung out to dry only on lines located in approved areas established and maintained exclusively for that purpose.

(R) No more than 10% of all trailer sites shall be occupied by transient (less than seven days= occupancy) coaches.

(S) No building cabana, ramada, carport, awning, storage closet, cupboard or other structure shall be permitted on a transient trailer site, except plumbing and electrical service connections.

(T) (1) Where mobile home court has a central community building with the following features:

(a) Laundry drying areas and machines;

(b) Laundry washing machines;

(c) Showers; and

(d) Public toilets and lavatories.

(2) The building shall have approved heating system and be maintained in a safe, clean and sanitary condition.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

' 154.121 SITE PLAN REQUIREMENTS.

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(A) Five copies of a plot plan of the proposed mobile home court shall be submitted to the Planning Commission for its consideration.

(B) The plot plan shall be drawn to scale and showing:

- (1) Legal description and size in acres of the proposed mobile home court;
 - (2) Location and size of all mobile homes sites, dead storage areas, recreation areas, laundry drying areas, roadways, parking sites and all set-back dimensions (parking spaces, exact mobile home sites and the like);
 - (3) Detailed landscaping plans and specifications;
 - (4) Location and width of sidewalks;
 - (5) Plans for sanitary sewage disposal, surface drainage, water systems, electrical service and gas service;
 - (6) Location, size and character of each cabana and cabana site;
 - (7) Location and size of all streets abutting the mobile home court and all driveways from the streets to the mobile home court;
 - (8) Road construction plans and specifications;
 - (9) Plans for any and all structures;
 - (10) Other information as required or implied by these mobile home court standards or requested by public officials;
 - (11) Name and address of developer;
 - (12) Description of the method of disposing of garbage and refuse;
 - (13) Detailed description of maintenance procedures and grounds supervisor; and
 - (14) Description of construction plans (i.e., time involved, cost estimates, stage development, if any, and so on).
- (Ord. 1-69, passed - -1969)

' 154.122 DESIGN STANDARDS.

(A) *Site.*

- (1) Each mobile home site shall contain at least 3,600 square feet of land area for the exclusive

use of the occupants:

- (a) Widths: no less than 40 feet; and
- (b) Depths: no less than 90 feet.

(2) Each mobile home site shall have frontage on an approved roadway.

(3) The corners of each mobile home site shall be clearly marked and each site shall be numbered.

(4) The area occupied by a mobile home shall not exceed 75% of the total area of a mobile home site; land may be occupied by a trailer, a vehicle, a building, a cabana, a ramada, a carport, an awning, storage closet or cupboard, or any structure; unoccupied land shall be landscaped.

(B) *Setbacks.*

(1) No coach shall be parked closer than five feet to the side lot lines, nor closer than ten feet to the front lot line or within three feet of the rear lot line.

(2) There shall be an open space of at least ten feet between the sides of adjacent coaches.

(3) Automobiles may park no closer than five feet to the side of any adjacent coach, automobiles shall not, however, be parked nearer than five feet to any side lot line.

(4) No coach, off-street parking space or building shall be located within ten feet of the exterior boundary of any mobile home courts.

(5) Mobile home sites with access to public streets shall conform to all setback and other requirements of the zoning district in which the site is located.

(C) *Parking.* Each mobile home site shall have off-street parking space for two automobiles.

(D) *Utilities.*

(1) All mobile homes shall be connected to a public water and sanitary sewer system or a water and sewer system approved by the state=s Department of Health.

(2) All plans for disposal of surface storm water must be approved by the city.

(3) All utility connections shall be approved by the city.

(4) The source of fuel for cooking, heating or other purposes at each mobile home site shall be as approved by the city.

(5) All utilities shall be underground; there shall be no overhead wires or supporting poles, except those essential for street or other lighting purposes.

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(6) No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related mobile home equipment.

(7) The proposed method of garbage, waste and trash disposal must be as approved by the city.

(E) *Internal roads and streets.*

(1) All roads shall have a hard surface and approved drainage.

(2) Rights-of-way shall be no less than 40 feet in width.

(3) All streets shall be developed to a minimum width of no less than 22 feet.

(F) *Recreation.* All mobile home courts shall have at least 10% of the land areas developed for recreational use, developed and maintained at the owner or operator=s expense.

(G) *Landscaping.*

(1) Each site shall have a front yard not less than ten feet in depth across the entire frontage; this yard shall be landscaped, except for necessary driveway and sidewalk needs which shall not exceed one-half the width of the site.

(2) A landscaped rear yard shall be maintained to a depth of five feet.

(3) A five-foot landscaped side yard (both sides) shall be maintained.

(4) All areas shall be landscaped in accordance with a landscaping plan approved by the City Council.

(H) *Lighting.*

(1) Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment and the like.

(2) The mobile home court grounds shall be lighted as approved by the city from sunset to sunrise.

(Ord. 1-69, passed - -1969) Penalty, see ' 154.999

SOLAR ENERGY SYSTEMS

' 154.135 PURPOSE.

This subchapter permits, as an accessory use, solar energy systems, while protecting the health, safety and welfare of the city residents. To correct and prevent conditions that might adversely affect the safety, general welfare and health of nearby property owners. To preserve the value of land and structures throughout the city through appropriate zoning and land use controls.

(Ord. 18-01, passed 4-16-2018)

' 154.136 DEFINITIONS.

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

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM. A solar energy system that is directly incorporated into the building by replacing typical building materials.

GROUND-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system that is installed onto the ground directly or by means of brackets or poles.

ROOF-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system mounted to a house or other building.

SOLAR ENERGY SYSTEM. A set of devices whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

SOLAR THERMAL SYSTEM. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs of the building.

(Ord. 18-01, passed 4-16-2018)

' 154.137 SOLAR ENERGY SYSTEMS.

Solar energy systems are allowable as an accessory use in all zoning districts, subject to the following requirements:

(A) *Standards.*

(1) *Height.* Roof-mounted solar energy systems shall not project beyond the peak of the roof and shall not be more than two feet above the roof surface to which they are attached. Ground-mounted solar energy systems shall not exceed five feet in height.

(2) *Location.* Ground-mounted solar energy systems must be located in the rear yard only.

(3) *Setbacks.* Ground mounted solar energy systems shall be set back a minimum of ten feet from all property lines, a minimum of ten feet from all buildings located on adjacent lots, a minimum of 30 feet from all public right-of-way, and a minimum of ten feet from all utility easements. Roof-mounted

solar energy systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(4) *Coverage.* Roof-mounted solar energy systems shall not cover more than 25% of the total area of the roof. Solar energy systems must have ten feet of clearance around all edges to facilitate emergency responder access.

(5) *Feeder lines.* All power exterior electrical or other service lines must be buried below the surface of the ground.

(6) *Exemption.* Building integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

(B) *Safety.*

(1) *Compliance with building codes.* All solar energy systems shall comply with the Minnesota Building Code and any local building code requirements.

(2) *Compliance with Electric Code.* All solar energy systems shall comply with the National Electrical Code.

(3) *Compliance with Plumbing Code.* All solar thermal systems shall comply with the Minnesota State Plumbing Code.

(4) *Certifications.* Solar energy system components shall be certified by Underwriters Laboratories Inc. and the Solar Rating and Certification Corporation. The city reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

(5) *Installation.* Solar energy systems shall be installed only by licensed contractor.

(6) *Solar panel glare.* All solar energy system facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent street rights-of-way. Steps to control glare nuisance may include selective placement of the system, screening on the side of solar array facing the reflectors, reducing use of the reflector system, or other remedies that limit glare.

(7) *Safety measures.* A clearly visible warning sign concerning voltage must be placed at the site. All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum six-foot high fence with self-locking gate. The fence must be two feet off the property line per zoning ordinance unless written permission is obtained from abutting property owner to have fence on the property line.

(C) *Approval.*

(1) *Permits.* The erection, alteration, improvement, reconstruction, and movement of a solar energy system requires the following for the city building permit.

(a) A site plan of existing applicable conditions showing the following:

1. Existing property lines;
2. Existing public and private streets and any easements;
3. Existing house, buildings and any impervious surface; and
4. Existing vegetation.

(b) A site plan of proposed conditions showing the following:

1. Planned location and spacing of solar panels;
2. Planned location of underground electric lines connecting the solar energy system to the house, building, substation or other electric load; and
3. Planned new electrical equipment other than at the existing home, building or substation that is the connection point for the solar energy system.

(c) Specifications and proposed installation methods for planned major equipment including solar panels, mounting systems and foundation for poles or racks;

(d) The number of panels to be installed;

(e) A description of the method of connecting to a house, building or substation;

(f) A copy of the submitting interconnection application with the Blooming Prairie Public Utilities or a written explanation outlining why an interconnection application is not necessary;

(g) A decommissioning plan is required to ensure that the facilities are properly removed after their useful life. The plan shall include who will be responsible for removal of all structures and foundations, restoration of soil and vegetation and a plan describing the financial resources that will be available to fully decommission the site;

(h) Solar energy systems are subject to the following height requirements:

1. Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district; and

2. Pole mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt in residential zones and may be allowed up to 20 feet in other zones.

(i) Location within lot: solar energy systems must meet the setback requirements.

(D) *Utility notification.* The owner of a solar energy system that will physically connect to a house or other building=s electrical system and/or the electric utility grid must enter into a signed interconnection agreement with the utility prior to the issuance of a building permit.

(E) *Abandonment.* If the solar energy system remains nonfunctional or inoperative for more than twelve consecutive months, the system shall constitute a public nuisance. The owner shall remove the abandoned system at their expense. Removal includes the entire structure, including collector, mount, and transmission equipment.

(Ord. 18-01, passed 4-16-2018) Penalty, see ' 154.999

' 154.138 OTHER RESTRICTIONS.

(A) City boulevard trees removal is prohibited without the City Planning and Zoning Board approval and not more two boulevard trees will be considered for removal.

(B) Roof mounted solar energy systems must not overload the designed weight limit of the roof.

(C) All solar energy systems shall use colors that blend with the color of the roof or other structures.

(D) The Planning and Zoning Board may require additional buffer between solar energy systems and adjoining properties.

(E) The Planning and Zoning Board may require a greater setback between adjoining properties if conditions warrant.

(Ord. 18-01, passed 4-16-2018) Penalty, see ' 154.999

' 154.139 EASEMENTS.

It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system (per M.S. ' 500.30, as it may be amended from time to time).

(Ord. 18-01, passed 4-16-2018)

' 154.999 PENALTY.

Any person, firm, corporation or voluntary association which violates or refuses to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine of not more than \$100 for every offense or to imprisonment not exceeding 90 days. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. 1-69, passed - -1969)